

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate April 10, 2025  
Rough Draft

**KELLY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-ninth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Senator Clements. Please rise.

**CLEMENTS:** Please join me in a word of prayer. The Lord said to Elijah, go stand on the mountain, for the Lord is about to pass by. Then, a great wind tore the mountains apart, but the Lord was not in the wind. Then, there was an earthquake, but the Lord was not in the earthquake. After that came a fire, but the Lord was not in the fire. And then came a gentle whisper, and it was the Lord. Lord, help us to open our hearts; to hear your voice as we seek to do your will. It is the heritage of all your children to hear the voice of the good shepherd. I ask you to clearly direct our hearts today for your glory. Jeremiah declared because of the Lord's great love, we are not consumed, for his compassions never fail; they are new every morning. Great is your faithfulness. Today is a new day. Let us never give up hope of making progress. When we feel the pressure of a crisis, remind us that you have plenty of time. We remember that you are never in a hurry, and will not be rushed by the pressures of mankind's issues. Today, we pray that you watch over and give your grace to our governor and his staff, each senator and our legislative staff, and the Supreme Court and judicial staff. We ask you to watch over and protect our families, and our state and national leaders. We pray that we will be God-fearing, and recognize that we are accountable to you for each decision. As we honor you, may you continue to bless the people in the great state of Nebraska. In Jesus' name I pray. Amen.

**KELLY:** I recognize Senator Quick for the Pledge of Allegiance.

**QUICK:** Thank you, Mr. President, and good morning, colleagues. Please join me in the Pledge of Allegiance. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

**KELLY:** I call to order the fifty-ninth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** There's a quorum present, Mr. President.

**KELLY:** Are there any corrections for the Journal?

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**CLERK:** I have no corrections this morning, sir.

**KELLY:** Are there messages, reports, or announcements?

**CLERK:** There is, Mr. President. Letter from the Governor: engrossed LB22, LB22A, LB41, LB41A, LB144, and LB168 were received in my office on April 3, 2025 and signed on April 9, 2025. These bills were delivered to the Secretary of State on April 9, 2025. Signed sincerely, Jim Pillen, Governor. That's all I have at this time, Mr. President.

**KELLY:** Thank you, Mr. Clerk. Senator Brandt would like to recognize the physician of the day, Dr. Jeffrey Wallman of Geneva. Please stand and be recognized by the Nebraska Legislature. Mr. Clerk, please proceed to the first item, and the first item is Final Reading. Senators, please find your seat. It's Final Reading. The first bill on Final Reading is LB84. The first vote is to dispense with the at-large reading. All of those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLEMENTS:** 41 ayes, 1 nay to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB84]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB84 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Ballard, Bosn, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Armendariz, Bostar, Guereca, Juarez, and Sanders. Vote is 44 ayes-- Senator Bostar voting yes. Vote is 40-- Senator Juarez voting yes. Vote is 46 ayes, 0 nays, 3 excused, not voting, Mr. President.

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**KELLY:** LB84 passes. The next bill is LB97 with the emergency clause. The first vote is to dispense with the at-large reading. All of those in favor, vote aye; all of those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 44 ayes, no-- 1 nay to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB97]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB97 pass with the emergency clause? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeown, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: none. Not voting: Senators Armendariz, Guereca, and Sanders. Vote is 46 ayes, 0 nays, 3 excused, not voting, Mr. President.

**KELLY:** LB97 passes with the emergency clause. The next bill is LB113. Mr. Clerk.

**CLERK:** Mr. President, Senator Raybould would move to return the bill to Select File for a specific amendment, that'd be to strike the enacting clause.

**KELLY:** Senator Raybould, you're recognized to open on your floor amendment.

**RAYBOULD:** Thank you, Mr. President. Good morning, colleagues, and good morning fellow Nebraskans. I stand in support of this motion, and I ask my colleagues to think carefully about going forward with approving LB113 for some of the reasons that I have stated before in opposition to LB113, and I just want to take a few moments to review them with my colleagues once again before we take a final vote on this legislative matter. You know, in Nebraska, we have a three-tiered system under which alcohol is distributed in our state of Nebraska.

Granted, it is not perfect, but grocers and other alcohol retailers do appreciate that the Liquor Control Commission continues to work with impacted industries, including retailers and distributors, to make compliance more straightforward. Instead of requiring our craft brewers and distillers to comply with our three-tier system, we are giving them continued preferential treatment. With success and growth in their business comes additional obligations. It is only a matter of time that some regional distributor that plays by all the rules and adheres to the regulations and standards gets frustrated and files a lawsuit challenging our state. We are then turning to our attorney general to defend our actions, even after the attorney general indicated that they felt our actions were in violation of the Dormant Commerce Clause, and I think it's important to reflect on some of the critical aspects of that Dormant Commerce Clause that calls out unfair competition when it comes to preferential treatment for in-state operators versus out-state distributors. In cases that involve the Commerce Clause, there is no de minimis exception for explicitly discriminatory laws; even minor favoritism toward in-state businesses may violate the Dormant Commerce Clause. The other considerations that the court may have at, at their opportunity to review these type of cases-- these are some of the, the determinations a court could make. It may extend those very same rights that we are approving in LB113 to out-of-state entities, significantly disrupting the current regulatory framework. More likely, the court may nullify the special privileges for Nebraska entities, thereby prohibiting them from operating in all three tiers. Lastly, it could-- if it's-- is struck down, the court may very well roll back in-state privileges, potentially eliminating key business operations for Nebraska microdistilleries and craft breweries. We are asking our state to also defend against any discrimination complaints and claims after our Liquor Control Commissioner testified in opposition, saying that this increase in locations and gallonage is clearly discriminatory. There is more ample evidence for any legal challenge with all the comments registered on the mic by all of us here in giving our local producers more favorable consideration. I do appreciate Senator Holdcroft and his efforts at adding legal language of severability, however, you are now directing, instructing, and limiting the court on how to proceed when the stated intent of the bill is to increase allowance for licensed premises, and to increase allowance of "gallonage" sold directly in our state. I'm sure that any judge that this is presented before would treat our professed defense rather skeptically. For these reasons, I ask you to use your better judgment and vote no or present, not voting on this matter. Thank you, Mr. President.

**KELLY:** Thank you, Senator Raybould. Senator Quick, you are recognized to speak.

**QUICK:** Yeah, thank you, Mr. President, and good morning, colleagues. I rise in opposition to FA92, and I would ask you that you vote red on that. And I want to remind you that these are small Nebraska businesses who are trying to grow their business model, and I, I want to remind you that we also had an amendment to address some of the AG's position on, on, on that bill as well. And I want to also remind you that we also included Senator Dover's entertainment districts in that bill. So, this is a good bill; it will help a lot of Nebraska-- help our Nebraska businesses grow their business model, and I would ask for your red vote on FA92 and your green vote on LB113. Thank you, Mr. President.

**KELLY:** Thank you, Senator Quick. Senator Kauth, you're recognized to speak.

**KAUTH:** Thank you. I rise in support of the amendment-- or, of the motion. I talked to the AG's office this morning about this, following up on Senator Holdcroft's severability. I had thought that that would take care of the prob-- of the issue. They do believe that it still will trigger a lawsuit because it is such a huge increase, but I like the other things that are in the bill. I will most likely vote no just to be on record that this part is probably-- it's going to trigger a lawsuit, and I am concerned with that. But the AG's office is ready to defend it; they are ready to defend all of the bills that we pass, so I appreciate the opportunity to make that statement.

**KELLY:** Thank you, Senator Kauth. Senator Spivey, you're recognized to speak.

**SPIVEY:** Thank you, Mr. President, and good morning, colleagues. And I appreciate having some dialogue on Final Reading. I currently stand in support of LB113, and have talked to Senator Quick about some of the issues that have been, again, raised by Senator Raybould. And I think one of the things to keep in mind with the AG's office is that it's an opinion, and that it's that. And they have, within their budget, grown their office tremendously. So, if there is happen to be litigation, they have requested and continue to request a budget that would allow for them to defend and honor what we are passing in the Legislature. And so, I just wanted to make sure that we kept that in mind from a capacity and budget perspective. They, they have enough staff and enough budget to be able to do the things that they say that they want

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to do as it relates to litigation, and again, an opinion is just that.  
Thank you, Mr. President.

**KELLY:** Thank you, Senator Spivey. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I'm going to vote for Senator Quick's bill, and there are a number of parts of it that I like and some parts I'm uncomfortable with. But I did want to rise in response to-- Senator Kauth said I appreciate talking to the AG's office in confidence that they're going to defend everything we pass. I would just point out to folks that, at least as it pertained to medical marijuana, when the AG's office came and testified, they literally threatened to sue us if we passed a bill on medical marijuana. So, you know, we don't-- they're not always on our side, I guess, is my point. They've threatened to sue-- they're suing the people of the state of Nebraska on the ballot initiative that they passed, and they came in and said if we passed a bill enshrining in state statute what the people passed at the, the ballot box that they would bring a lawsuit against the commission on that. So, you know, I-- I'm glad that the AG's office is saying that they are ready to defend the laws that are passed by us, so I think we should pass some good laws that-- and hold them to that. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Storer, you're recognized to speak.

**STORER:** Good morning and thank you, Mr. President. I stand in opposition to FA92 and in support of LB113. In regards to the Dormant Commerce Clause, I think we've had this discussion at-- in both General and Select File. You know, there are several other states who allow much higher amounts of self-distribution that have not been challenged, and appreciate the amendment that Senator Hallstrom [SIC] brought forth for severability in the event that would take place here in Nebraska. So, there's been prudent measures taken, and again, this is just such a common-sense bill. I-- as I communicated with some of the folks in my, my article or column last week in the district that, really, when you put this into perspective, LB113 is just government allowing someone to distribute their own product to the retail market without being forced to pay a middleman some-- a, a fee to distribute that for them. And when you, when you put it in common-sense language, it's just crazy. But again, I, I think this is a common-sense bill. There has been significant compromises that were made from its original introduction to, to its current form, and it is going to

allow a lot of our small distilleries and entrepreneurs in the great state of Nebraska to grow their business to a point where then it makes sense for them to use those distributors, to, to be able to pay them a fee and distribute their product. But value-added agriculture, entrepreneurship, growing our economy-- thank you, Senator Quick, for introducing it. I yield the rest of my time.

**KELLY:** Thank you, Senator Storer. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I rise in continued support of LB113, and just wanted to add for the record a few observations in regards to the attorney general's opinion and issues raised related to his office and discretion in terms of when and how he defends the people's branch, and talk just a little bit about perhaps some inconsistencies in terms of application thus far regarding questions under the Dormant Commerce Clause as well. So, my friend Senator John Cavanaugh aptly raised the example wherein the Attorney General has utilized the power and prestige of his office for a continuing set of challenges against the people's precious right of initiative in many instances, but specifically in regards to medical cannabis, which thus far have been successful. But nevertheless, he also chose to attack the Legislature and the people's branch and the presumption of constitutionality in regards to modest but meaningful criminal justice reform in regards to LB50, and in regards to the people's right to vote and the expansion of the franchise and voting rights as the Legislature passed in LB20, and that of course was unsuccessful in the courts. But just wanted to point that out as well. Additionally, when it comes to complex and important questions regarding the Commerce Clause and the Dormant Commerce Clause, I think it's also very perhaps interesting as just yesterday we had a significant debate on Senator Bosn's measure in regards to trying to put some restrictions and bans on certain social media companies. And of course, these implicate the Commerce Clause and the Dormant Commerce Clause. And by the text of the bill as amended and at subsequent points in debate, Senator Bosn and proponents specifically noted that they were providing a preference for small in-state entrepreneurs, and that raises some potential, I think, interesting debate points as we look at the AG's opinion on this matter as well. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I-- this has been interesting. Senator Kauth, Senator John Cavanaugh, and Senator Conrad have all brought up some interesting points about the attorney general. I wondered if Senator John Cavanaugh would yield to a question.

**KELLY:** Senator John Cavanaugh, would you yield to a question?

**J. CAVANAUGH:** Yes.

**M. CAVANAUGH:** Senator Cavanaugh, you mentioned some statements made by the attorney general about suing the Legislature, and I know Senator Kauth said that the AG's office stands ready to defend the Legislature. I-- and I guess, are, are you aware of times when the AG has sued the Legislature?

**J. CAVANAUGH:** Well, first off, to be clear, it was his office, not him.

**M. CAVANAUGH:** Oh.

**J. CAVANAUGH:** He didn't come testify; it was one of the other lawyers in the office.

**M. CAVANAUGH:** A representative on his behalf [INAUDIBLE].

**J. CAVANAUGH:** Yes. So, I, I do think there was a time where the previous attorney general had an issue with the Legislature's subpoena power, when-- I believe it was Senator Ebke was the chair of the Judiciary Committee. I'm sitting here looking at Senator Ebke's successor, Senator Brandt. But-- and in, in the case of the, the General Affairs Committee hearing, the-- it was specific that-- I, I would interpret the threat as directed at the commission, not necessarily the Legislature, but I did also ask about sort of this thing that Senator Kauth said, which is ready-- stands ready to defend us, and the attorney general's office position is that he has an obligation under the rules of professional ethics to only defend or take on clients that he thinks have a, a legitimate claim, and so can't ethically represent something he doesn't think is legitimate. And so, I do think there are instances where the attorney general would not defend the Legislature if, in his interest, he doesn't agree with what we've done. And I think that is just worth noting as we're talking about the attorney general's opinion as it pertains to us making decisions in light of that, but also saying he's going to defend us when that is clearly not their intention.



**M. CAVANAUGH:** And I, I am not an attorney. I'm one of the Cavanaughs that's not an attorney, so forgive me. But can the attorney general both sue us and defend us at the same time?

**J. CAVANAUGH:** I-- no [INAUDIBLE].

**M. CAVANAUGH:** So, if, if they were to sue us, if the office was to sue us over something that we did, then they couldn't defend us.

**J. CAVANAUGH:** Well, and again, they would probably sue the commission in the-- in-- as it pertains to medical cannabis, they would sue the, the medical cannabis commission. So, it wouldn't actually be an action against the Legislature.

**M. CAVANAUGH:** Well, that-- in that particular instance. But they could sue us over something else that they-- and also then, we'd have to find an outside counsel?

**J. CAVANAUGH:** Right. We'd have to get our own lawyer.

**M. CAVANAUGH:** OK. Thank you, Senator Cavanaugh.

**J. CAVANAUGH:** Sure.

**M. CAVANAUGH:** Always fun to learn more about laws. I yield the remainder of my time.

**KELLY:** Thank you, Senator Cavanaugh. Senator Dover, you're recognized to speak.

**DOVER:** I rise in support of LB113. I want to thank Senator Storer for her comments. This is a good bill. I think anytime we can encourage businesses across Nebraska to grow, much, much less individual businesses that are startups and things like that, I think it's a good thing. It's a good thing for Nebraska, it's a good thing for, actually, taxes and those kind of things. So, I would ask for your green vote on LB113. Thank you.

**KELLY:** Thank you, Senator Dover. Senator Riepe, you're recognized to speak.

**RIEPE:** Thank you, Mr. President. I wanted to rise in support of FA92. I'm not going to address the legal issues on it, but I do understand that the primary distributors, which I think we need to protect and guard against as well, also provide services to the small

microbreweries. So, it-- and it's also my understanding that there is one brewer across the state that would exceed or meet the 5,000 mark, so this is basically legislation for that one brewer, as I understand it. Thank you, Mr. President.

**KELLY:** Thank you, Senator Riepe. Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I just wanted to clarify some comments. First of all, I am a business owner, but I have always been a small business advocate and champion, and I've always steadfastly advocated for economic growth and, and vitality, particularly with our small business and entrepreneurship in our state, and will continue to do so. But right now, there is nothing that prohibits any brewer or distiller from doing a startup. There's nothing in this legislation. So, for those comments that say this, this particularly restricts and inhibits-- no, it does not. For full clarity, it doesn't inhibit or restrict. What it does require is that once you are big enough and you have grown and become successful in your business-- which is what we wish for every small business to, to grow up-- there are growing pains and additional obligations and requirements, particularly in our three-tier system that has controlled and regulated alcohol distribution in our state that is not so very much different than other states. So, when this happens and when you have achieved that growth, then you should come under compliance with the rules and regulations that have stood our state quite well. Is it perfect? No. We all agree it's not perfect. Can it-- has it been modified? Yes, it has been modified to allow those small distillers and brewers to grow. But this step might be that one step that has crossed a little too far and would subject to some type of legal challenge. This was not only stated by the attorney general; it was stated by our Nebraska liquor commissioner, who has been in that position for a number of years. The one thing I want to say about the attorney general's opinion, in the very end of the opinion in his remarks, they clearly state that there-- because they've issued this opinion already advising us that it-- we run the risk of having a, a legal challenge on it, it's saying we're really hampering their ability to defend it. So, I'm going to read that last comment, and then I will yield the rest of my time. But this is what the attorney general said. "The changes wrought by LB113 would increase the likelihood of a constitutional challenge and hamper the state's ability to effectively defend against such a challenge by limiting the defenses available to it. In the event of such a successful challenge, nullification is the most likely result under the law." And that's the risk that we run by continuing to pursue

LB113. And I want to say to Senator Dover, I wholeheartedly support your, your bill, because it is a great bill. But I, I would hate to see us have a challenge on this component of LB113. But I am mindful of the comments from the attorney general. I think the statements that we have made in this chamber will limit the defense of the attorney general. The statements made in the committee hearing would also likely hamper the attorney general's ability to defend us, so. Thank you, Mr. President.

