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09300HB4428ham001

LRB093 20513 WGH 47941 a

1 AMENDMENT TO HOUSE BILL 4428

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4428 by replacing  
3 everything after the enacting clause with the following:

4

5 "Section 5. The Labor Dispute Act is amended by adding  
6 Sections 1.2, 1.3, 1.4, and 1.5 as follows:

7 (820 ILCS 5/1.2 new)

8 Sec. 1.2. Legislative findings and declaration. The  
9 General Assembly finds that a union, union members,  
10 sympathizers, and an employer's employees have a right to  
11 communicate their dispute with a primary employer to the public  
12 by picketing the primary employer wherever they happen to be.  
13 The picketing may take place not only at the employer's main  
14 facility, but at job sites as well. The General Assembly  
15 recognizes that peaceful primary picketing of any type is  
16 explicitly permitted by statute pursuant to the National Labor  
17 Relations Act, 29 U.S.C. 151 et seq., and the Labor Management  
18 Relations Act, 29 U.S.C. 141 et seq., including the right to  
19 engage in other concerted activities for the purpose of  
20 collective bargaining or other mutual aid or protection as  
21 provided in 29 U.S.C. 157 et seq.

22 (820 ILCS 5/1.3 new)

23 Sec. 1.3. Definitions. As used in Section 1.2 through 1.5:

1       "Employee" means any individual permitted to work by an  
2 employer in an occupation.

3       "Employer" means any individual, partnership, association,  
4 corporation, business trust, governmental or  
5 quasi-governmental body, or any person or group of persons that  
6 employs any person to work, labor, or exercise skill in  
7 connection with the operation of any business, industry,  
8 vocation, or occupation.

9       "Picketing" means the stationing of a person for an  
10 organization to apprise the public by signs or other means of  
11 the existence of a dispute.

12       "Dispute" includes any controversy concerning terms or  
13 conditions of employment, or concerning the association or  
14 representation of persons in negotiating, fixing, maintaining,  
15 changing, or seeking to arrange terms or conditions of  
16 employment or other protest, regardless of whether or not the  
17 disputants stand in the proximate relationship of employer and  
18 employee.

19       "Public right of way" means that portion of the highway or  
20 street adjacent to the roadway for accommodating stopped  
21 vehicles or for emergency use; or that portion of a street  
22 between the curb lines, or the lateral lines of a roadway, and  
23 the adjacent property lines.

24       "Temporary sign" means a sign or other display or device  
25 that is not permanently affixed and is capable of being removed  
26 at the end of each day or shift.

27       "Temporary shelter" means a tent or shelter that is not  
28 permanently affixed and is capable of being removed at the end  
29 of each day or shift, not to exceed 300 square feet in size.

30       (820 ILCS 5/1.4 new)

31       Sec. 1.4. Use of public right of way.

32       (a) Persons engaged in picketing shall be allowed to use  
33 public rights of way to apprise the public of the existence of

1 a dispute for the following:

2 (1) The purposes of picketing.

3 (2) The erection of temporary signs announcing their  
4 dispute.

5 (3) The parking of at least one vehicle on the public  
6 right of way. Nothing in this Act shall require the  
7 accommodation of parking more than 10 vehicles on the  
8 public right of way.

9 (4) The erection of tents or other temporary shelter  
10 for the health, welfare, personal safety, and well-being of  
11 picketers.

12 (b) Any signs, tents, or temporary shelters shall be  
13 removed at the end of each day when the picketing has ceased.  
14 Signs, tents, or temporary shelters may be maintained so long  
15 as individuals participating in the labor dispute are present.

16 (c) Nothing in this Section shall require the erection of a  
17 tent or shelter or parking of a vehicle where there is  
18 insufficient space on the public right of way.

19 (d) No sign, tent, or temporary shelter may be erected or  
20 maintained in such a manner as to obscure or otherwise  
21 physically interfere with an official traffic sign, signal, or  
22 device or to obstruct or physically interfere with a driver's  
23 view of approaching, merging, or intersecting traffic. The  
24 burden of proof shall rest on the unit of local government  
25 making such a claim. If a court determines that a sign, tent,  
26 or temporary shelter does not obscure or otherwise physically  
27 interfere with an official traffic sign, signal, or device or  
28 obstruct or physically interfere with a driver's view of  
29 approaching, merging, or intersecting traffic, the unit of  
30 local government is liable for all costs, attorney's fees, and  
31 treble damages.

32 (820 ILCS 5/1.5 new)

33 Sec. 1.5. Preemption. The provisions of any ordinance or

1 resolution adopted before, on, or after the effective date of  
2 this amendatory Act of the 93rd General Assembly by any unit of  
3 local government that impose restrictions or limitations on the  
4 picketing of an employer in a manner inconsistent with this Act  
5 are invalid, and existing ordinances and resolutions, as they  
6 apply to picketing, are void. It is declared to be the policy  
7 of this State that the regulation of picketing is an exclusive  
8 power and function of the State. A home rule unit may not  
9 regulate picketing. This Section is a denial and limitation of  
10 home rule powers and functions under subsection (h) of Section  
11 6 of Article VII of the Illinois Constitution."