

ELEVENTH DAY - JANUARY 20, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 2012

PRAYER

The prayer was offered by Pastor Jim Runnels, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Conrad, K. Haar, Hadley, and McGill who were excused; and Senators Christensen, Hansen, Janssen, Lautenbaugh, and Pahls who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 298, line 17, strike "LB" and insert "LR".
The Journal for the tenth day was approved as corrected.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 705. Placed on Final Reading.
LEGISLATIVE BILL 706. Placed on Final Reading.
LEGISLATIVE BILL 707. Placed on Final Reading.
LEGISLATIVE BILL 708. Placed on Final Reading.
LEGISLATIVE BILL 709. Placed on Final Reading.
LEGISLATIVE BILL 710. Placed on Final Reading.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 370. Placed on Select File with amendment.
ER145

- 1 1. Strike original section 7 and insert the following new
2 section:
3 Sec. 7. Section 77-1902, Revised Statutes Supplement,
4 2011, is amended to read:
5 77-1902 When land has been sold for delinquent taxes and
6 a tax sale certificate ~~or tax deed~~ has been issued, the holder of
7 such tax sale certificate ~~or tax deed~~ may, ~~instead of demanding a~~
8 ~~deed or, if a deed has been issued,~~ by surrendering the same tax
9 sale certificate in court, proceed in the district court of the
10 county in which the land is situated to foreclose the lien for
11 taxes represented by the tax sale certificate ~~or tax deed~~ and all
12 subsequent tax liens thereon, excluding any lien on real estate for
13 special assessments levied by any sanitary and improvement district
14 which special assessments have not been previously offered for sale
15 by the county treasurer, in the same manner and with like effect as
16 in the foreclosure of a real estate mortgage, except as otherwise
17 specifically provided by sections 77-1903 to 77-1917. Such action
18 shall only be brought within six months after the expiration of
19 three years from the date of sale of any real estate for taxes or
20 special assessments.
21 2. On page 1, line 3; and page 6, line 25, strike
22 "77-1902,".
23 3. On page 1, line 4; and page 7, line 1, after
1 "Nebraska" insert ", and section 77-1902, Revised Statutes
2 Supplement, 2011".

LEGISLATIVE BILL 415. Placed on Select File.

LEGISLATIVE BILL 503. Placed on Select File.

LEGISLATIVE BILL 352. Placed on Select File with amendment.
ER146

- 1 1. On page 1, line 2, before the semicolon insert ", and
2 section 3-303, Revised Statutes Cumulative Supplement, 2010"; in
3 line 3 after the semicolon insert "to harmonize provisions;"; and
4 in line 4 strike "section" and insert "sections".

(Signed) Tyson Larson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1040	Transportation and Telecommunications

LB1041	Health and Human Services
LB1042	Health and Human Services
LB1043	Natural Resources
LB1044	Natural Resources
LB1045	Education
LB1046	Judiciary
LB1047	Health and Human Services
LB1048	Appropriations
LB1049	Judiciary
LB1050	Revenue
LB1051	Judiciary
LB1052	Transportation and Telecommunications
LB1053	Government, Military and Veterans Affairs
LB1054	Banking, Commerce and Insurance
LB1055	Appropriations
LB1056	Judiciary
LB1057	Agriculture
LB1058	Business and Labor
LB1059	Executive Board
LB1060	Government, Military and Veterans Affairs
LB1061	Revenue
LB1062	Health and Human Services
LB1063	Health and Human Services
LB1064	Banking, Commerce and Insurance
LB1065	Appropriations
LB1066	Appropriations
LB1067	General Affairs
LB1068	Education
LB1069	Revenue
LB1070	Government, Military and Veterans Affairs
LB1071	Revenue
LB1072	Business and Labor
LB1073	Business and Labor
LB1074	Education
LB1075	Revenue
LB1076	Government, Military and Veterans Affairs
LB1077	Health and Human Services
LB1078	General Affairs
LB1079	Education
LB1080	Revenue
LB1081	Natural Resources
LB1082	Nebraska Retirement Systems
LB1083	Health and Human Services
LB1084	Education
LB1085	Revenue
LB1086	Judiciary
LB1087	Natural Resources
LB1088	Judiciary
LB1089	Appropriations

LB1090	Education
LB1091	Transportation and Telecommunications
LB1092	Natural Resources
LB1093	Judiciary
LB1094	Government, Military and Veterans Affairs
LB1095	Transportation and Telecommunications
LB1096	Judiciary
LB1097	Revenue
LR377CA	Executive Board

(Signed) John Wightman, Chairperson
Executive Board

COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ron Stave - Game and Parks Commission

Aye: 6 Carlson, Christensen, Dubas, McCoy, Schilz, Smith Nay: 0 Absent: 1 K. Haar. Present and not voting: 1 Langemeier.