**KELLY:** Thank you, Senator Raybould. Senator Andersen, you're recognized to speak.

**ANDERSEN:** Yeah, thank you, Mr. President. I rise in support of LB113 and opposed to FA92. Let's really get down to what this is: this is about the government picking winners and losers, and this is about supporting small business. That's why I support LB113. We need to stay out of the way, let the small businesses grow as they can. I yield back the rest of my time. Thank you.

**KELLY:** Thank you, Senator Andersen. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Just wanted to provide just a, a quick point of clarification that, when a typical canon of construction that a court utilizes when evaluating whether or not there are legal issues with an act passed by the Legislature, of course, first it carries with it the presumption of constitutionality. But there's a standard in place regarding the court first giving high regard to the plain meaning and the actual text of the statute. Only if they find, for example, something to be vague or ambiguous, et cetera, et cetera, would they then revert to an analysis under the legislative history. Thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I'll just briefly say that my concern about this bill is that this is undoing an, an agreement that was made just a few years ago in my time in the Legislature, and it's for that reason that I'm going to be a no, because I feel like if we make agreements in here in order to set up systems, we have to make sure we can rely on them for at least a couple of years. Thank you, Mr. President.

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**KELLY:** Thank you, Senator DeBoer. Seeing no one else in the queue, Senator Raybould, you're recognized to close.

**RAYBOULD:** Thank you, Mr. President. I just have one final thought on this. And, you know, in the attorney general's opinion, they really brought forward several case-- court cases. And Senator Conrad was correct in saying that the, the plain language rule clearly applies in their interpretation of the constitution and the different amendments. So, one of the court cases, in Tennessee Wine that was referenced in the attorney general's opinion, it said the court clarified that the Twenty-First Amendment allows each state leeway to enact measures that its citizens believe are appropriate to address the public health and safety effects of alcohol use, and to serve other legitimate interests. But it does not license the states to adopt protectionist measures with no demonstratable connection to those interests. And so, it's saying that, yes, we as a state do have that flexibility in coming up with measures, but they all have to evolve around the, the concerns of alcohol use and how it impacts public health. It does not give the states the rights to do protectionist behavior that we are talking about. And so, again, we support our small businesses. This-- we have rules and regulations for everything. But the one thing that this does not do, it does not stop any startup, it does not any of those small businesses; they already have that right and access to do that. But what it says is that when you get to be of a certain size, that you must come into compliance. Otherwise, you put in, in risk our current system of how we regulate alcohol in our states. So, thank you, Mr. President. And I don't know if it's appropriate, I'd like to withdraw my motion.

**KELLY:** So ordered. Members, the first vote on LB113 on final reading is to dispense with the at-large reading. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 45 ayes, 0 nays to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB113]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB113 pass? All-- there's been a request for a roll-call vote. Mr. Clerk.

**CLERK:** Senator Andersen voting yes. Senator Arch not voting. Senator Armendariz voting yes. Senator Ballard not voting. Senator Bosn voting no. Senator Bostar. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting yes. Senator Conrad voting yes. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin not voting. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson not voting. Senator Juarez not voting. Senator Kauth voting no. Senator Lippincott not voting. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting yes. Senator Meyer voting yes. Senator Moser not voting. Senator Murman voting yes. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting no. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders. Senator Sorrentino voting yes. Senator Spivey voting yes. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting no. Senator Moser voting yes. Vote is 33 ayes, 7 nays, 6 present, not voting, 3 ex-- excuse me, Mr. President. Vote is 33 ayes, 13 nays, 3 excused, not voting.

**KELLY:** LB113 passes. The next bill is LB148. The first vote is to dispense with the at-large reading. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 42 ayes, 1 nay to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB148]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB148 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth,

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Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, and Wordekemper. Voting no: none. Not voting: Senators Guereca and Sanders. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

**KELLY:** LB148 passes. The next bill is LB326. The first vote is to dispense with the at-large reading. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 43 ayes, 1 nay to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB326]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB326 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, and Wordekemper. Voting no: none. Not voting: Senators Guereca and Sanders. Vote is 47 ayes, 0 nays, 2 excused, not voting, Mr. President.

**KELLY:** LB326 passes. The next bill is LB355. The first vote is to dispense with the at-large reading. All of those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 44 ayes, 1 nay to dispense with the at-large reading, Mr. President.

**KELLY:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB355]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB355 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh-- John Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Riepe, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Machaela Cavanaugh. Not voting: Senators Guereca and Sanders. Vote is 46 ayes, 1 nay, 2 excused, not voting, Mr. President.

**KELLY:** LB355 passes. The next bill is LB390. Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Hunt would move to return the bill to Select File for a specific amendment, that'd be to strike the enacting clause.

**KELLY:** Senator Hunt, you're recognized open on the floor amendment.

**HUNT:** Thank you, Mr. President. I, I wasn't going to take any action on this bill, but I was looking at the vote count on the movement from Select File, and, you know, just recalling kind of my feelings about this bill. And I think I would like to give my colleagues an opportunity to think about the effects of this bill, and share what was kind of sitting on my heart about my problems with it. We have had kind of a theme in this session about protecting kids, right? About protecting kids online, about protecting kids in schools. And I agree that we should be taking that seriously. That we have Senator Storer's priority bill, LBE383, coming up later today; again, another bill that aims to protect kids. And what concerns me about LB390 and some of the other bills we've discussed like it is that what it is, is government trying to protect kids through sweeping mandates to parent other people's children, and, in doing so, overriding the principles of liberty and free speech and personal responsibility, and the rights of families to make their own choices that we are supposed to be upholding. So, we say that we trust parents and we want to empower parents, but then what we end up doing, actually, through bills like this, is we hand over control to the government to raise kids instead of empowering kids and families to make the best decisions for them. The truth is that many people pushing bills like LB390 are the same people who have opposed investments in digital literacy, in media

literacy, and in mental health, in school resources, in online safety measures that don't violate the First Amendment, and that should really tell you something. Because if we were really about protecting kids, we would be having a different conversation; we would be giving kids and families tools instead of threats; we'd be talking about education instead of enforcement; and we'd be talking about trust instead of surveillance. I encourage all of you to go back and look at your vote on Select File on this bill, because it did not have sweeping support, in my opinion. So, before you push green on this bill, think about what it does and what your principles really are in terms of who we are empowering to raise our kids. Is it the government, or is it parents? So, I'll talk a little bit to remind and refresh everybody about what LB390 does, given kind of my foundational objections to the principles behind it. This bill forces schools to play parent for every household by monitoring what their child checks out at the school library. Now, I know we have a lot of people in this body with experience in public education, whether you've been a teacher yourself or your spouse is. I know we've got a lot of teacher wives in this body that support us back at home. And if you ask me, if a kid is checking out a book from a school library, that is the least of my worries. I would love for them to be reading a book. And if it's already in the school library, especially given the kind of static and, you know, barriers and meddling and, and the nuisance that some parents have become to public school librarians-- you know, we've got librarians in Nebraska who are quitting their jobs because of the threats and aggression from some parents. And we see this at school board meetings, we see it at Nebraska State Board of Education meetings, and you guys know what I'm talking about. I would never, you know, condemn somebody's right to free speech and to talk to their school and to talk to the school board and share their anger, if that is the case; I think they have the right to do that. But it's having a chilling effect on really good educators and really good people in Nebraska who want to teach kids and who we should be empowering to do so. And this bill, LB390, I think continues to chip away at the trust that we have in our educators, and ostensibly, it's saying, you know, we want parents to be in charge of what their kids are doing. But colleagues, parents already have the right to monitor what their kids check out from the library. How about instead of asking your government to pass a bill to put surveillance on kids, you just have a conversation with your kids? And if it's hard to have a conversation with your kids, have a conversation with the school yourself. This bill isn't really-- it, it is ostensibly about giving parents access to what their kids are checking out and consuming from the library, but



what it's actually doing is forcing schools to do the surveillance for them. Instead of putting teachers and librarians in the middle of these family conflicts, what the Legislature should be doing is focusing on making schools safer and more welcoming for all students. This is an unnecessary bureaucratic burden on schools, and I could not let this fly through Final Reading without standing up and speaking to that. Schools already have systems in place for parents to monitor what their children are checking out from the library, and mandating an online catalog for every school library and requiring notification systems is an expensive, time-consuming administrative burden on schools. It's another cost from the Legislature in the name of more surveillance of children. And it's not really just about transparency; what it is is it's giving political activists a tool to further control what kinds of books students can read and access. We've seen across the country that these types of laws are used to push book bans, especially targeting books on race, on LGBTQ+ issues, on history in the United States, and schools shouldn't have to waste time defending books that extremists want removed from schools for political reasons. Schools should not be forced to notify a parent every time their child checks out a book. Instead, we should be saying, you know what? If the book is in the school library, it's probably fine. And thank freaking God my kid's trying to read a book. I don't need an email sent home to me to notify me what it is my kid wants to read. Just have a conversation with your kid. I think we should also, you know, ask ourselves what kinds of message this is sending to our kids. You know, I think that a lot of the bills that we talk about, especially in the last, you know, three, four, five years, have been about-- you know, we really have a decaying moral fiber in this country. We have kids who are getting in trouble, we have, you know, a decline in religion, we have a decline in the family union. Kids are in trouble, and so why don't we see what we can do as government to help bolster and improve that? I think that's a fine goal, I think that makes sense. But what I think is lazy and doesn't actually get to a solution to that is turning government into a parent, turning government into an-- you know, more and more of a surveillance state, specifically for children. Because children-- you know, many people will disagree with me in this body, but children have the right to some privacy too. What if a student is reading a book about mental health? What if the student checks out a book about depression or anxiety or, you know, something like that, that they're not ready to talk to their parent about yet? And the school notifies the parent, and then, there's a conversation that the kid isn't ready for, or that pushes the kid, you know, farther into some darkness that

they're experiencing. You know, a more practical example, obviously, is a book with LGBTQ themes, or an LGBTQ+ character, or themes about gender identity. We know that for, for decades and decades, parents have kicked their kids out of the house, teenagers have ended up homeless. I have hosted them in my office as a state senator, kids who were kicked out of their home for being gay. And so, if there's a high schooler who's checking out a book at, you know, Central High School where my kid goes to school, and it's about being gay or something, and that parent gets a note home, that parent can use that as a reason to kick their kid out of the home. And I know this because it happens in this state, and they've come to my office to talk to me about it. Schools shouldn't be in the business of policing what students read and reporting it to their families. Instead, schools should just be empowering students to have media literacy, they should be protecting students, and they should be encouraging families to have these--

**KELLY:** That's your time.

**HUNT:** --conversations with their students without the threat of surveillance. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Riepe would like to announce some guests in the north balcony: they're fourth graders from St. Gerald Catholic School in Ralston. Please stand and be recognized by the Nebraska Legislature. Returning to the queue, Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. So, I have been present, not voting on this bill. I think it's kind of watered-down at this point. And I will be, for the record, present, not voting on Final Reading, even though this Legislature has decided to delegate the authority to the Clerk of the Legislature to vote on my behalf "no." I will be present, not voting, as many of you on Senator Quick's bill were present, not voting, and it was switched to "no." Which is ridiculous, but there we are. I echo the sentiments of Senator Hunt. I-- my kids love to read, which I'm very grateful that they love to read. They love to go to their school library and they love to go to the public library, and they call Monday "Monday Fun Day" because they go to the library and check out even more books than they check out at school, because at school they're, they're more limited. And they, they have so much fun. There's always a scavenger hunt at Swanson Library, and so we do that and they get a prize from the librarians. They are now very well-known to the librarians, and what I love about it is that we talk about their books. And we can't legislate parenting. We just

can't. We can't force parents to be more engaged than they're willing to be. So, having a school set up a system of reporting books is not going to have the outcome of more engaged parents; it's going to have the outcome outing children, like Senator Hunt said, of things that they are trying to deal with and grapple with maybe privately, but it's not going to result in productive conversations between parents and children. I talk to my kids about what they're reading, I talk to my kids about what they are studying, I ask them about their day. I always ask them about what the best part of their day was, and then they always ask me what the part of my day is, and I say the same thing pretty much every single day. And they tell me it doesn't count, because I always say getting home tonight was the best part of my day. They want me to actually tell them something that was good while I was here, but usually, I just say getting home because I don't want to burden them with the fact that there's very little. But we talk, and I don't talk with my kids because of anything that's ever happened here. I don't talk to my kids because of laws that have been passed. I talk to my kids because I want to have a relationship with them, and I want them to have a relationship with me, and you can't legislate those things. Things we can legislate are helping parents by giving them supports, by giving them access to quality public education, quality child care, food, housing, health care, jobs, transportation. That's how we help parents. We don't help parents by becoming a nanny state. That doesn't do anything. Might make us feel good to pass these bills; doesn't make me feel good, which is why I will again be present, not voting. Not a no; present not voting. I don't think it's necessary. But this is not going to improve the parent-child relationship, and this is not going to improve education. This is going to be another email that goes unread or goes to the spam folder, and dilutes the communication between schools and parents because we already get so many emails from schools that it's hard to keep up, and I honestly miss them. I once a week search my email for Westside just so I can see all my unread emails from Westside and what I've missed. This will be-- just be one more of those emails that I would get. And I don't need it, because I talk to my kids. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Murman, you're recognized to speak.

**MURMAN:** Thank you, Mr. President. This bill actually has had a lot of support all the way through the process. All it does is if a parent-- well, first of all, the library has to-- a school library has to have a list of books that they have on hand, and, and if a parent wants to see that list, they will have the availability to do so. And it has to

be a parent, not anyone in the community. And also, it's-- the parent would have to opt in to receive the email on what their child checks out, so the parent will not be notified what is checked out unless they ask to opt in to do that. And truly, do we want government raising our kids, or should parents be in the driver's seat to raise our kids? These are kids that are in school, and it just allows a parent, if they ask for it, to be more involved in what-- in their child's learning experience, and to have the ability to know what their child is checking out from the library. So, it's just a common-sense bill, and all through the process had very little opposition. Thank you, Mr. President

**KELLY:** Thank you, Senator Murman. Senator Dorn would like to recognize some guests in the north balcony: they are fourth graders from Freeman Public School in Adams, Nebraska. Please stand and be recognized by the Nebraska Legislature. Senator Hunt, you're recognized to speak.

**HUNT:** Thank you, Mr. President. Hi, students. I'm glad you're-- I, I want you to know how lucky you are to be here today when we're discussing a bill that actually affects you. Sometimes, we're talking about stuff in here that's pretty dry and boring, but today we're actually talking about schools and school libraries, and so that's something that you're actually really close to. Senator Murman just said we have to ask ourselves, do we want government or parents raising our kids? Exactly. That's what I just spent ten minutes talking about. At some point, colleagues, we have to ask ourselves, does everything have to be a law? This bill is government raising our kids. This bill is the hand of government coming into schools, coming into school libraries, and giving them what I call another chore to do. Going to schools, as members of the Legislature who are not educational experts, who are not experts in, you know, education theory or anything like that, and going to schools and teachers and saying, here's another chore that's been handed down for you by edict from the Legislature. This is government raising our kids instead of parents raising our kids with the support of teachers and schools that they trust. Everything does not have to be a law. LB390 is an unnecessary mandate on schools that burdens schools and teachers with more bureaucracy, micromanages libraries, and expands government into areas where it isn't needed. Once again, colleagues, parents already have the right to do what is under LB390. Parents already have the ability because they have relationships with their schools and their teachers and their students to monitor what their kids are reading; to go into schools and say, I would like to have a conversation about the content my child is consuming at school. I would like to know what you

have in your library. I would know what is driving the decisions of librarians, and what kind of books and materials you're bringing into your school. Parents can already do this, and for decades and decades, they have done this. So, ask yourself, what is the motivation of LB390? Everything does not have to be a law. Every school district already sets its own policies for library access and parental involvement, and if parents want to be involved, they can be. We don't need the state forcing schools to create more red tape, more hoops for parents to jump through, and more regulations on schools that are already overburdened by mandates from those of us in the Legislature and the federal government as well who don't have experience in education. This is an overreach disguised as parental rights. We don't have to referee every single aspect of education, and there's no real issue that requires government intervention at this level. There is no outcry from parents saying, the school is preventing me from, from knowing what they have in the library. That's never happened in Nebraska. Parents already have the right, and parents should be involved in their child's education, but that doesn't mean we need a new law for it. I would like the Legislature to foster a culture in Nebraska for education for parochial students, for private educated students, for homeschooled students, and for public school students where schools can focus on teaching; they can focus the strengths of their teachers and the interests of their students, not managing more and more government-imposed surveillance, regulations, burdens, and bureaucracy. State-mandated requirements. And if lawmakers want to help schools, we should invest in better resources for students, not pass laws that micromanage what books they're allowed to check out. We don't need to turn every political debate into a law. We don't need to turn every opinion that we have about policy into a bill. I think that some of us get a little bit too bored in the time between when we adjourn-- bye kids. I'm happy you were here today. Between the time we adjourn from session and the time that we come back in January, I think some of us get a little too bored and we sit on the couch and we think, what's a law I could introduce next year? I've done it. That's how you think of ideas. What's a law that we need? Oh, I know, we'll make schools tell parents what their kids are checking out at the library because they can't already do that. Yes, they can. This is an example of an idea that's not necessary and is actually harmful because it places such a great burden on schools that they do not need us adding to. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Spivey, you're recognized to speak.

**SPIVEY:** Thank you, Mr. President, and good morning again, colleagues. I too, Senator Hunt, was excited that the students were here, as those are the folks that are most impacted. And I was also a Falcon-- a Fontenelle Falcon, but a Falcon non-- nonetheless. And so, excited that they can hear conversations around things that we are deciding and discussing as a body that absolutely impacts them. I think I wanted to really kind of highlight two points that were discussed by Senator Murman. First is around the list that would be provided, and I think that we have to trust our schools and our libraries. We have to trust the librarians who are experts, professionals in their field around what books are age-appropriate, the different topics that are age-appropriate that allow access to explore. And so, I think causing and creating that, that list feels burdensome to mandate, and you have as parents or practitioners, or folks involved in whatever school that you are thinking of can absolutely ask and build that relationship with your school around how they are selecting their books, what does that look like, but it doesn't feel like it needs to be a statue or law that is passed. And I don't think that this policy actually creates engagement. And parental engagement, as Senator Murman said, was a second intention of this policy. And so, for me, I am a parent of a now-fifth grader who just turned 11. A lot of y'all met Naasir when he came to visit for two days. And engagement for me has been going to the school and meeting his teachers. I go and eat lunch with him-- not since I've been in session, because I'm here every day-- but I usually am going to eat lunch with him. I'm talking to his gifted program teacher; he's in the GATE program in Omaha Public Schools. Like, I'm actively spending time with who are the, the trusted adults that are within the school, and then what does my role look like as a part of that team that wants his success educationally. And so, I think that we have to ensure that if you want engagement, and that's sounding like that is the intention of this bill, providing this list of what your student is reading is not going to automatically activate engagement. Like Senator Cavanaugh's children, my son loves to read, and Naas [PHONETIC] is brilliant. He's, like, over every test score, he's correcting me all the time. Maybe it's because he's an Aries, I don't know, but he is absolutely brilliant. And he just actually asked me the other day, Mom, can we go to the library and read? I actually asked his teacher for books to really challenge his comprehension and where he is at his grade level, and I allow him to explore. He is my son. And so, one, I have to trust my parenting that I have taught him a value set that allows him to have discernment as he is growing and learning, but also giving him space to explore. We are-- I am not personally religious but more spiritual, and my son has actually been

exploring religion. So, he asked his great-grandmother to buy him a Bible, and she bought him a Bible because he wanted to read. He wanted to read and explore Christianity for himself, and I trusted and gave him that space to do that because, again, I am raising him,, I'm his mom, and I have to know that what I have done in that space is allowing him to be a responsible, value-add citizen. And as he goes through adolescence, a teenager, an adult-- but I also need to make sure that he has some autonomy and independence to figure out who he is. And that doesn't mean that I want a, a list of what he's reading or checking out; I want him to have some comfort that he can explore, and then we have built a relationship where he can talk to me about it and we can challenge each other and disagree. And so, this bill does feel like an opportunity to try to regulate parenting in a way that I don't think makes sense or is a, a good use of, of our time as, as government elected officials. And if we really want to support parent engagement, if we want to support funding opportunities for growth and learning through reading, there's lots of other ways that feel more aligned to our role that are appropriate than LB390. And so, I do agree with the motion to return to Select File, and will continue to be in opposition to LB390. Thank you, Mr. President.

**KELLY:** Thank you, Senator Spivey. Senator Hunt, you're recognized to speak. This is your final time before you close on the motion.

**HUNT:** Thank you, Mr. President. I, I appreciate that perspective, Senator Spivey. And you got at something that I actually talked about in the-- what do you call it? The executive session on this bill, when we were in committee. I made the point, which was actually kind of well received by most of my colleagues in the committee, that reading something that you're interested in but you don't know if your parents would approve of is part of healthy development. That's a good thing for kids to do. And maybe that's something about human growth and development, maybe that's something about, you know, like, like, racial issues or, or diversity, or, you know, the history of racial violence in this country that is so important for people to understand and learn about. Or maybe it's something about-- you know, when I was a kid, I had this phase in, like, fourth and fifth grade when I was really into, like, supernatural stuff. Like, not just UFOs, but, like, ESP and, like, telekinesis, and-- which is silly, but I had a lot of fun reading about that type of stuff. And it wasn't that I was doing something wrong, it wasn't that I thought my parents wouldn't approve; it's that I didn't want to talk to them about it. Like, I just wanted to go in my room with my ESP book and, you know, put the spoon on the table and try to move it with my mind. You know, it's just kid stuff.

It's good. It's healthy. It's part of healthy development. One point I wanted to make-- and if I, if I don't get time to finish this point, I might ask one of my friends for a little time. And I hesitate to make this point strategically, because, you know, this is not a very friendly body to LGBTQ issues and experiences, but it is something that affects lots of kids who are growing up and figuring out who they are, and who need support and safety and affirmation from the safe adults in their life to do so. But I think it is important to talk about how this bill can put LGBTQ+ kids in danger. We know that there are lots of kids in Nebraska who live in homes where even being suspected of being gay could mean being kicked out or disowned or even abused, and that's something that Senator Murman also acknowledged in our executive session when we were talking about this bill. And if parents have automatic access to what books their children are reading, this could out a student before they're ready and put them in serious harm. There's something called Coming Out Day, and it's in October, and-- I think it's, like, October 20 or something. And every year, there's kind of a, you know, a celebration of Coming Out Day, which is where a lot of LGBTQ+ people talk about their experience coming out. And it's important to talk about that, because for many people, those stories are traumatic; for many people, that does involve stories of being disowned by their parents or being kicked out on the street as children. And what I've always said on Coming Out Day is that what you have to do first is put your safety first. And if you are in a place where it's not safe to be yourself at home, wait till you're out of the home. You know, the number one thing does not need to be shouting from the rooftops who you are, necessarily; the number one thing for you always has to be your survival. And colleagues, the reality is for some children in Nebraska, LB390 does threaten their survival as LGBTQ+ youth. Schools should be places where students feel safe to learn and explore and seek support, not places where they fear being reported for what they read. Not every parent has their best child's interests at heart. And this bill assumes that all parents are supportive and responsible, but we know that that's not always true, and that's something that the introducer himself acknowledged in our executive session. There are parents who actively try to control what their kids think, believe, who they are allowed to be. And students deserve access to information and resources, especially when they don't have those supportive, safe parents at home, especially when they're not going home to a safe place. I think it's a good thing when reading is sometimes a personal, private experience. Every single one of us has read a book or checked something out or looked at an article that our parents would have raised an eyebrow at, and that's a good



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thing. That's part of healthy development. That's a healthy part of growing up. Whether it's learning about a new perspective,--

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Juarez, you're recognized to speak.

**JUAREZ:** Thank you. Good morning, colleagues, and good morning to everyone online. I just have a brief comment that I wanted to make in regards to this bill. I did serve on the OPS school board prior to being elected to the state Legislature, and I definitely have experience at our school board meetings of people consistently and continuously coming to complain about some of the books on our shelves. They never failed to come, and they weren't-- like, one was a college student, so I don't think that she even had any children in our school system. So, they had access to what was on our shelves by getting online to see some of these books. So, I don't really know if some school districts really have issues with this, of parents being able to find out what's on the shelves, but I remember raising the issue, you know, with the administrative staff, trying to learn about the access. And I really think that for the most part, the school is always willing to listen to the request of, of the parent and to meet with the parent, and to discuss if they have an issue about a book. And if they don't want their child to read a book, then they're going to mark it down so that they can access it at school and comply with the parents' request. And to me, today's kids, they access all of this stuff electronically anyway. If they want to read it, they're going to read it. Thank you, and I'll yield the rest of my time to Senator Hunt.

**KELLY:** Thank you, Senator Juarez. Senator Hunt, you have 2 minutes, 59 seconds.

**HUNT:** Thank you, Mr. President. And thank you very much, Senator Juarez. There you have it. There you have it. Senator Juarez was on a school board of the biggest school district in the state, and she just confirmed that the bill's not necessary. She confirmed what I've been saying and what other opponents have been saying, which is, yes, it's a-- it's obviously within every parent's right to know what their kids are consuming. No one is disputing that. No one is disputing the right of parents to have information. No problem. The thing is with LB390,

parents already have that right. Not everything has to be a law. As I was saying, I think it's a good thing when reading is sometimes a personal experience, whether you're learning about a new perspective that you don't know about that you're still figuring out, whether you are exploring your identity-- which is a very common thing for teenagers and young people to do-- or just reading something a little embarrassing like I did, like how to do telekinesis. Like, I don't want to talk to my parents about that. I know it's dumb, but I was curious about it, and I wanted to read a book about it. Or, if you're reading something just a little bit rebellious. This is part of how young people figure out who they are. Schools shouldn't be forced to play parent for every single household. Parents already have the right to monitor what their kids check out from the library, as former school board member Senator Juarez has just shared with us. This bill, at the end of the day, it's not just about giving parents access, because they already have that; it's about forcing schools to do their surveillance for them. It's putting schools and government in the position of parent instead of just leaving the status quo as it is, which is parents running their households and their families as they see fit and being the ones in charge of having those conversations with their kids or their schools, if that's what they need to do. They can already do that. Instead of putting teachers and librarians in the middle of these family matters, the Legislature should just focus on making schools safer and more welcoming for all students. The reasons I think that this bill has a chilling effect, a backslide, why it can be dangerous and unnecessary is because it can hurt very vulnerable students, especially the LGBTQ+ kids who already face high rates of family rejection. No child should be put in danger just for reading a book. And let's be real, every single one of us has snuck a book our parents wouldn't approve of, or would have had questions about, and most of us turned out just fine. My position is that schools should be places of learning, of trust, of professionalism, not places of surveillance for kids. Schools already have policies--

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Spivey, you're recognized to speak.

**SPIVEY:** Thank you, Mr. President. I wanted just to say quickly that folks are watching online, and I just received an email from a school librarian that appreciates the conversation today and the motion to

return to Select File. They say that they are a school librarian, and I'm committed to cultivating a love of reading to my students. To achieve this, I provide them with the autonomy to select books that best suit their needs, acknowledging that these needs can evolve over time. Libraries serve as a valuable resource, offering patrons the opportunity to explore a diverse array of texts that cater to their individual interests. And with that, I yield the rest of my time to Senator Hunt.

**KELLY:** Thank you, Senator Spivey. Senator Hunt, 4 minutes, 20 seconds.

**HUNT:** Thank you, Senator Spivey, and thank you for sharing that email. Thank you to that school librarian who, who shared that experience with us and gave us the opportunity and the gift of being able to benefit from their experience as the expert-- as the expert in this type of subject matter. LB390, as I said, you know, this is what it all comes back to for me when I opened-- it's part of this dangerous trend that we've seen in this Legislature this year in a way I've never seen before, from the governor's agenda to what we have prioritized in this body, of government surveillance. More and more and more government surveillance. The Legislature keeps pushing more surveillance, more control, more government interference in people's private lives, and LB390 is just the latest example of this growing obsession with monitoring what people do, controlling what people think, and what people read. Last night, I was, I was reading-- I was reading an article, and it was about this person's view that the United States, as a culture, is entering a, quote, post-literate society, a post-literate phase in our culture. And it's just these things like LB390 that chip away, little by little, dropping grains of sand on this seesaw of surveillance until finally, there's a grain of sand that tips it over. And when you see that happen, we say, oh, well, that was sudden; that happened suddenly; all of a sudden, it fell over. No, it was years and years and bills and policies and laws and grains of sand being added to this new culture of surveillance that is discouraging and is chilling the impulse of children to read, to educate themselves, to explore, to like school. Whether it's a tax on public schools, cuts to funding, or controlling and surveillance-- surveilling what we allow kids to read, these are all just grains of sand until the bucket finally tips over and we are in a post-literate society. It's sad. You-- you're all worried about what kids are looking at on TikTok, Snapchat, whatever? You know the solution to that, colleagues? Get these kids' noses in a book. Today is the 100th anniversary of the Great Gatsby coming out. How many kids are reading that anymore? These kids-- you know, I talked to a, a school-- a, a

Central High School English class last week or the week before, and we talked about-- you know, they were actually speaking to me because they were really in support of this cell phone ban bill that we also have coming out of education-- which I oppose, but we were talking about it with the kids, and they like that bill because they know they're cooked. They know their brains are fried. They want to read, but they don't have the attention span. And you know what? Me neither. I would take a little bit more time from colleagues if they have any, because then go-- I, I went off on a tangent and I didn't finish my point. But if the concern you have about the data of the kids getting sold, the data of the kids getting used-- although we're not gonna punish the companies for selling the data, thanks to Senator Hallstrom, of course. But the way their attention spans are getting cooked, the lack of critical thinking, the, the backslide of intellectualism-- what's the solution, colleagues? It's get their nose in a book. Get them checking out books, get them curious about reading. Does LB390 encourage that? No. It puts the government in the place of the parent, in the place the educator, and says, you know, kids, you can look around at whatever books you'd like to check out, but just know we're going to send an email home about what that is you're looking at. That's chilling.

**KELLY:** That's your time, Senator Hunt.

**HUNT:** Thank you, Mr. President.

**KELLY:** Senator Conrad, you're recognized to speak.

**CONRAD:** I'd yield my time to Senator Hunt.

**KELLY:** Senator Hunt, 5 minutes.

**HUNT:** Thanks. Thanks, Senator Conrad. You know, I really stood up the first time and I made this motion and I was, like, reluctant and annoyed with myself. I'm like, I don't want to talk for 10 minutes. And look at me go, when I get started on something. But this bill, it's turning librarians and teachers and schools into informants, monitoring and reporting on what books students check out. And students need to feel safe exploring ideas, learning about themselves, and accessing books without the fear that they're going to be reported for it, that someone's keeping a list of what they're looking at. And if a student can't even check out a book without their reading habits being tracked and reported, what kind of message are we sending? This is that gradual decline that I'm talking about. A lot of you guys talk

about you want to go back to the good old days: reading, writing 'rithmetic. What happened to the good old days? I remember Senator Groene talking about that quite a bit, especially. And I've had conversations like that with people here today, too. When you were a kid-- in the '70s, '60s, some of you, I don't know-- were you worried that if you went to the library and picked out a book that you'd get a call home to your parents? Now, I know in small towns that happens sometimes, because I know I was standing outside of a party one night smoking a cigarette, and my mom got a call home real quick. And when I came home, I got a talking to, because they got a phone call from somebody saying that they saw me smoking cigarettes when I was, like, 16. Well that's because, you know, I grew up in a culture, as all of us did, where we were free to make some mistakes; where every move we made was not surveilled, whether it's by schools or by parents or by these companies like TikTok and Snapchat. The surveillance is cooking our kids, and LB390 contributes to that. It's part of it. And yes, I think it's well-intentioned. Yes, I think that parents have the right to know what their kids are looking at and checking out. But the law isn't the solution. When we're lawmakers and we knocked our doors and we raised our money and we talked to the lobbyists and we got the \$5,000 checks-- some of you more-- we think that then, we have a mandate to come in here and think of something to do. Some of the people in here who say that they're the most libertarian of all are the ones introducing the most meddling bills and policies. One example being, you know, on the last bill that we had, Senator Quick's bill, eight or nine or ten of you would, would like to be present, not voting on that bill, and then you got a big ugly red light up there, didn't you? That's because you think that a policy and a law and a rule is the solution to everything instead of just relationships, conversation, communication, transparency. The impulse to legislate and put everything in terms of a legal solution is bad for our society. LB390 isn't happening in a vacuum; it's a pattern of this growing government overreach that we're seeing from this conservative Legislature. The same politicians who are pushing this bill are the same ones who want to monitor what kind of medical care people get, who want to ban people from making choices about their own bodies, who want to decide what kids can and can't learn in school instead of just trusting teachers to use their own expertise to do that. They want to restrict free speech on campus, criminalize protests, and at some point, you have to say, when is this about education, and when is this about control? This bill continues to keep Nebraska on that slippery slope. Why do we need to track what kids read? Parents already-- today, yesterday, a decade ago, and a decade from today-- have the

right to go to the school, to the librarian, and say, hey, what is-- what has my kid been reading lately? And you know what? Unfortunately, a lot of you would get the bad news that your kid's not reading anything. And LB390 does not help to encourage literacy, to encourage kids to check out books; it sends the message to kids that they do not have privacy, that they do not have agency, and that everything they want to do, whether it's on their phone, on their apps, or in their school library, in the pages of a paper analog book, is going to be surveilled.

**KELLY:** That's your time, Senator.

**HUNT:** Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I appreciate Senator Hunt taking time on this because this is an interesting bill. I was present, not voting on Select File on this because it fell into the category where I, I was a little ambivalent, where I, I do see what Senator Murman's talking about, is that we want to empower parents to be involved in their kids' lives. But I definitely see what Senator Hunt is saying about we don't need to legislate everything, we don't need to have this sort of surveillance state, and that there is an adverse effect to that. And so, I was present, not voting on gen-- on Select File and General File, and I was honestly thinking about being present, not voting, knowing full well the rule that then it'll tip over to an, a no vote, because I, I don't think that this needs to be a law, but I also don't oppose it so fervently that I need to, you know, stand up and speak against it. But I think Senator Hunt's gotten me to an actual red vote and not a present, not voting de-facto red vote, because Senator Hunt's made so many good points about the lack-- the, the fact that what-- this is part of a bigger problem of injecting the state into these situations that it doesn't need to be in. And so, I was sitting here listening to Senator Hunt and others talk about this. And a few things I wanted to talk about was, when I was a kid, I really liked choose your own adventure books, and so I appreciated this conversation because then I went on the Omaha Public Library site here and put on hold a choose your own adventure book to read with my kids because I-- so, you know, I know this is a safe space and I can say-- tell you guys all the truth. I would get those books, and all I would do is read the bottom and skip ahead to the next page, and then I'd do that to try-- and then, you know, you die

in the books, and then you'd go back and start over. And so, that's all I would do. But I wasn't-- I was not an avid reader as a child. I would check out those books, and then I would check out travel books, you know, about, like, Greece or whatever. Like, those picture books that are really pretty. So, I would do those sorts of things. I know you guys are all shocked to think that I was doing such a-- something so scandalous. And then-- but my, you know, love of reading-- I do love to read now-- love of reading was, you know, inspired by a friend giving a book-- me a book that they enjoyed, which was-- I believe it was "God Bless You, Mr. Rosewater" by Kurt Vonnegut. Huge fan; read everything Kurt Vonnegut's ever written since then, and that kind of kicked off my love reading. But so, I was thinking about that and those things, and then I was thinking about when Senator Hunt was talking about the sort of-- kids allowed to make mistakes. I had a, a friend, very good friend of mine. When we were in grade school, his mom thought music was bad, you know, and MTV was, you know, sinful or whatever. And so, she blocked MTV at their house. And so, in, in Omaha, Cox Cable, it was-- channel 35 was MTV, so their TV went from 34, Nickelodeon, and just skipped straight to 36, which I think was TNT. 33 was CNN. 32 was USA. I think I've got it all up here, still. But anyway. So-- but the result of that was that he just would come over to our house all the time and, like-- and that's all he wanted to do was watch MTV, which I didn't want to do, but that's what he wanted to do. And as a result of that, I think we're basically better friends today because his mom had driven him underground to come to our house to, to watch music videos. But it's this, you know, kids have to be able to make mistakes. And obviously, that's a relatively innocuous way to make mistakes. But my point is, and I think part of Senator Hunt's point is we can create systems to try to force people to be the way we want them to be, and they will go around that. And creating systems that we think that gives you, one, a false sense of security, and, and then it creates a-- just a more problems. So, if a kid thinks that they've got to break the rules in some sort of more innocent way by-- you know, they're not going to check out a book they don't think you want them to read; they're going to take it, right? They're going to walk out of that library without checking it out, and-- or, they're going to go steal it from a store, or something along those lines. If the kids want to read the book, they're going to do it. If they think they're going to get observed and they don't want to be observed, kids understand that, and they're going to figure that part out. So, I don't know if this serves that intention, but I really do think, fundamentally, Senator Hunt is right that not everything needs to be a law, and the state doesn't need to be involved. We should stay out of

the way, allow parents to be parents, allow those of us who want to read with our kids-- and I'll let you know how the choose your own adventure goes, once I get it-- but allow-- but not get in between us and our kids. So, don't insert ourselves, but also, you know, to, to-- but don't put up hurdles to make it harder for me to parent my kids. And I think this, though I think Senator Murman's intention is good here, I think it is an unnecessary bill. And so, I think I'm now gone from soft no to actual no on the Final Reading of this bill. So, thanks for the conversation, Senator Hunt. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I am going to yield some time to Senator Hunter if she wants it, but first, I just wanted to acknowledge that I got my favorite periodical delivered to my house this week, "The Bean Bag." It's the Nebraska Dry Bean Growers Association publication, and I have been an avid reader of it since starting here. And I just, interestingly, was sitting here reading it while Senator Cavanaugh was talking, and, and thinking about libraries and his seed lib-- he goes to the seed library and starts seeds for the summer planting. He is my-- he's my go-to source on my tomato plants that I grow. But I was reading, and there's an article in The Bean Bag, for those of you that are readers, about dry bean research that is going on in the etymology [SIC] program at UNL. So, it was actually pretty interesting; it's about thrips, which are species that feed on bean plants, and they are researching the impact they have on the production, the yield of beans in our state, and different ways to address it. So, it's just-- there's all this research always going on across our state. This one is tied with one of the ESUs out in Western Nebraska and the Panhandle Research Extension office. So, just another reason to keep funding our university, because it helps our agricultural state. Senator Hunt, would you like time? Sure. OK, I'll yield the remainder of my time to Senator Hunt.

**KELLY:** Thank you, Senator Cavanaugh. Senator Hunt, 3 minutes, 20 seconds.

**HUNT:** Thank you, Mr. President. Thank you, Senator Cavanaugh. Senator Dungan and Senator John Cavanaugh were just talking back here about-- you know, Senator John Cavanaugh got us kind of, what's the word? Reminiscing about what it was like to be a teenager, and his story about his friend who would come to his house to watch MTV because they weren't allowed to have MTV at their house. Yeah, I knew that kid.



Like, some of us were probably that kid. At my house, we did not have MTV blocked, but I was not allowed to watch MTV because-- and growing up in Blair, because they had the show Beavis and Butthead, and my mom did not like the word "butt," and so I was not allowed to have that on. And another thing I wasn't allowed to do-- and I'm getting to a point here-- is have those popsicles that are-- I think the brand name is, like, Fla-Vor-Ice, that's one of the brands. And it's the popsicles that come in the plastic tubes and they're liquid when you buy them, and then you freeze them and you can, like, snap them apart, and they're just, you know, flavored sugar juice. They're not real juice at all. But I wasn't allowed to have those because my mom only let us have, you know, natural colors, natural flavors. My mom was, like, an early vanilla granola mom, but she was very conservative. And today, you might call that, like, a "Make America Healthy Again" person, or, like, an RFK person. But, like, that was kind of what it was like for me growing up, is we had to have very natural things in the house, no popsicles. So, what did I do? Always at my friend's house eating their popsicles that their mom let them have. And that is a healthy part of growing up, colleagues. So, bringing it back to LB390 and what Senator John Cavanaugh said. If there's something kids aren't allowed to do, they find a way around it, don't they? And maybe under LB390, that means they don't check out the book, they take the book. It means they have a friend check out the book, and then they borrow the book from their friend. That's why bills like LB390 aren't necessary: because it's bringing the hand of government down into the behavior of people, the behavior of kids that has been the same forever. And the urge to control it and police it and surveil it is futile. And it's not just that, it's unethical and wrong. If you, as a parent, have concerns about what your kid is consuming, just as my parents did in 1986, just as all of our parents did when we were kids, just as we have as our own-- for our own children, you can already take measures to take care of that. You can already, you know, do reasonable things to control and parent your own children. We all do, and we all had it done to us. It's not the role of government to do that for us. As Senator Murman said, we want parents raising kids, not government raising kids. And unfortunately, that's what LB390 actually ends up doing. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. I'm going to also yield some time to Senator Hunt. But real quick, as we were sitting over here reminiscing, I was thinking about the books I checked out at the

library. The one that came to mind most specifically was Shel Silverstein poems. And I think that's especially appropriate to talk about here, because Shel Silverstein's been banned or at least been challenged in a lot of different libraries and schools. And it-- I pulled up just two very brief Shel Silverstein poems I wanted to share for colleagues and on the records. One of them is called "Invitation," and it says, "if you are a dreamer, come in. If you are dreamer, a wisher, a liar, a hope-er, a pray-er, a magic bean buyer... if you're a pretender, come sit by my fire for we have some flax-golden tales to spin. Come in! Come in!" Those are the kind of things that we hear people trying to ban in schools, which is wild to me, because that's a pretty nice sentiment. The last thing-- the last one I wanted to share-- it's very short-- is called The Voice, and it seems appropriate now. And it says "No teacher, preacher, parent, friend or wise man can decide what's right for you-- just listen to the voice that speaks inside." I think it's really nice that we have those kind of things available in school libraries and available for students to check out. I know it spoke to me a lot as a kid, and I think that this bill is problematic for a number of reasons; a lot of them have already been mentioned. And I'll yield the remainder of my time to Senator Hunt.

**KELLY:** Thank you, Senator Dungan. Senator Hunt, 3 minutes, 32 seconds.

**HUNT:** Thank you, Mr. President. Thank you, Senator Dungan. We've heard a lot this session about protecting kids online. And now, we've gone on this slippery slope even further into protecting kids from books, protecting kids from words written on paper, and making sure that the state is empowering schools to police that for parents instead of empowering parents to have healthy relationships with their kids where they can talk about their questions, they can talk about what it is they want to read. We should be taking the safety of kids seriously, and we do. But what bills like this do is try to parent other people's children through sweeping mandates. And in doing so, they override the principles of freedom, of liberty, of intellectual curiosity that we say that we stand by. We say that we trust parents, but instead of empowering them with resources, we're handing over control to government, we're handing control to the Legislature. You know, in the case of Senator Storer's bill coming up later today, handing the control over to third-party age verification vendors. Bill after bill after bill, just policing what people can do with their space, with their time, with their property, and with their own children. We're saying you can't make decisions for your child unless you go through a government-approved process, and that's not parental rights, that's

surveillance. Rights already exist. We've got natural rights in Nebraska. You can read what you want. Bills like LB390 don't protect that right, they police that right, and I have a moral problem with that. Everybody should. Instead of this, let's focus on real solutions that actually help families and children and students navigate digital life, which is increasingly daily life; it's increasingly everyday regular life. You don't got to go to the family desktop Dell in the kitchen anymore and take three minutes to boot it up so you can have half an hour online to check your email. We're online all the time, and kids today will never know a world where they're not online all the time. They will never know a world will they were-- will they will have a job or an education, or any kind of future life without having that being fundamentally something they have to log in and out of in order to, to be effective and exist. So, let's teach digital literacy in schools so that young people can think critically about what they see online, so they can understand privacy risks instead of just depending on government to manage that for them. We teach kids to drive before we hand them keys to a car, so why wouldn't we do the same thing when it comes to the internet? We're not setting these kids up for success, for digital literacy, for making healthy choices at all if we're just empowering government to make those choices for them. I have long been a proponent of digital literacy, of helping kids understand how to make good choices about what they see and do online. Because I grew up online-- you know, I'm, I'm a person from the first generation to really have the opportunity to do that. Thank you, Mr. President.

**KELLY:** That's your time. Thank you, Senator Hunt. In the north balcony with a group is Senator von Gillern and fourth graders from Lifegate Christian School. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for an announcement.

**CLERK:** Mr. President, the Judiciary Committee will meet in executive session now under the south balcony. Judiciary Committee, now, under the south balcony for an exec session. That's all I have at this time.

**KELLY:** Thank you, Mr. Clerk. Senator Machaela Cavanaugh, you're recognized to speak. This is your third time on the floor amendment.

**M. CAVANAUGH:** Thank you, Mr. President. OK, well, so I've gotten myself very excited now that I started talking about The Bean Bag, so I just have to talk about it a little bit more. First of all, there is a new editor, and she has Robyn's bylines. And in it, she says to be kind to the new editor, this is her first effort at publishing. Well,

Robyn, I think you're doing an excellent job. The cover photo on this first edition of The Bean Bag is stunning and very eye-catching. I did wonder who took the photo. It's-- for those that-- I can't hold it up because that's a prop, but it is a heart made out of beans, and it's different colored beans and it's really pretty. But I did find the recipe-- I don't know if Senator Dover is around, but he's a really good cook. So, Senator Dover, if you are around, I just want you to know that on page 16 of the latest Bean Bag is where you will find the white bean ranch dressing recipe. I might try that out sometime. And then, on page 17 is "on the lighter side," so there's a joke, there's a little cartoon in here, and it's, it's a picture of three rabbits, and they're each, like, their heads are popping out of a rabbit hole, and there's little squiggle marks that, you know, that it, like, smells bad. OK? So, they're all, like, kind of holding their noses. And it says, "I thought we all agreed to stay out of Farmer John's bean patch," because they're all farting in the, the rabbit holes. OK. I thought it was funny. But there's also some photos from participants in a bean-themed parade in New Orleans. It is the Luna Gras [SIC] Red Bean Parade in New Orleans, and it's a picture of people who have-- their outfits are made out of beans, and it's pretty awesome, actually. So, if anybody wants to come see these pictures, please stop by my desk. Oh, there's a second recipe. The white bean guacamole dip is on page 19, and also on page 19, for those that are interested, the Nebraska Dry Bean Commission has a new logo, and you can follow them on social media, which I, of course, immediately did, because I'm a fan. Robyn, if you happen to be listening, first of all, love The Bean Bag, long-time reader. Some of my colleagues were not familiar with it as I was discussing it this morning, so if you haven't already, I highly recommend you sending a copy of The Bean Bag to all 49 members. I get mine delivered to my house in Omaha, but I-- again, long-time reader. There's also, on page 15, nutritional value information on select beans. So, it has the protein by gram and fiber grams of the kidney beans, "caneely" [SIC] beans, chickpeas, navy, pinto, black beans. If you are looking to have a more equal fiber-to-protein ratio, black beans are your best bet, it looks like. Black beans or navy beans. Chickpeas have more protein than fiber, as do kidney beans. Pinto beans are also-- eh, kind of close. Anyways, lots of good information in The Bean Bag. Thank you to Robyn. Your first go at this, I think you nailed it. If anybody wants to submit a photo to hopefully get on the cover, they offer \$50 to anybody whose photo ends up on the cover. And I don't know whose photo's on the cover this week or this time, but it is really a pretty one. Oh, USDA Rattler. The USDA Rattler is a high yielding pinto bean with

