

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 427

SPEAKER KRISTENSEN: Time.

SENATOR BEUTLER: So...

SPEAKER KRISTENSEN: Senator Bromm, you're recognized to open on the committee amendments. (Standing Committee amendment AM0447 is found on page 847 of the Legislative Journal.)

SENATOR BROMM: Thank you, Mr. Speaker. The committee amendment is not large and it only touches on a couple of parts of the bill. I would say that we had a...we had an excellent hearing on the bill. We did have some opponents as well as some proponents and I think following that hearing we were able to do a considerable amount of investigation to determine what remedies were available for people who wish to limit the calls that they receive at home from telemarketers and the committee did spend some time acquainting ourselves with the remedies, and Senator Beutler accurately described those as I heard them in his opening. The committee amendment that you'll find on your screen, the first part of it deals with Section 12 governing the jurisdiction of courts in this state to hear matters under this act. As you can imagine, it's not easy to enforce something. If a call is coming in from New York and that's a violation of Nebraska law and they don't pay any attention to Nebraska law, how do you...how do you enforce that? Well, we took a look at Section 12, which said that Nebraska courts were given personal jurisdiction in this situation, and we proposed to change the wording just a bit to establish that making a call from outside Nebraska to a residential subscriber in this state constitutes minimum contact for purposes of this act with respect to long-arm jurisdiction, long-arm jurisdiction being the legal phrase that applies to obtaining jurisdiction to those who are normally outside of your geographical parameters of your jurisdiction within the state. Secondly, the definition of telephone solicitation is changed slightly so that if a...if there's a response to a contact initiated by a subscriber, that that is not intended to be a violation of the no-call provisions of the act. So if I have...if I have contacted someone, of course, a telemarketer or a firm that engages in telemarketing, and I ask them to contact me, then they are doing that in response, that's fine. There's also a small, kind of a technical amendment. A portion of Section 4 is rewritten.