(Signed) Chris Langemeier, Chairperson

REPORTS

The following reports were received by the Legislature:

Motor Vehicles, Department of

Total Number of Applicants for Public Benefits and the Number of Applicants Rejected Pursuant to Such Sections
Number of Operator's Licenses Suspended Under the License Suspension Act 2011 Annual Report

Revenue, Department of

Charitable Gaming Division's 2011 Annual Report

Roads, Department of

Nebraska State Highway Commission Quarterly Report as of December 31, 2011

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 19, 2012, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Allen, Andreas
Firearms Owners Association, Nebraska (NFOA)
Amack, Angela K.
Public Advocacy, The Nebraska Commission on
Bedke, Eric J.
ABATE of Nebraska, Inc.
Duensing, David A.
ABATE of Nebraska, Inc.
Harding, William A.
Builders & Contractors, Inc., Associated
Kissel/E&S Associates, LLC
Boys & Girls Clubs of Nebraska
McKenzie, Janis M.
Mines & Associates
Miller, Todd C.
ABATE of Nebraska, Inc.
Mueller Robak LLC
Biotherapeutics, Alliance for (formerly Alliance for Plasma Therapies)
O'Hara Lindsay & Associates, Inc.
TracFone Wireless, Inc.
Pappas, James E.
Cattlemen of Nebraska, Independent
Peez, Natalie, Peez & Company
Yahoo, Inc.
Popken, Kent T.
Rural Independent Companies, Nebraska
Radcliffe, Walter H. of Radcliffe & Associates
Pinnacle Bank
Rubin, Barry R.
Nebraskans for Jobs & Energy Independence
Schleich, Cathy
Children's Hospital & Medical Center

GENERAL FILE

LEGISLATIVE BILL 418. The Mello motion, MO70, found on page 269 and considered on page 293, to bracket until April 12, 2012, was renewed.

Senator Mello moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Mello requested a roll call vote on his motion to bracket.

Voting in the affirmative, 17:

Adams	Dubas	Langemeier	Nordquist	Wallman
Avery	Harr, B.	Lathrop	Pahls	
Coash	Howard	Louden	Schumacher	
Council	Karpisek	Mello	Sullivan	

Voting in the negative, 23:

Ashford	Cornett	Hansen	Larson	Seiler
Bloomfield	Fischer	Harms	McCoy	Smith
Brasch	Flood	Janssen	Nelson	Wightman
Campbell	Fulton	Krist	Price	
Carlson	Gloor	Lambert	Schilz	

Present and not voting, 1:

Pirsch

Excused and not voting, 8:

Christensen	Cook	Hadley	Lautenbaugh
Conrad	Haar, K.	Heidemann	McGill

The Mello motion to bracket failed with 17 ayes, 23 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 677. Placed on General File with amendment.
AM1704

1 1. Strike sections 4 and 5 and insert the following new
2 sections:
3 Sec. 4. For purposes of sections 28-308, 28-309, and
4 28-310 and section 5 of this act:
5 (1) Health care professional means a physician or other
6 health care practitioner who is licensed, certified, or registered
7 to perform specified health services consistent with state law who
8 practices at a hospital or a health clinic;
9 (2) Health clinic has the definition found in section
10 71-416; and
11 (3) Hospital has the definition found in section 71-419.
12 Sec. 5. Every hospital and health clinic shall display at
13 all times in a prominent place a printed sign with a minimum height
14 of twenty inches and a minimum width of fourteen inches, with each

15 letter to be a minimum of one-fourth inch in height, which shall
 16 read as follows:

17 WARNING: ASSAULTING OR THREATENING IN A MENACING MANNER A
 18 HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE PERFORMANCE OF HIS
 19 OR HER OFFICIAL DUTIES WILL RESULT IN MANDATORY IMPRISONMENT.

20 2. On page 2, lines 7 through 10, strike the new matter
 21 and insert "A person who commits assault in the first degree on
 22 a health care professional while the health care professional is
 23 engaged in the performance of his or her official duties at a
 1 hospital or a health clinic shall upon conviction be sentenced to
 2 not less than two years imprisonment.".

3 3. On page 2, line 25, through page 3, line 3, strike
 4 the new matter and insert "A person who commits assault in the
 5 second degree on a health care professional while the health care
 6 professional is engaged in the performance of his or her official
 7 duties at a hospital or a health clinic shall upon conviction be
 8 sentenced to not less than one year imprisonment.".

