



Rep. Brandon W. Phelps

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LRB093 20513 WGH 49360 a

1 AMENDMENT TO HOUSE BILL 4428

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

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

8 (820 ILCS 5/1.2 new)

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

23 (820 ILCS 5/1.3 new)

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

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

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

10       "Picketing" means the stationing of a person for an  
11 organization to apprise the public by signs or other means of  
12 the existence of a dispute pursuant to the National Labor  
13 Relations Act, 29 U.S.C. 151 et seq., and the Labor Management  
14 Relations Act, 29 U.S.C. 141 et seq.

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

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

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

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

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

2       (a) Persons engaged in picketing shall be allowed to use  
3 public rights of way to apprise the public of the existence of  
4 a dispute for the following:

5           (1) The purposes of picketing.

6           (2) The erection of temporary signs announcing their  
7 dispute.

8           (3) The parking of at least one vehicle on the public  
9 right of way. Nothing in this Section shall require the  
10 accommodation of parking more than 10 vehicles on the  
11 public right of way. This Section shall not be construed to  
12 allow the blocking of fire hydrants. Picketers shall ensure  
13 that water mains, sewers, and other utilities are  
14 accessible for maintenance and emergency repair work.

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

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

22       (c) This Section shall not be construed to allow the  
23 erection of a tent or shelter or parking of a vehicle where  
24 there is insufficient space on the public right of way. This  
25 Section shall not be construed to allow the erection of a tent  
26 or shelter on the right of way of any Class I highway as  
27 defined in Section 1-126.1 of the Illinois Vehicle Code.  
28 Picketers shall ensure that a reasonable walkway exists for  
29 pedestrians and others to pass by the picketing activities.  
30 Persons using the right of way under this Section shall make  
31 reasonable attempts to keep the area free from garbage and  
32 significant damage.

33       (d) No sign, tent, or temporary shelter may be erected or  
34 maintained in such a manner as to obscure or otherwise

1 physically interfere with an official traffic sign, signal, or  
2 device or to obstruct or physically interfere with a driver's  
3 view of approaching, merging, or intersecting traffic. The  
4 burden of proof shall rest on the unit of local government  
5 making such a claim. If a court determines that a sign, tent,  
6 or temporary shelter does not obscure or otherwise physically  
7 interfere with an official traffic sign, signal, or device or  
8 obstruct or physically interfere with a driver's view of  
9 approaching, merging, or intersecting traffic, the unit of  
10 local government is liable for all costs and attorney's fees.

11 (820 ILCS 5/1.5 new)

12 Sec. 1.5. Preemption. The provisions of any ordinance or  
13 resolution adopted before, on, or after the effective date of  
14 this amendatory Act of the 93rd General Assembly by any unit of  
15 local government that impose restrictions or limitations on the  
16 picketing of an employer in a manner inconsistent with this Act  
17 are invalid, and existing ordinances and resolutions, as they  
18 apply to picketing, are void. It is declared to be the policy  
19 of this State that the regulation of picketing is an exclusive  
20 power and function of the State. A home rule unit may not  
21 regulate picketing. This Section is a denial and limitation of  
22 home rule powers and functions under subsection (h) of Section  
23 6 of Article VII of the Illinois Constitution."