resistance to potyvirus and bean rust that performs well under an-- abiotic stress, drought, and low soil fertility conditions. The high yield potential exhibited across trials [SIC] conducted in the Pacific Northwest, Intermountain Region, and Northern Plains will contribute to broad adaption of this cultivator [SIC]. It has upright architecture and resistance to lodging which promote "harvest" -- "harvestability" -- you can "harvest it." Seed has acceptable canning quality, size, color, and appearance, which favor marketability. Interesting. So, that's the USDA Rattler. It's a high-yielding pinto bean. I think I'm about out of time. I love The Bean Bag. You all should read it. Thank you very much, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I have supported this measure throughout the course of deliberation, from the Education Committee forward over General and Select File, and will continue to support it today. It's very interesting, I think, in terms of maybe where we are in our political discourse. Because of course, Senator Hunt is one of the closest friends that I have in the Legislature, and she and I generally have a similar approach to things because we share a lot of the same values. We have a different take on this measure, and we had some debate on that in General and Select File, and it was so interesting because Senator Hunt and I were enjoying being able to bring out different points for consideration, but yet have a different result in our votes on some of these quintessential issues related to academic freedom, parental rights, free expression, access to information, et cetera, and we came out a little bit differently in terms of how we were casting our vote on this measure. And there was kind of this general concern in the body and beyond, that, oh my gosh, Senator Hunt and Senator Conrad are, are at odds and they're fighting. And actually, we were really enjoying a-- what should be a, a thoughtful debate about issues that, even when we have close friendships and share values, we can have a different take on a measure before us, and that's where I remain in regards to this piece. So, one thing that I noted in the course of debate and at the committee level, and I'll just restate here briefly, is that I think at best, this measure is redundant to existing law. If you look at 79-2,104, which is access to school files or records, limitations, fees, disciplinary materials that are removed or destroyed when sharing of student data, records, and information, the very first section indicates that "any student in any public school or his or her parents, guardians, teachers, counselors, or school administrators

shall have access to the school's files or records maintained concerning such student, including the right to inspect, review, and obtain copies of such files or records. No other person shall have access to such files or records except" when a parent gives consent or for other purposes. And then, the existing statute goes on. So again, I have talked at great length and continue to believe that parents have a fundamental right to control their children's education. If they choose to utilize a procedure under existing law or this law to access information about a student record, including a student library record, that is already their right. And I think most schools actually already have policies in place to deal with this, much like the cell phone restrictions; most schools already have policies in place to deal with that. But nevertheless, you have a garden-variety kind of policy directive bill that may provide some additional clarity. I think-- two other things. Originally, the bill had a requirement for an online catalog that was stricken at the committee level due to cost concerns that were brought forward by the schools and otherwise. So again, arguably, schools already have a catalog of what is in their library, so there's no mandate or additional requirement there. Additionally, there was feedback, I think, maybe at the-- in between General and Select File that was brought forth to Senator Murman's attention that some public schools share a library with their public library, and they wanted some clarifying language and exemptions therein; that was a successful amendment that was adopted on Select File providing really just a, a narrow application of this to only school libraries. The other pieces that I just wanted to lift were a couple of-- and I'm running out of time here-- but perhaps a, a couple of practical points. One, I again see this as redundant at best, and a far better remedy than subjecting teachers and librarians to--

**KELLY:** That's your time, Senator.

**CONRAD:** --criminal penalties as-- thank you, Mr. President.

**KELLY:** Thank you, Senator Conrad. Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I appreciate my rowmate, Senator Dungan, bringing up Shel Silverstein. My kids are big fans of Shel Silverstein, and I think I missed Shel Silverstein's work when I was a kid. I, I remember the books, but I didn't-- was unfamiliar until I had kids. And so, it's a-- it is a, a-- fun. If you haven't read Shel Silverstein, there's-- it's just kind of absurd poems and things, and then the book also has these great illustrations. And so,

my kids love them. But yeah, I, I again want to push my light to talk a little bit more about my growing concern with this bill. And I, of course, you know, have had a few people now reach out to me and say, oh yeah, I have similar stories about these things, and other grade school friends saying that they recall other similar end-run activity that they engaged in to get the, the content that they were being told that they shouldn't have. And so, it's, you know, that there's-- we can-- best laid plans, as they say, of mice and men-- which is a book I read in school. And I just-- yeah. I think that this book, or this, or this bill is unnecessary, as Senator Hunt said, and that we should do things to encourage kids to read. And I like to engage with my kids' reading because I want to kind of share the journey with them. So, I like read the books that they're reading, the older ones. The younger kids, their books are not as interesting. But I-- you know, they're also shorter. So, right now, we're reading Percy Jackson 3-- I actually don't know what it's called; I'm bad at remembering the titles. We just finished a book called Amari; it's the third book in the Amari series, which is a great series about a young magician in the sort of-- in, you know, paranormal investigations agency type of thing. That was really good. And my-- that's with my daughter. And then, with my son, I'm reading the-- some drag-- a dragon series, Wings of Fire, I think is what it's called, and we're on book three of that as well. So, we read, you know, some of that every day with those kids. And then, the younger ones, we're on, you know, Dog Man number two for the fifth time, or something like that. But I like to, you know, share the journey with them and try to encourage them to read, and we work on them reading their own things as well. I have taken them to the comic book shop in Senator Hunt's district. Used to be down the street from my house, but they moved for some kind of corporate nonsense; somebody wanted the property for something else. So, the comic shop that was three blocks from my house had to move. But so, I-- we've got a drawer at the comic book shop that I'm very excited about. And every month, we go and pick up the comics that then I get my kids to read. I'm trying to encourage them to read, and so, you know, doing everything I can to get them to read. And I actually had sitting on my desk this invite from the Joslyn Castle, which is in my district, and they have dungeons-- Dungeon Crate presents Quest at the Castle, an RPG micro-con in Omaha. So, it's like a Dungeons & Dragons event at the Joslyn Castle, which sounds really cool, right? It's a castle. If you don't know Joslyn Castle, it actually looks like a castle, and they're going to have Dungeon & Dragons event there, and I'm very excited. I'm going to take my kids. I have not-- I'm not-- I've tried to play Dungeons & Dragons with them; I've actually got--

found online a kid version of Dungeons & Dragons, so it's shorter and maybe a little less violent. But, you know, in cur-- in the interest of engaging them in any type of narrative or reading, I put in all of this effort and all of these different things to get them to do that rather than to be looking at screens, watching TV, watching YouTube, and those sorts of things that we all, all-- really, we did spend a lot of time talking about. So, I'm attempting to encourage them to read and engage in these things, and I've gone to all these great lengths. And I don't think we need to chill kids' interests in reading. And I do think there's the risk that by having-- creating state-mandated oversight of kids' reading, we have a potential to chill any kid's interest in what books, because I just want them to find something they like to read, I want them to read that. And then, we can talk about what it is they're reading, and then they can read more things and find more things they love. Because, as I said, I didn't start reading, really, until I found something I loved, which was Kurt Vonnegut. And before that, reading was a real slog for me. But once I found something I loved, then you find more thing you love, right? And then, you get more reading. But it takes--

**KELLY:** That's your time, Senator.

**J. CAVANAUGH:** --trial and error. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Conrad, you're recognized to speak. This is your third time on the floor amendment.

**CONRAD:** Thank you, Mr. President. I yield my time to Senator Hunt.

**KELLY:** Senator Hunt, 4 minutes, 55 seconds.

**HUNT:** Thank you, Mr. President. Colleagues, Nebraskans, politics are occurring. And, you know, another type of squashing of speech that I think has been a problem in this body in the last couple of years is what's occurring right now, which is-- I have principled, serious opposition to LB390. I think that if I took this bill two hours and we got to cloture, I don't know if it would find 33 votes. It hasn't gotten 33 votes on the last round of debate, so it might end up killing the bill. If that happens, then, you know, of course, I've been threatened that other bills I care about might not succeed then. You know, people might pull off of votes that I mat-- that matter to me. And so, I think I'm going to come off this. It's, it's just a bad bill. I got a-- I got an email from a superintendent for Shelby-Rising City Public Schools, and he said, I've been listening to your



discussion about LB390 that you're having with your colleagues now, and I want to say thank you for your point of view. The points that you make are spot-on for our students and kids, and that it comes down to trusting schools, teachers and parents. I appreciate you trying to keep the control and overreach of the legislation out of our building as much as possible. Thank you for standing up for our schools, but most importantly, our students. And he goes on to say, side note, our students still are reading the Great Gatsby, and they do tremendous work connecting what was written 100 years ago and what is going on today. Best of luck with the rest of session. So, that's a nice email. And this goes to show, colleagues, schools are not asking for this, students are not asking for this. And if the goal is to help kids engage with reading, if we want to raise curious, literate, well-informed young people, then LB390 is a step exactly in the wrong direction. This bill isn't going to make kids read more; it might make them read less in a cultural climate where we want kids reading more. We want them off their phones, we want off these apps that take their data, we want them in a book. But when you treat books like contraband, when we make every checkout feel like a potential red flag, when we turn the school library into a place of surveillance instead of a safe place for exploration, kids will stop going. They will opt out entirely. This isn't just about so-called controversial books, it's about the message that we send to every student who walks into a library and knows that their every choice might be scrutinized, judged, and reported. And you don't encourage literacy by making kids feel watched. You don't foster a love of reading by turning reading into a risk. For some students, especially teens who are figuring out who they are or navigating personal challenges, books are some of the only private outlets that they have. If every-- I'm going to ask you guys to control your volume. If every checkout is monitored, that safe outlet disappears. And we're not just talking about heavy subjects like mental health or LGBTQ identity or whatever; this chilling effect can extend to any student who's self-conscious, who's embarrassed, who's shy, who's quietly trying to explore a new idea. And ask any teacher or librarian, or any superintendent like the one that just emailed me, or any school board member like Senator Juarez formerly was. A huge part of getting students to read is meeting them where they are, giving them space to explore, encouraging their interests, and LB390 undercuts all of that. We have enough barriers to literacy for kids: cost, access, digital divides. Why would we add one more by making reading itself feel risky? So, I'll say this clearly: if you support reading, if you want to encourage kids to be thoughtful, lifelong learners, then you cannot support this bill because this bill

isn't pro-literacy. It's anti-curiosity, it's anti-education, it's anti-intellectual, it's anti-literate, and it's anti-kid. So, let's vote to return this to Select File. Let's get 25 and send it back, and let's get back to work on real solutions that help students, families, and schools thrive and move on to the rest of the agenda. Thank you, Mr. President.

**KELLY:** Thank you, Senator Hunt. Senator John Cavanaugh, you're recognized to speak. This is your third time on the floor amendment.

**J. CAVANAUGH:** Thank you, Mr. President. I-- like always, if you're listening, like, sometimes you hear somebody say something, and that, like, primes you to be, like, oh, I forgot I wanted to say something about that. And the thing I wanted to say is, when Senator Hunt brought up *The Great Gatsby*-- when she brought it up originally, I thought "I did not like that book." And so, I just wanted to point out that I didn't like that book. I know it's a classic; it's an American classic, and they teach it in school, and I read it in school, and you read it because you're supposed to read all the, you know, classics and-- tells you something about time and place and style of writing, and, you know, you can learn things from that, but I just didn't enjoy it. I didn't like the characters, I didn't particularly like the, the style. But I read it in school, but that was, you know, one of those things where I read this book because I was supposed to, and the things that actually ended up making me still a person who reads today were books that I wasn't supposed to. You know, as Senator Dungan pointed out, *Shel Silverstein* was-- is a book that's been challenged, and obviously my kids love *Shel Silverstein*, and that's one of the things that's helped foster their love of reading. But *Kurt Vonnegut*, as I keep talking about, is a, is an author who is often challenged and is a banned book in many places. And so, you know, these things that we-- we have what we think is appropriate and that everybody should read. And for me, that-- some of those books were the books that made me not want to read, made me-- made it a chore, made it something I wasn't-- didn't turn me into a reader. And I know people love *Great Gatsby*, and I'll probably get some hate for saying I didn't like it, but yeah. That-- I mean, that's just my truth, I guess, is that I didn't like it. And-- but the thing is, everybody's different, and everybody has things that speak to them, and everybody has things that are going to just get them sparked and enjoy and things, and they might not be the thing that we like or understand or agree with. And to Senator Hunt's original point, is some of them are pretty innocuous. Like, I don't think my folks would have been upset that I was reading *Kurt Vonnegut*. They would be happy that I was reading at

all. But there are some people who wouldn't; they'd look at it and say it was banned. I remember Harry Potter was a book that was banned a lot when I was in college, and I remember thinking that seemed silly. I thought it was a children's book. I have read all of Harry Potter, by the way, with my kids, and that was a book that sparked-- really sparked my daughter's love of reading. I think it's the third one. It's the one with the werewolf guy. I don't know which-- I can't remember the names off the top of my head. But anyway, that was-- we, we read those, and she just fell in love, and that's, like, she wants to read everything she can get her hands on now because she loved that, and she wants to read. That's why we're reading the Amari books, because it's about another young wizard or magician in the Amari books. But anyway. So, it's just, you know, if-- not everybody fits into the box we want them to fit into. And people turn into-- I think some would argue I turned into a relatively productive and decent adult, but it was not-- but, but-- and a person who maybe is well-read, but-- and it was not because of the-- I-- reading the things that people thought I was supposed to read. It was because I found things through my own path that led to me then reading other things, and then coming back around and enjoying the things that I was supposed to read, Shakespeare and other things which I was probably hesitant to read until I was more into reading. And obviously, reading begets reading, because you build those muscles and it makes it easier and faster to read. So again, putting up artificial barriers, artificial governmental intervention in-- into saying how we think kids should interact with books is just going to cause more problems and drive more kids onto those apps with the infinite scroll, which I-- I just kind of think that's a great phrase, infinite scroll. But drive kids into those apps as opposed to into the library and checking out books that are, you know, a bit of a stretch sometimes, or that their parents-- they, they may think their parents wouldn't like, but their parents really probably would like, and that's really probably the biggest possibility. It's not that kids are going to check out things that are-- their parents don't want them to check out; they're going to avoid checking out things they think their parent might not like, even though their parents would probably like them. And they would probably love to have their kid read them and come and talk about them at the dinner table with them. That's what we want. We want kids to check those books and then come talk to us about them, say "I read this interesting idea, I think it's really fun." Let's talk about it at dinner. That's, that's the dream, folks. Kids talking to you at the dinner table about the book they're reading. So, I think this bill

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runs the risk of preventing that from happening. So again, I'll be a red vote. Thank you, Mr. President.

**KELLY:** Thank you, Senator Cavanaugh. Senator Guereca, you're recognized to speak.

**GUERECA:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I have to vehemently disagree with my colleague Senator John Cavanaugh. Great Gatsby is a fantastic piece of literature, one of the great novels written in, in American history. I just want to uplift my rowmate Senator Cavanaugh and her love of dry beans. And-- she is a seven-year ardent reader of The Bean Bag. To the editors of The Bean Bag, please bring back a quiz. Senator Cavanaugh talked about an amazing quiz she took her freshman year, and is disappointed because in those-- since then, she has not come across one. So, to the editors of The Bean Bag, I recommend that. Give-- throw a bone to your number one fan, Senator Machaela Cavanaugh. And to that end, to continue this great conversation about beans, I will yield the remainder of my time to Senator Machaela Cavanaugh.

**KELLY:** Senator Machaela Cavanaugh, you have 3 minutes, 53 seconds.

**M. CAVANAUGH:** Thank you, Mr. President. Thank you, Senator Guereca. I'm very excited to continue this discussion about beans. And it is actually tied to reading and literacy because, as we're sitting here talking about Senator Murman's bill and I'm reading The Bean Bag, and then The Bean Bag led me to go to their social media posts, which has then led me to read their social media posts, and I just want to share with everyone because I find this to be very exciting. And I'm looking to see-- I do see Senator Brandt. Senator Brandt, The Bean Bag has posted on their social media, "Beanstock." It is the farm-to-school-- Nebraska is hosting Nebraska growers' proteins Beanstock. I called out Senator Brandt because he had a bill on farm-to-school program here in Nebraska, and so, just want to-- the, the-- it's just converging now, my love of beans and The Bean Bag with legislation. So, Beanstock, it is to promote Nebraska-grown plant-based proteins in schools. Not to be confused with Senator DeKay's bill on fake meat; these are plant-based proteins, a different type of protein. I just got a text from my former L.A. saying they didn't know I was so interested in beans. Really? You don't remember me gushing over The Bean Bag? OK. So, anyways, the Nebraska Department of Education, NDE, is launching Beanstock, a campaign and curriculum series teaching students about one of Nebraska's healthiest, most important commodities. Beanstock includes free, flexible lessons available to middle and high school

educators-- how about also state senators?-- to-- that explore the history, art, cooking, nutrition, agriculture, and economics of dry beans and other specialty crops. Beanstock is part of NDE's farm-to-school program, which enriches the connection between communities with-- connection communities have with fresh, healthy food and local food producers by changing food purchasing and education practices at schools and early care and education settings. What I love about the farm-to-table or farm-to-school program is that it, it also is an opportunity to create healthier practices of, of diet for our kids, and less processed foods, more whole foods. And so, I think it's a really awesome program that we have here in this state, and I'm grateful to Senator Brandt for his work on that over the years, and I hope that we can continue to expand it. I know that there's some changes federally that are going to be impacting us, but hopefully moving forward, we can to continue to invest in it because it is a great program. And I-- yeah. I love beans. I don't know where everybody buys their beans in Neb-- at-- like, here locally. I always go to the Asian market in my-- which is in my district on 78th and Cass? 76th and Cass. And it's-- I will say, though, it is one of the worst parking lots in the city of Omaha, but that's also because it's so popular. It's always full. But they have bean-- they have beans on beans on beans and beans and beans. And so, that's-- and they're all dry beans. And so, that's where I buy my beans. And then, you know, of course I soak them and cook them and all of that. But yeah, I didn't know I was going to get to talk about beans so much today. I love it. Thank you, Mr. President. Thank you, Senator Guereca.