9 4. On page 3, strike lines 14 through 17 and insert the
 10 following new subsection:

11 "(3) A person who commits assault in the third degree
 12 on a health care professional while the health care professional
 13 is engaged in the performance of his or her official duties at a
 14 hospital or a health clinic shall upon conviction be sentenced to
 15 not less than six months imprisonment.".

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

Tuesday, January 31, 2012 1:30 p.m.

LB884

LB915

(Signed) Tom Carlson, Chairperson

Appropriations

Room 1524

Monday, January 30, 2012 1:30 p.m.

Agency 25 - Health and Human Services

LB901
LB952

Room 1524

Tuesday, January 31, 2012 1:30 p.m.

Agency 13 - Education, Department of
Agency 34 - Library Commission, Nebraska
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 54 - Historical Society, Nebraska State
LB994
LB1019

(Signed) Lavon Heidemann, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, January 31, 2012 12:10 p.m.

LB973
LB1022

Room 1525

Monday, February 6, 2012 12:10 p.m.

LB867
LB1082

(Signed) Jeremy Nordquist, Chairperson

CONFLICT OF INTEREST STATEMENTS

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

MOTION - Print in Journal

Senator Lathrop filed the following motion to LB1154:
MO71
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 418. Senator Nelson renewed his amendment, AM1717, found on page 298, to the committee amendment.

SENATOR COASH PRESIDING

PRESIDENT SHEEHY PRESIDING

SENATOR GLOOR PRESIDING

Senator Mello moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Nelson amendment was adopted with 32 ayes, 7 nays, 3 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 873. Placed on General File.

(Signed) Chris Langemeier, Chairperson

Agriculture

LEGISLATIVE BILL 770. Placed on General File.

LEGISLATIVE BILL 771. Placed on General File with amendment.
AM1707

- 1 1. On page 8, lines 8 through 10, strike the new matter
- 2 and reinstate the stricken matter.

(Signed) Tom Carlson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 418. Senator Mello offered the following motion:
MO72

Reconsider the vote taken on AM1717.

Pending.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 536. Placed on General File with amendment. AM1668 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB418:
AM1727

(Amendments to Standing Committee amendments, AM643)

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.

Senator Mello filed the following amendment to LB418:
AM1725

(Amendments to Standing Committee amendments, AM643)

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, the name
25 of the person making the expenditure if the message is being
26 transmitted for a person making an expenditure reportable under the
27 Nebraska Political Accountability and Disclosure Act to disseminate
1 a message relating to a candidate or ballot question; and

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

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

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

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

25 (6) The commission shall report annually, on or before
26 December 31, the number of devices registered by persons making
27 expenditures reportable under the Nebraska Political Accountability
1 and Disclosure Act and the number of calls made by such devices.

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

Senator Mello filed the following amendment to LB418:
AM1726

(Amendments to Standing Committee amendments, AM643)

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, the name
 25 of the person making the expenditure if the message is being
 26 transmitted for a person making an expenditure reportable under the
 27 Nebraska Political Accountability and Disclosure Act to disseminate
 1 a message relating to a candidate or ballot question; and

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

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

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

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

25 (6) The commission shall report annually, on or before
 26 December 31, the number of devices registered under this section
 27 and the number of calls made by such devices.

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

Senator Mello filed the following amendment to LB418:
 AM1728

(Amendments to Standing Committee amendments, AM643)

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, the name
25 of the person making the expenditure if the message is being
26 transmitted for a person making an expenditure reportable under the
27 Nebraska Political Accountability and Disclosure Act to disseminate
1 a message relating to a candidate or ballot question;

2 (d) Include, after the message, a statement by a
3 candidate that he or she approves the message if the message
4 is being transmitted for a person making an expenditure for or on
5 behalf of a candidate or candidate committee and the expenditure
6 is reportable under the Nebraska Political Accountability and
7 Disclosure Act to disseminate a message relating to a candidate;
8 and

9 ~~(e)~~ (e) Transmit messages only between the hours of 8
10 a.m. and 9 p.m. at the location of the person receiving the
11 message.

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

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

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

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

Senator B. Harr filed the following amendment to LB418:
AM1730

(Amendments to AM1717)

- 1 1. On page 1, line 14, after "message" insert ", the
- 2 script of the message,".

UNANIMOUS CONSENT - Add Cointroducers

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB826. No objections. So ordered.

Senators Campbell, Carlson, Christensen, Hansen, Schilz, and Wallman asked unanimous consent to add their names as cointroducers to LB998. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the Nebraska Dental Hygienists Association from across Nebraska; Senator Dubas' daughter and granddaughters, Deanna, Franny, and Rose Ebmeier, from Lincoln.

The Doctor of the Day was Dr. Miller from Lexington.

ADJOURNMENT

At 11:48 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, January 23, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

