

AMENDMENTS TO LB 418

(Amendments to Standing Committee amendments, AM643)

Introduced by Mello

1           1. Strike amendments 1 and 2 and insert the following new  
2 amendment:

3           1. Strike the original sections and insert the following  
4 new sections:

5           Section 1. Section 49-1474.02, Reissue Revised Statutes  
6 of Nebraska, is amended to read:

7           49-1474.02 ~~(1)~~ Any person who makes an expenditure  
8 reportable under the Nebraska Political Accountability and  
9 Disclosure Act to disseminate by any means of telecommunication a  
10 prerecorded message or a recorded message relating to a candidate  
11 or ballot question shall include, immediately preceding the  
12 message, the name of the person making the expenditure. Such  
13 messages shall be disseminated only between the hours of 8 a.m. and  
14 9 p.m. at the location of the person receiving the messages.

15           ~~(2)~~ (1) Any person who makes an expenditure reportable  
16 under the act Nebraska Political Accountability and Disclosure Act  
17 to disseminate by any means of telecommunication a message relating  
18 to a candidate or ballot question which is not a recorded message  
19 or a prerecorded message shall, immediately upon the request of the  
20 recipient of the message, disclose the name of the person making  
21 the expenditure. If the message is disseminated through an employee  
22 or agent of the person making the expenditure, the employee or

1 agent shall, immediately upon the request of the recipient of the  
2 message, disclose the name of the person making the expenditure.

3 ~~(3)~~ (2) Any person who makes an expenditure reportable  
4 under the act to disseminate by any electronic means, including  
5 the Internet or email, a message relating to a candidate or ballot  
6 question shall include in the message the name of the person making  
7 the expenditure.

8 Sec. 2. Section 86-256, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 86-256 (1) Any person using an automatic  
11 dialing-announcing device other than for telephone solicitations  
12 shall register the device with the commission pursuant to the  
13 application process, without a fee, and shall include with the  
14 application a detailed explanation of the use planned and the  
15 message to be used.

16 (2) All telephone messages transmitted by an automatic  
17 dialing-announcing device other than telephone solicitations shall:

18 (a) At the beginning of the message, state clearly the  
19 identity of the person on whose behalf the message is being  
20 transmitted;

21 (b) During or after the message, state clearly the  
22 telephone number, other than that of the device which made the  
23 call, or address of the person operating the device; and

24 (c) Include, immediately preceding the message and  
25 immediately following the message, the name of the person making  
26 the expenditure if the message is being transmitted for a person  
27 making an expenditure reportable under the Nebraska Political

1 Accountability and Disclosure Act to disseminate a message relating  
2 to a candidate or ballot question; and

3 ~~(e)~~ (d) Transmit messages only between the hours of 8  
4 a.m. and 9 p.m. at the location of the person receiving the  
5 message.

6 (3) This section does not apply to (a) a message from  
7 any elementary, secondary, or postsecondary educational institution  
8 to any of its students, parents, or employees, (b) a message to a  
9 person with whom the person placing the call or the person on whose  
10 behalf the message is being transmitted has an established business  
11 or personal relationship, (c) a message from an employer advising  
12 any of its employees of work schedules, or (d) a message from a  
13 political subdivision as defined in section 13-903.

14 (4) A person contracting with a third party to connect  
15 or operate an automatic dialing-announcing device for other  
16 than telephone solicitations shall be jointly and severally  
17 liable with the third party for connecting and operating the  
18 automatic dialing-announcing device in violation of the Automatic  
19 Dialing-Announcing Devices Act or the rules and regulations adopted  
20 and promulgated under the act.

21 (5) A person contracting with a third party to connect  
22 or operate an automatic dialing-announcing device for other  
23 than telephone solicitations shall file with the commission the  
24 message to be used within twenty-four hours after the message is  
25 transmitted.

26 Sec. 3. Original sections 49-1474.02 and 86-256, Reissue  
27 Revised Statutes of Nebraska, are repealed.