**KELLY:** Thank you, Senator Cavanaugh. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. And colleagues, I do rise in favor of Senator Hunt's amendment to return this to Select File, and generally, really actually enjoying the conversation today. I was just talking to Senator John Cavanaugh and Senator Hughes that I wasn't planning on punching in again, which I know is kind of a common thing we say. But this conversation is just so much fun, talking about books. Got a couple of different thoughts percolating in my brain that I, I just wanted to share before I, I talk a little bit more about the bill. We've talked a lot about The Great Gatsby. I will also confess I was not a big fan of The Great Gatsby, but it did give my friend the idea for the best cat name that I've ever heard, which was his cat "Jay Catsby." So, big fan of Jay Catsby; shout-out to Jay. In addition to that, the first book that I remember actually really enjoying in school was The Count of Monte Cristo, for those who have read that.

That was the first one that I remembered diving into, which did lead to a lifelong love of reading. For those who talk to me about books, you may know that right now I'm on a Stephen King journey. The only author I've read since 2021 is Stephen King; currently working my way through the catalog. I'm reading *The Tommyknockers* right now, for those who are familiar. It is something of a slog, but I'm trying to get through. And prior to that, I read *Hearts in Atlantis*, which is a fantastic book. So, just fun to talk about the books that we're all reading right now. We're having some good conversations over here. But it did also, I guess, get me to go back and look at the bill. And I looked at the original LB390 and how it was changed and modified by the committee amendment, which-- my understanding is it takes away the requirement for an online book catalog and simply requires them to have a catalog. And some of the conversations I've been having with colleagues is that the bill essentially achieves nothing in terms of substantive change in what school districts have to do, but at the same time, I guess my concern is while achieving very little in the way of parental rights, invites a problem. Bills like this encourage and invite the issue of distrust in our schools and in our school libraries. And, you know, if you talk to anybody who's currently on a school board or sits in a school, they will explain to you that there's any number of protections that are currently in place, as Senator Hunt and Senator Juarez pointed out from her time on the school board, which I really appreciate. And parents do have a right to have those protections in place. But what we should not be doing as a legislature is continuing to underscore or to amplify the rhetoric that we hear in public that schools are, for some reason, or in some way shape or form, seeking to harm our kids by providing them with illicit material. We simply know that's not true. And I have a number of friends who are teachers or were teachers who have worked in school libraries who have left that profession, or have indicated that they want to leave that profession because of how much anti-teacher and anti-librarian sentiment there is in the public right now, and I think that's really problematic. So, I just-- I think that bills like LB390 seek to sort of create more of this stirring of the pot without actually addressing any of the underlying issues. And so, for LB390 to be gutted of what its original intention was-- which I disagreed with as well-- while still having the problematic effect of encouraging skepticism of our teachers and our libraries, I think it achieves very little while simultaneously causing a relatively high amount of harm. So, for that, I will continue to be opposed to LB390. I don't see anybody else in the queue, so I really appreciate the conversation we've had here today. I think this has been a legitimate discussion

not just of the bill, but of sort of the overarching concerns that we've addressed as a legislature as it pertains to protecting children and books, and the importance of education, and the importance of schools being able to be safe places for our kids to learn in a way that they feel comfortable, while still balancing that with the protections that parents of course deserve, so. Thank you, colleagues. I appreciate the talk today. I'll yield the remainder of my time. Thank you, Mr. President.

**KELLY:** Thank you, Senator Dungan. Seeing no one else in the queue, Senator Hunt, you're recognized to close on FA93.

**HUNT:** Thank you, Mr. President. I'll close out by saying if our goal is to encourage kids to read and to make sure that we are nurturing a future with youth who feel confident, who feel supported, who feel safe, and who aren't afraid to check out a book from the library without thinking they're going to be reported for it, or put on a list, or surveilled in some way, this bill is not the way to do that. When we treat books like contraband, when we make every checkout feel like a potential red flag, when we turn the school library into a place of surveillance instead of a safe place for exploration, kids will stop going. Kids won't find reading fun. And, as many people have said today, including Senator Conrad, and as Senator Murman has said himself about this bill, parents already have the right to monitor what their kids are reading. If you can't have a conversation with your kids about what they're reading and what they are looking at, then there's a bigger problem in your family that no law can fix, that no amount of surveillance can fix. That's something that you guys have to work out internally with yourselves. A huge part of getting students to read is making sure that they feel safe, you know, looking through the library and picking out a book that speaks to them. If we want to encourage kids to be thoughtful, to be lifelong learners, then we cannot support this bill. And we've heard a lot this session about protecting kids online, and we say that we trust parents and we want parents to raise their kids instead of government, but instead of empowering them with resources, what we're actually doing with bills like LB390 is handing over power to the government, handing over control to the government, to the law, and saying "You can't make decisions for your kid unless you go through the government-approved process," and that's not parental rights; it's parental surveillance. And I worry about the slippery slope that we're on with the surveillance, with the government requirements, with the mandates on schools that schools are not asking us for. Colleagues, schools across this state in your districts are thanking me for making these points

because they do not want this bill. They do not want more requirements, more chores to do, more infringement on their, you know, capacity as the experts in our states to teach our kids, to do the work that we invest in them to do, that we trust them to do. And I wish that I, I could take this two hours. I could take this eight hours if I wanted to by myself, but we also have a culture in this Legislature right now of retaliation and blowback. And we-- I remember my first year, Speaker Scheer, who was the speaker at that time, he was-- he, he and I had very intense ideological disagreements, but he was very firm as a leader that we cannot let our personal feelings for introducers or, you know, what happened at 11:37 a.m. affect what we're going to do at 1:15 p.m. We have to leave stuff where it is and have some amnesia so we can move on to other things, and understand that we're going to agree on some things and then we're going to turn around 20 minutes later and disagree, back and forth all day long. And that's the work of responsible governance, that's the work of the responsible legislating, and it makes me sad that we don't have that today in this body; that this is another theme of our service in this Legislature, and I think that's tragic. So, I'm going to leave this alone. I'll be happy if we can just strike the enacting clause and vote to return it to Select File because it's not an important bill, it's not a helpful bill; it's harmful bill, and it's not necessary because parents already have the right to monitor what their kids are looking at in the library. So, I'd encourage you to support my motion. If it fails, I encourage you to vote no on LB390, or perhaps be not voting, which will, of course, end up showing up as a no. You know, think about the message we're sending to kids, and think about the type of requirements that we're putting on schools that are not contributing to education, that are just contributing to more chores that educators have to do. Thank you, Mr. President. Please vote yes on my motion and no on the bill. Thank you.

**KELLY:** Thank you, Senator Hunt. Members, the question is the adoption of FA93, the motion to return to Select. All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** 8 ayes, 31 nays, Mr. President, on the motion to return.

**KELLY:** FA93 is not adopted. Mr. Clerk.

**CLERK:** Mr. President, Senator Hunt would move to return the bill to Select File for a specific amendment with FA-- that amendment being FA94.



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**KELLY:** Senator Hunt, you're recognized open on FA94.

**HUNT:** I'll withdraw that motion. Thank you, Mr. President.

**KELLY:** So ordered. Members, the-- Mr., Mr. Clerk, please read LB390.

**CLERK:** [Read LB390 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB390 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Brandt, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Ibach, Jacobson, Kauth, Lippincott, Lonowski, McKeon, Meyer, Moser, Murman, Prokop, Sorrentino, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senators Bostar, Cavanaugh, Cavanaugh, Dungan, Fredrickson, Guereca, Hunt, Juarez, McKinney, Quick, Raybould, Riepe, Rountree, Spivey. Not voting: Senator Sanders. Vote is 34 ayes, 14 nays, 1 excused, not voting, Mr. President.

**KELLY:** LB390 passes. The next bill on Final Reading is LB457.

**CLERK:** [Read LB457 on Final Reading]

**KELLY:** All provisions of law relative to procedure having been complied with, the question is, shall LB457 pass? All those in favor, vote aye; all those opposed, vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Andersen, Arch, Armendariz, Ballard, Bosn, Bostar, Brandt, Cavanaugh, Cavanaugh, Clements, Clouse, Conrad, DeBoer, DeKay, Dorn, Dover, Dungan, Fredrickson, Guereca, Hallstrom, Hansen, Hardin, Holdcroft, Hughes, Hunt, Ibach, Jacobson, Juarez, Kauth, Lippincott, Lonowski, McKeon, McKinney, Meyer, Moser, Murman, Prokop, Quick, Raybould, Rountree, Sorrentino, Spivey, Storer, Storm, Strommen, von Gillern, Wordekemper. Voting no: Senator Riepe. Not voting: Senator Sanders. Vote is 47 ayes, 1 nay, 1 excused, not voting, Mr. President.

**KELLY:** LB457 passes. Speaker Arch, you're recognized for an announcement.

**ARCH:** Thank you, Mr. President. I have a few announcements regarding scheduling today. I'd like you to listen up here. First, I want to

provide a heads-up that tomorrow morning, we will be debating LB650, the Revenue Committee's priority bill. And it's to eliminate certain sales tax exemptions, change income tax provisions relating to nonresident income and certain tax credits, and provide and change certain sunset dates relating to tax incentives. The bill was reported to General File yesterday. Senator von Gillern has a briefing on the bill scheduled at 12:45 today. Second, I've decided to apply the 4-2-1 cloture threshold to LB632, Senator Hansen's bill to require a health care facility to dispose of the remains of aborted unborn children. I do not intend to invoke this shorted cloture threshold on a lot of bills, but I do believe that this bill fits the criteria for an emotionally-charged bill that does not lend itself to amendment seeking compromise. And third, I have decided to schedule two to three small consent calendars to allow some of the remaining non-controversial bills to be passed during the last half of the session. The pages will be passing out, eventually, a memo when I finish speaking, which outlines the criteria I will be using to evaluate a bill for consent calendar consideration. Because a consent calendar bill is guaranteed a vote at the end of 15 minutes regardless of where we are in the debate, I, as have several of the prior speakers, have established additional criteria than just the required no nay votes outlined in our rules. And that criteria includes: number one, the bill is non-controversial, meaning the bills do not fit consent if anyone testified at the committee hearing in opposition and a committee amendment does not take care of the testifiers' concerns. Two, the topic of the bill opens-- that opens up is non-controversial, necessary. For example, a bill which makes a small change implicating a charged social issue is not consent material. Three, bill does not add a lot of changes. A bill adopting a new act or making several changes to an existing law is generally not consent material. Four, bill doesn't have a General Fund impact, or transfer funds to or from the Cash Reserve Fund. So, this is not a-- this is not a fiscal bill, and that's one of the criteria as well. And the bill has been reported to General File before a letter of request has been delivered to my office. So, it's out of committee, it's been reported, the committee, the committee statement is, is-- has been filed. So, I'll begin accepting consent calendar request letters later today, if you have them ready, if you want to get them ready. Each bill requested requires a "seperal"-- a separate request letter. Please make sure you follow the deadlines for submission. The first cutoff for a request letter for any bill reported to General File by April 16 will be 3:00 on April 17, so that'll be the first round. For bills reported to General File after April 16 through May 1 will be by 5:00 p.m. on, on

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May 1. And bills reported to General File after May, after May 1 will not be considered for a consent calendar this year. So, I do intend to adhere to these deadlines. So please, please mark your calendars accordingly. Thank you, Mr. President.

**KELLY:** Thank you, Mr. Speaker. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB84, LB97 with the emergency clause enacted, LB113, LB148, LB326, LB355, LB390, and LB457. Mr. Clerk, for items.

**CLERK:** Mr. President, amendments to be printed from Senator McKinney to LB287, as well as a report from the Education Committee concerning an appointment to the Board of Educational Lands and Funds. Notice that the Appropriations Committee will hold an executive session in Room 1003 at noon. Appropriations, 1003, noon, executive session. Finally, Mr. President, a priority motion. Senator Bostar would move to recess the body until 1:30 p.m.

**KELLY:** Members, you've heard the motion to recess. All those in favor, say aye. Those opposed, nay. The Legislature is in recess.

[RECESS]

**ARCH:** Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** There's a quorum present, Mr. President.

**ARCH:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I do, Mr. President. A bill was read this morning on Final Reading and presented to the governor at 11:58 a.m. Additionally, your Committee on Enrollment and Review reports LB317 to Select File with E&R amendments. That's all I have at this time, Mr. President.

**ARCH:** Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda.

**CLERK:** Thank you, Mr. President. General File, LB319, introduced by Senator Rountree. It's a bill for an act relating to public assistance; it amends Section 68-1017.02; changes provisions relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and repeals the original section. The bill was read for

the first time on January 16 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File. There are no committee amendments. There is an additional floor amendment, Mr. President.

**ARCH:** Senator Rountree, you're recognized to open.

**ROUNTREE:** Good afternoon and thank you, Mr. President. Good afternoon, colleagues, and those that are watching online. To everything, there is a season, and there is time for every purpose under the heavens. Today, I rise to introduce LB319, which would end Nebraska's lifetime ban for SNAP benefits for those convicted of certain drug-related felonies. Currently, in federal law, there's a lifetime SNAP ban for anyone convicted of a drug felony for possession, use, or distribution unless state law specifically modifies it. Nebraska currently has a modified ban that creates a small exception for those who have 2 or fewer felonies for use or possession and have completed a state-licensed or nationally-accredited substance abuse treatment program. A full ban remains for those with felonies for distribution. LB319 aims to have Nebraska join the 26 states that currently have opted out of the ban entirely. These states include neighbors like Iowa, South Dakota, and Wyoming, as well as others, such as Mississippi and Louisiana. This bill would impact around 1,000 families in Nebraska. However, the estimate of 1,00 people being denied due to this ban may actually be lower than the real numbers of Nebraskans being affected, as some individuals may not even apply due to the ban or may be denied and listed under a different rationale, such as incorrect applications. I have passed out and it's still being passed out a handout with facts and figures about the impact that LB319 will have on our state. I would like to highlight one factor that may be easy to miss, but makes a large difference for families trying to make ends meet. Families and children with a member who is banned are still eligible to receive SNAP. However, the banned individual is not counted in the household size, reducing benefits for the household. Additionally, the banned individual's income still counts toward the household income, resulting in even fewer benefits and less food to go around. For instance, imagine a family of 4 with 2 adults and 2 children. The maximum net monthly income for a family of 4 to qualify for SNAP is \$3,380, which is equal to 130% of the federal poverty level. So imagine one of the adults in the family is banned under the current SNAP laws. Now you have a family size of 3, where the maximum allowed monthly income is \$2,798. Although the individual is now removed from the household size, their income is still counted towards the family's total, which could further reduce their allotted

benefits. We, as a state, acknowledge that there is a need for these families to receive assistance, and they would be receiving better support if it was not for this ban. This bill has been brought before in recent years, with the most recent iteration being LB88, which was brought forward by Senator Hunt in 2023. I appreciate Senator Hunt's work on this legislation and her efforts to ensure that every Nebraskan is able to provide for themselves and their families. As a new member of the Judiciary Committee, I've gained a deeper appreciation for the efforts to rehabilitate those coming out of our judicial system. The governor and the Department of Corrections have developed a program called Reentry 2030. The goal of this program is to improve how Nebraskans reenter society after they have served their time and successfully reintegrate into their community. I would also like to recognize the work of Senator Holdcroft on his bill, LB215, the Second Chance Act, which helps those who are rehabilitated to get a second chance and expunge nonviolent offenses from their record. I view LB319 as a piece of that puzzle. Everyone has to eat. It does not matter who you are or what your background is or what you have done. As someone reenters society, they have to find work and make a living for themselves, but that is often easier said than done. We are all aware of the fact that a convicted felon has a harder time finding employment due to their history. According to data from the United States Chamber of Commerce, formerly incarcerated people experience unemployment rates at roughly 30%. When you cannot gain employment, you cannot pay for your basic necessities, and you may find yourself back in the same old habits that caused you to enter into the judicial system in the first place. I want to just read a testimony from one that came and testified in our hearing before the DHHS, before our committee. And they say, good afternoon. My name is Tommy Newcombe, and I live in Norfolk, Nebraska. I'm a husband, a parent, a new grandfather, and I work at The Well, an organization that supports people navigating addiction and mental health challenges. I'm here to testify in favor of LB319, which would eliminate Nebraska's ban on SNAP benefits for individuals with certain felony drug convictions. This policy negatively impacts individuals and communities across our state. I know this firsthand. When I was 21 years old, I was arrested for a felony drug possession. At that time, my life was consumed by addiction. I had no stable access to food or shelter, and survival was my only focus. Using substances often became a way to avoid the hunger and despair I felt every day. The few people I could rely on were also struggling, caught in the same cycles of poverty and addiction. The resources I desperately needed, basic things like food assistance, fell out of reach because of the barriers created by policies like the

SNAP ban. It took over a decade of living in survival mode before I finally found meaningful help. At age 33, I entered treatment, and for the first time in years, I became eligible for SNAP. Having access to food assistance transformed my life. For the first time, I wasn't preoccupied with where my next meal would come from. I could focus on building a better future, finding a job, pursuing higher education, and rebuilding relationships with my family. With stability, I began to contribute to my community in ways that I could never before. One of the most damaging aspects of this ban is the stigma of-- it perpetuates. It tells people with past drug convictions that they are less deserving of basic human needs like food. That message doesn't just hurt. It traps people in cycles of poverty, shame, and isolation. For me, being denied SNAP felt like being told I wasn't worthy of getting help or making a life-- better life. It kept me stuck for a long time. But he goes on to say he's been in recovery for over 12 years now, and haven't needed SNAP for 11 of those years., But it did help him when he was in, when he was in need. So we must ask ourselves, what is the purpose of our judicial system? We send individuals to prison in the hopes that they are able to repay their debt to society and come out as productive members of our communities. The time spent behind bars is the punishment for the crimes they have committed. Once they have served their time and completed their programming, now the goal is to help them get on their feet and turn their lives around. We have programs like SNAP in place to lift up those in need. This is not a handout, it's a hand up. I've heard countless stories of single parents trying to do right by their families, but they are denied assistance to put food on their table. We have a chance to right that, right now, and to feed over 1,000 Nebraskans, a chance to send children to school with full stomachs so they can focus on their lessons and not on their hunger, a chance to look at your neighbor in their eyes and say, I believe in you and your journey to be the best person you can be. I ask that you leave behind the tough on crime mentality of the '90s and look forward to a future where our state and our citizens can thrive. LB319 was voted out of the Health and Human Services Committee 6-0, with one member not voting. Thank you for your consideration of this legislation, and I ask that you please vote yes on LB319. Thank you, Mr. President.

**ARCH:** Mr. Clerk, for an amendment.

**CLERK:** Mr. President, Senator Rountree, I have FA72 with a note that you would withdraw.

**ARCH:** So ordered.

**CLERK:** In that case, Mr. President, I have nothing further at this time.

**ARCH:** Turning to the cue, Senator Raybould, you are recognized to speak.

**RAYBOULD:** Thank you, Mr. President. I stand in support of LB319, and thank Senator Rountree for bringing this forward. It's righting a wrong. It's righting an injustice. And I feel privileged to have worked with Senator Wayne's bill, LB20, where that was also righting a wrong by restoring voting rights to those who have served their time and completed their felony conviction sentences. We all know that food is essential. Food is critical. I just want to say that Senator Rountree didn't bring this up, but the online comments were overwhelmingly in support of this. There were 220 individuals that took the time to write emails in support of LB319, with only 12 opponents. It's really sad to know that we have food insecurity in our state. In our plentiful agricultural state, we have food insecurity. The Food Bank of Lincoln estimates that 267,960 Nebraskans are food insecure, including 64,510 people in southeast Nebraska. The Center for People, which was formerly called the Center for People in Need, they have talked and said that they have seen a 54% increase in families relying on their food pantry for help. The surge stems from systemic and economic challenges, rising costs for food, housing, and transportation affecting Nebraska's most vulnerable low-income individuals: refugees, immigrants, and justice-impacted people. Those are the ones that are served by Center for People. Despite these unprecedented challenges, their current program costs \$373,000 a year, and they're running only at 17.50% right now. They're trying to figure out how to make ends meet to continue to, to service those who have these food needs. I just want to say that reintegration, in order for it to succeed, there are 3 fundamental things. There is food, shelter, and jobs. These are the essential things to help reduce any type of recidivism rate for those that are particularly vulnerable. And I encourage everyone to, to be supportive of this initiative and to make sure that we do provide those individuals with the tools they need and to correct this wrong, so that they can succeed, so that they can be reintegrated in our community as a, a valuable contributing member to our workforce shortage, and food is essential. Thank you, Mr. President.

**ARCH:** Senator Hardin, you're recognized to speak.

**HARDIN:** Thank you, Mr. President. I just wanted to point out some things, as chair of HHS that we considered, as we looked at this bill brought by Senator Rountree. And that is 3 of the most conservative states around us are already doing this. That would be Iowa, Wyoming, and South Dakota. An interesting pragmatic piece of this is that when you have a ban in place for this segment of society, basically the recidivism goes up pretty dramatically, from about 3% to about 10%. More people will actually go back into prison because of bad things they do outside of prison when they don't have accessibility to food. What else will they do? And so, I think that's the challenging part, is to say, well, they're taking advantage of the system. They sure can. And on the other hand, if they have this food piece aided through this process, that removes a temptation to perhaps get back involved with the kinds of things that may have put them in, in the pokey in the first place. And so, in fact, that's what the statistics are showing, is that almost 3 times as many people stay out on this note, as if you keep this ban on the SNAP in place. And so we're often looking at the states around us and saying, we kind of like to find out what they are doing to get some gauge as to our own barometer, of are we doing a good thing, a proper thing, a right thing for Nebraska. And so, I'm just pointing out some of the facts of this situation that says 3 of the most conservative states around us and in the country are already doing what LB319 is considering. So thank you, Mr. President.

**ARCH:** Senator Andersen, you're recognized to speak.

**ANDERSEN:** Thank you, Mr. President. I appreciate Senator Hardin's comments, but I'd submit that just because all the, the other states are doing it doesn't mean that we should, too. When I looked at the bill for LB319, I stand in opposition to it. I also submitted a bill dealing with SNAP, LB656. In looking at the-- at what Senator Rountree has submitted, it says that if you are a drug-offending felon, as soon as you get out of jail, you qualify for SNAP. It also strikes the parts that say that if you have-- it allows you to have as many drug felony convictions as possible, and when you get out of jail, you still qualify for food stamps. It also says that if you have 1-2 drug felonies, you're now eligible to, to get SNAP, as well. There-- and it also eliminates the work requirement, which I think is fundamental. So, same thing with-- there's no requirement-- it strikes the requirement for doing drug rehab and drug treatment to qualify for food stamps. So I'd like to see if Senator Rountree would yield to a couple questions.



**ANDERSEN:** Senator Rountree, will you yield?

**ROUNTREE:** Yes, sir. I'll yield to a question, Mr. Speaker.

**ANDERSEN:** Thank you, Senator Rountree. Your fiscal note says that there is no cost. Is that, is that accurate?

**ROUNTREE:** That's correct.

**ANDERSEN:** I find that interesting. Because my bill that actually-- LB 656, that actually got rid of the work requirement, saying that you need to be at work if you're going to get any kind of welfare benefits, the fiscal note came back at \$2.2 to \$3.2 million. So if we're adding these, these drug felons as soon as they come out of prison to get SNAP, I don't know how there's not an increase in the bill. In the accountability and tracking of people and everything else, I don't-- I guess I don't understand the fiscal note.

**ROUNTREE:** If you read the fiscal note that is on our bill, you'll see that our HHS is able to absorb any tracking mechanisms that they have. Also, these are federal funds and they do not impact our local funding.

**ANDERSEN:** OK. I think you probably-- requires more examination. The two don't really-- they don't match. Right.

**ROUNTREE:** I understand. And this bill does not get rid of the work requirement. They're still-- everybody's abiding by the work requirement.

**ANDERSEN:** In your bill, the work requirement is still exempted. It's a blanket waiver by the state of Nebraska to the federal requirement for working, and that remains in your bill.

**ROUNTREE:** Well, we'll look at the bill.

**ANDERSEN:** OK. Are you familiar with the RISE program?

**ROUNTREE:** I am familiar with the RISE program.

**ANDERSEN:** OK. Just for those who aren't, the RISE program is for transitioning felons. They work with them in and outside of prison. It helps them reenter into the community, provides employment services, Medicaid access, and is philanthropic in nature. So I would submit is when the-- when these people coming back into society need assistance,

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that maybe they shouldn't be relying upon the government. They should be relying on the philanthropic efforts, like you mentioned, the Reentry 2023 [SIC]. That's another example of there's existing programs in place to support these people when they come back into society. And actually, RISE is great, because it helps them in-- within the prison and outside.

**ROUNTREE:** That is true, Senator Andersen. We do-- we're very much aware of RISE and other organizations. In our Judiciary Committee, we have had many, many organizations that have come in that provide these services, transition services, so there's more than enough that are available. So we help them to get set and transition back into our society, while SNAP is a benefit that is available unto them.

**ANDERSEN:** Thanks. I appreciate your, your charitable outlook on all this. Are you familiar with the PREP House, in Omaha? P-R-E-P?

**ROUNTREE:** I have not been to the PREP House.

**ANDERSEN:** I can, I can give you the article on it. Basically, it's a house that's designed for exactly this: people coming out of prison that need to transition back into society and community. It gives them a place to go. I think this one house had 15 beds, something like that, but it's designed for exactly that. Again, philanthropic in nature, not reliant upon the government to fund. That's all the questions I have for you. Thank you.

**ROUNTREE:** Thank you so much, Senator Andersen. And yes, we do have many houses. They have come and testified before our Judiciary Committee. Some have 15 beds, some have 20 beds. Some can't get any referrals for transitional members to come--

**ANDERSEN:** Great.

**ROUNTREE:** --and be there, but yes, we do quite a few that's available.

**ANDERSEN:** Thank you.

**ROUNTREE:** Yes, sir.

**ANDERSEN:** So just in conclusion, what I'd submit is, when you have somebody that's decided to be a drug dealer, there's the cost of the police, there's cost of the judicial system, there's cost of prosecution, public defenders. But then when they go to jail at-- for 10 years, say, it costs \$41,000 or so, at least, a year, so that's

\$410,000. We're now up to half a million dollars of government funds been spent on this person, because they want to be-- they chose to be a drug dealer. And now when they come out of prison, you want to give them more money in food stamps. And that's, and that's why I take objection to it, and that's why I stand opposed to LB319. Thank you, Mr. President. I yield back my time.

**ARCH:** Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you, Mr. President. I must say that I'm very conflicted on this bill. Initially, I looked at the bill from the standpoint of an individual that lives in my district. When I was knocking on doors, I bumped into 3 convicted felons when I was knocking on doors. This individual really struck me, because he's someone who spent time in prison for being a meth dealer, and he was on meth himself, as was his girlfriend. They both were convicted, they both served time. He cleaned himself up in prison. She did not. He got back, and because they were both convicted felons, they can't even speak to each other. She went back to her old drug dealer, and frankly, now is set up-- caught up in a sex trafficking ring, as well as being caught up with the meth. He has remained clean, trying to find a productive job as a convicted felon, which is a challenge in itself. He did get a job, because he does have an accounting degree and is working gainfully, and then he was diagnosed with MS. And now, he can only work 2 days a week and he struggles to do that, has no other family, and is now being denied SNAP payments. So the concern that I have is we seem to be looking-- and I, and I might have a question for Senator Rountree on understanding the bill. I, I understand that the law, the way it stands today, is if you had these convictions-- I'm assuming these are post-serving time. So why is it dealing-- why is it not dealing with what happens post-serving time? It seems to me if you serve time, you're released, like voting, like other things, when do you get to start over? And, and if you re-offend, I understand it's probably game over. But if you don't re-affend, and it's federal dollars that are coming through the SNAP program, am I missing something here, Senator Rountree? I, I would ask a question of Senator Rountree, Rountree, if I could.

**ARCH:** Senator Rountree, will, will you yield to a question?

**ROUNTREE:** Yes, Mr. Speaker, I'll yield to a question.

**JACOBSON:** So, how do you understand the convictions? Is this pre-serving time or post?

**ROUNTREE:** Sir, the way we understand it in the bill, it states that a person that's convicted of a felony involving the possession, use of this-- these substances under this subsection, if they are completed such a person's sentence-- if they've completed the sentence. And in (iii), it says, or is serving a term of parole, so that's [INAUDIBLE] parole, probation, or post-release supervision for that felony.

**JACOBSON:** Well, thank you. So my-- [INAUDIBLE] if you would, I'd like a follow-up a question. So, in the case of my guy, who I don't know how many convictions he had before he served time, but now that he's served time and has been released and he's stayed clean, is he able to be eligible for SNAP payments?

**ROUNTREE:** Under this particular--

**JACOBSON:** The way the law is right now.

**ROUNTREE:** The way the law is right now, he'd be still eliminated if he's--

**JACOBSON:** Ineligible.

**ROUNTREE:** For drugs. Yes, he would be ineligible. So we're trying to restore the eligibility if they have met all of their service requirements, as well as their rehabilitative requirements.

**JACOBSON:** So, so if they-- under, under your bill and the change, the question then becomes, if you re-offend and you go back to prison, then you have to wait until you're out of prison to be-- and, and go through treatment to be able to be eligible again?

**ROUNTREE:** Yes. If they have completed the judiciary set: rehabilitation, treatment, then yes.

**JACOBSON:** OK. Well, I, I think there are some unique situations out there, and I would like to see-- I'm, I'm uncomfortable with the language of unlimited. I think there's got to be a limit, and I-- it needs to be post-serving time limit, it seems to me. Hopefully, that's something that could be cleaned up through an amendment. I'd be inclined to vote in favor of the bill to get it from General to Select, but I would like to see an amendment on Select if I were to vote for it on, on General. So, thank you.

**ROUNTREE:** Thank you, Senator Jacobson.

**ARCH:** Senator Hughes, you're recognized to speak.

**HUGHES:** Thank you, Mr. Chairman. I just wanted to stand up quickly and say that I do support LB319 that Senator Roundtree brought. One thing I found very interesting with this conversation this afternoon is some of the statistics that Senator Hardin mentioned, about recidivism. If you get out and you can't have food or don't have food, that's a basic need and might drive you to do something else to get it. The other part of this is just a discussion in whole, is that a certain carve-out or exemption for a group of people. It's interesting that you've served your crime, but if it was a drug felony, you are not eligible for SNAP. But I can rape someone or kill someone, which is a felony, and then get out after I've served my time and I am eligible for SNAP. So drugs, which, you know, clearly, you're probably dealing with an addiction problem here. That, I get put in jail, I'm not eligible, but I can kill someone and I am eligible. So that does not mean-- that doesn't make sense to me. And then the other part of it is, I do believe that if you have served-- you've done a crime and you've-- what is the, the rhyme? You served your time. You've served your sentence, and you have gone through your probation, which, they do the drug checks and all that. I've, I've watched our drug probation courts and things like that, as well. At what point do you get to become a citizen of the United States again, and try to do better? So I do support this bill by Senator Rountree. I find it interesting that we have a carve-out for different types of felonies for this, and I don't think that that is a right thing. So I'm, I'm happy that he's brought this to put us back so that it's eligible for anyone. Thank you.

**ARCH:** Senator Andersen, you're recognized to speak.

**ANDERSEN:** Thank you, Mr. President. I just wanted to follow up on a question that Senator Jacobson had asked and the answer he received. He asked-- he talked about if somebody had a drug conviction and they were getting rehab and everything else, they'd be eligible for SNAP. And under LB319, if you look at page 6 on line 30, it starts and says, shall only be eligible to receive SNAP benefits under the subsection of he or she is participating or has completed a state-licensed or nationally-accredited substance abuse treatment program since the date of conviction. And this is what is stricken from the bill. So it says that that requirement to go through drug rehab or a drug treatment program is no long-- will no longer be required. And it says that-- currently, it says the determination of such participation should be cleated-- completed by the treatment provider administering the

program. So the oversight and somebody to say yes, they've gone through drug treatment, yes, they've gone through drug rehab, and yes, they're well on their way to recovery, that's all being taken out of the bill. So none of that is actually in place any-- would not be in place anymore. Mr. President, thank you. I yield my time.

**ARCH:** Senator Sorrentino, you're recognized to speak.

**SORRENTINO:** Thank you, Mr. President. We talk a lot in this Chamber about the rights of felons-- convicted felons. And we're doing that again today, which is fine. I want to talk about the other side. Most of these individuals who have been convicted of these crimes, up to 3 times or more, it's drug-related. I have to think that many times, it's selling the drugs, delivering the drugs, distributing the drugs. And, of course, they're hurting other people, other people who are addicted to those drugs. Those people, too, have wives, husbands, children. I never hear a discussion about the damage that was done to that person, and now providing SNAP benefits to their wives or husbands or childrens. That's my entire comment. Thank you, Mr. President.

**ARCH:** Seeing no one left in the queue, Senator Rountree, you are recognized to close on LB319.

**ROUNTREE:** Thank you so much, Mr. Speaker. We appreciate all of the input today for this particular bill. Just-- I want to state that there is so much support for this bill during the hearing. We had so many people that came in and testified. Our Lincoln Police Chief Department fully supports the bill. Her position is that as long as we can restore convicted felons, ease a lot of their stress, food insecurity, it's gonna be a better interaction with her officers out on the streets. The Omaha Police Officers Association also is in full support of our bill. They weren't able to come in and testify, but they are there to support it as well. In answer to one of the questions I was asked earlier, RISE is in full support of the bill. As a matter of fact, they're out in the Rotunda now, but they have been a full supporter of this bill. And yes, as many of the organizations that came and testified in our Judiciary Committee that provide these transitional services. A lot of times, these individuals are not referred to those particular entities, and sometimes I think we know what the reason is and why the reason they aren't referred. You know, just as I look at, you know, why some people ask questions in here only when certain people get up and speak with bills, but that's OK, too, because this is our Unicameral. This is us. Regardless of where

we come from, we were elected to come here and do the business for the people of Nebraska. So for all that have risen in support of this bill, I think about those children that are in my classrooms when I'm substitute teaching. And when they come to school and they are not able to study and participate because they're hungry, when they have issues in the homes because the families are not-- don't have a lot of food and food insecurity. And the question was asked, when is enough enough? Our whole basis of our Christianity is based upon forgiveness and restoration. Senator Holdcroft is introducing a bill that I wholeheartedly support, because it's restoration. When we've been forgiven and we've been restored, then there's opportunity for hope to be restored. Hope deferred makes the heart sick. But when the desire comes, it's a river of life. And we have a number of families and members who have paid their debt to society. How many times have I been forgiven? I'm not going to ask you, but I'll talk about me. Senator Clements prayed an invocation this morning that was one for the ages. And he said, because-- it's because of the Lord's mercies that we are not consumed, because his mercies are new every morning. And so we have an opportunity for these that are impacted by this bill to extend mercy and restore them. If our law enforcement says this is going to help us have better interactions on the streets, if it's going to cut that recidivism rate down for all the money that Senator Andersen talked about we're spending on incarceration and we get to keep them out, then my fellow senators, my fellow senators, this is what we need to do. This is the right thing. So I respectfully ask for your green vote and advance LB319 to our General File. I do want to address in this close, Senator Jacobson, that we will be open to good, honest discussion-- good faith, good, honest discussion to make this bill better, so that we can do right by those that are impacted. So with that, Mr. Speaker, I close and I yield my time.

**ARCH:** Colleagues, the question before the body is the advancement of LB319 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 32 ayes, 5 nays on advancement of the bill, Mr. President.

**ARCH:** LB319 advances. Mr. Clerk, for items.

**CLERK:** Thank you, Mr President. Your Committee on Enrollment and Review reports LB388, LB613, LB414, LB526, LB382 to Select File, some having E&R amendments; and an amendment to be printed from Senator Ibach, to LB646. That's all I have at this time.

**ARCH:** Mr. Clerk, please proceed to the next item.

**CLERK:** Mr. President, General File, LB383, introduced by Senator Storer. It's a bill for an act relating-- excuse me-- introduced by Senator Storer at the request of the governor. It's a bill for an act relating to social media; adopts the Parental Rights in Social Media Act; provides an operative date; and provides severability. The bill was read for the first time on January 17 of this year and referred to the Judiciary Committee. That committee placed the bill on General File, with committee amendments, Mr. President.

**ARCH:** Senator Storer, you are recognized to open.

**STORER:** Thank you, Mr. President. Good afternoon, colleagues. I am very pleased to open on LB383. We have referred to this or, or called this the Parental Rights in Social Media Act. And I want to give you just a, a little bit of background as to why we introduced-- why I introduced this bill. In some conversations with my, my son, 30-- 32 years old, father, very thoughtful, actually working overseas, doing some anti-human trafficking work at the moment. We were talking, during my campaign, about the issues. And as we talked, he said, well, those are all important, but it just seems like the same things. We're talking about taxes, and blah, blah, blah. You know, he's like, they're important, I agree with them. I said, well, what is it, as a young father, you would like to see us address in the Legislature that, that really would impact lives? And he, and he held up his phone, and he said, we need to figure out how we protect our kids from these. And that sort of set me on a quest to understand, at a, at a much deeper level, what it was he meant and, and what the, the concerns were. And after several weeks and several months, really, of looking deeper at this issue, I, I clearly became convinced that this is a very necessary and impactful bill. We are losing our kids. I talked to parents and kids alike about this issue. And what I will tell you is across the board, they're asking for help. We're behind in terms of our ability to regulate appropriately and put guardrails to protect our youth in the realm of social media. The impact of social media-- and I did pass out a, a, a handout there, from the, the Surgeon General, with a little bit of background and data, to give you just some pure, pure hard data on what we're looking at. But the impact of social media on youth's mental health and safety, quite frankly, is not up for debate anymore. The facts are out. The evidence is clear. And in that handout, May-- that was May of 2023. The U.S. Surgeon General at the time, Vivek Murthy, issued an advisory warning, finding that the evidence was ample that social media presented a



profound risk of harm to the mental health and wellbeing of children and adolescents. We are seeing skyrocketing rates of suicide-- do you know that suicide has now become the number 2 cause of death in 15-30-year-olds? The number 2 cause of death. Depression, anxiety, walk into a middle school or a high school and tell me if those are the same bright eyes and energetic faces that you saw 15 years ago. Some of you were in high school or junior high 15 years ago. Some of us were parenting high schoolers and 15-year-olds-- junior high kids 15 years ago. So the evidence is clear. What, what LB383 does is pretty straightforward. It puts parents back in the driver's seat. We are asking that parents be given the tools to make the decisions for what social media platforms their children have access to. It's really that simple. You're going to hear today probably a little bit of concern or pushback that claims that we are violating-- LB383 would, would violate free speech. And I would tell you it does not, because LB383 is entirely content-neutral. It is not about what people say online. It is about how kids access the online platforms. The Nebraska Attorney General has, has reviewed LB383. He testified in the hearing that he believes it is solid and stands firmly behind the bill. The same free speech arguments being made against this bill were the same arguments made against Senator Murman's bill that we passed last year, and those arguments have proven to be unfounded. The U.S. Supreme Court heard oral arguments in a case about online age verification for pornography websites in January of this year. And the consensus across the board from those arguments is that the court is poised to uphold laws requiring online verification, even for laws that regulate content, of which LB383 does not. So if we can pass laws requiring age verification based on content, we can also pass laws requiring age verification that are content-neutral, like LB383. You also may hear some questions, and I, and I welcome them. There was a recent ruling in Arkansas that struck down a similar but not exactly same bill that their legislature passed with a similar goal. However, it was written very different. The court ruled-- the court ruling struck, struck down the Arkansas social media law was made by one single U.S. district judge for the Western District of Arkansas and it, quite frankly, has no legal bearing on Nebraska. In his decision, the judge wrote that the Arkansas law would violate the First Amendment rights of Arkansans, I can't say that. because it has a facially content-based restriction on speech that is not narrowly tailored. LB383, once again, is not content-based restriction. LB383 was tailored after Tennessee and Louisiana's similar laws to age verify for, for new accounts on social media platforms, and to require parental permission. We're modeling this after Tennessee and Louisiana, both of

which have passed, both of which are currently their state laws, and both of which have not been challenged. So there is an amendment in Arkansas to help fix some of their concerns as deemed by that federal judge, and actually their fixes are things that we already have in LB383. So rest assured. You also may hear some things on privacy, and we'll come back and, and talk about that a little bit more. But LB383 requires age verification be done in a manner that preserves user privacy. And, and I'm going to get back on the mic and talk just very specifically about the privacy issue, but I assure you that, that minors' rights to privacy in regards to parental oversight are not being violated. So we have also amended Senator Hardin's bill prohibiting child pornography, AI-generated, generated child pornography. And I want to give Senator Hardin some time to address and open on his portion of that bill. So if you're ready, Senator Hardin, I will yield time to you.

**ARCH:** Senator Hardin, 2 minute, 10 seconds.

**HARDIN:** Thank you. Included in AM837 is my bill, LB172, and I thank Senator Storer for allowing me to hitch a ride. LB172 is a crucial amendment to Nebraska's Child Pornography Prevention Act. This bill is a necessary and timely response to the evolving threats against our children in the digital age. Technology is advancing rapidly, and with it, so are the dangers that exploit the most vulnerable among us. It's our duty to ensure that our laws keep pace with these changes and protect Nebraska's children from new and emerging forms of exploitation. As technology advances, so do the threats to our kids. AI, deep fakes, and digital manipulation now allow predators to create life-like, computer-generated child pornography. These images, though not of real children, fuel exploitation and normalize abuse. LB172 updates our laws to fully criminalize AI-generated and digitally-altered child sexual abuse material. It expands definitions to include computer-generated people and content, strengthens legal clarity around visual depictions and sexual conduct, and ensures prosecutors can effectively hold offenders accountable. This is not a victimless crime. Offenders often morph real images from social media into explicit content, causing real harm, and current laws do not always cover these cases. Technology must not be a shield for predators, and we must act now. While federal efforts are underway, states must lead. If we fail to pass LB172, offenders will continue to exploit children, law enforcement will struggle, and more victims will suffer. This bill equips our justice system, protects our children, and ensures Nebraska leads the fight against modern exploitation. The time to act is now. The hearing for LB172 was on February 6. Some

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minor changes that were made between the hearing and AM837 were changing the term child pornography to child sexual abuse material.

**ARCH:** Time, Senator.

**HARDIN:** Thank you, Mr. President.

**ARCH:** As the clerk indicated, there is a committee amendment. Senator Bosn, you are recognized to open.

**BOSN:** Now? OK. Thank you, Mr. President and members of the Legislature. AM837 is the Judiciary Committee amendment to LB383. AM837 is a white copy amendment, strikes and replaces the original sections. It does include LB383 as introduced, and incorporates LB172 as amended. LB383 adopts the Parental Rights in Social Media Act, which prohibits social media companies from allowing minors to become account holders without parental consent. The act also requires social media platforms to provide parents with oversight tools to monitor and manage an account activity. LB172, as indicated and introduced by Senator Hardin, was amended into LB383 on a 7-1 vote of the Judiciary Committee. As amended, it updates the Child Pornography Prevention Act to include artificial intelligence or computer-generated content and reorganizes the following sections included in that act. The bill also changes the term, quote, child pornography to quote, child sexual abuse material, also known as CSAM, and criminalizes knowingly receiving child sexual abuse material. I ask for your support on AM837 to LB383, and thank you, Mr. President.

**ARCH:** Mr. Clerk.

**CLERK:** Mr. President, Senator John Cavanaugh would move to amend the committee amendments with AM1007.

**ARCH:** Senator Cavanaugh, you're recognized to open.

**J. CAVANAUGH:** Thank you, Mr. President. We're into the thousands, folks, 4-digit amendments. So this amendment, AM1007, is similar to the amendment we adopted to Senator Bosn's bill, I believe it was yesterday, LB504, that just clarifies that any fine or fee that is accrued as a result of Senator Storer's portion of the bill, as a penalty, goes to the common school fund. So, it's the same thing we did yesterday on Senator Bosn's bill. It is under the constitution, I'm trying to recall off the top of my head-- Section-- or Article VII, Section 5 says that any fine or fee gets apportioned to the jurisdiction, the school district in-- the common school fund for

the-- in the jurisdiction where the offense occurs. So, the constitution already mandates that. We have put it in other places in statute. Senator Hallstrom, I think, suggested that we should either put it everywhere or nowhere. I, of course, am a let's put it everywhere approach, so this is another place where, in the interest of consistency, in the interest of a belt, belt-and-suspenders approach, we should adopt this amendment to make sure that we are being clear that any fine or fee assessed under this goes to the common school fund. So I would encourage your green vote on AM1070 [SIC]. Thank you, Mr. President.

**ARCH:** Turning to the cue, Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Good afternoon, colleagues. I do rise in favor of AM1007, and listening to the conversation as it pertains to LB383 and AM837. So much like the conversation we had with regards to a prior bill from Senator Bosn about online sort of issues as they pertain to kids, I want to say myself and a lot of my colleagues I've talked to genuinely appreciate Senator Storer and Senator Hardin's efforts on both of these. And what I think is interesting is you have 2 somewhat distinct bills here that we're discussing. There's not really a germaneness issue, because they do come out of the same committee and, I think, open the same subjects. But you have Senator Storer's underlying bill, which is the online age verification, and then you have Senator Hardin's bill, which has to do with the criminalization of the AI-generated, generated child pornography. I think that they're both important conversations to have, but I certainly think they're conversations that should be had separately. The reason for that is there are objections, I think, that a person could have to one of those that they don't have to the other. And particularly, for me, the concerns that I have were brought up by Senator Storer in her opening, which is that the online age verification portion, which is completely separate and apart from Senator Hardin's bill, I do believe is unconstitutional as it pertains to First Amendment restrictions. We've had a, a long conversation, I think, about whether or not Senator Bosn's bill that we've previously passed does have those same constitutional issues. But in my analysis and in talking with a number of other people who have dug into this issue very deeply, I do think that the online age verification portion runs afoul of the First Amendment. And we're going to have time to get into that conversation. But to put it quite simply, I disagree respectfully that it's content-neutral. Part of that reason is certainly, there are certain social media sites that are included, whereas others, websites, are excluded, which inherently requires an

analysis of content in order to regulate access to that social media site or that website, which I think that automatically makes it not content-neutral. In addition to that, I think that the definitions to be found in the online age verification portion are unconstitutionally vague. You're going to hear quite a bit of conversation, colleagues, I think, about other bills that are very, very similar to this that require age verification that have been enjoined or stopped by the courts, by virtue of a facial analysis, meaning up front, on its face, it being unconstitutional. One of those that I've had the chance to read in pretty great detail is a case that arose out of Arkansas, which is in the same federal circuit as Nebraska, and so I find a lot of those cases informative. And I think that when you look at that case, you can see not only is this, in fact, content discrimination by virtue of who is or who isn't included, but you get into the good conversations of vagueness as it goes to the definition of what is a covered social media entity versus what is not. The analogy that I think is ultimately used also in that case is this would be akin to making every person present an identification before going into a forum, a public forum, like a park, where much of the content or the speech that you have in that forum is protected speech. And I do believe that it is not narrowly tailored to make every person have to present identification before accessing any of the covered entities that are loosely defined in the legislation. And as such, I do believe this fails that First Amendment, Amendment analysis. But colleagues, in order to better facilitate the debate between Senator Hardin's bill, which I think he's gotten to a place in a lot of hard work that I actually support, from Senator Storer's original underlying bill, the online age verification, which I do believe has those issues. In order to facilitate that conversation, Mr. Speaker, I would make a, a motion or I would move to divide the question.

**ARCH:** Senator Dungan and Senator Bosn, could you please approach? Mr. Clerk.

**CLERK:** