

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, 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.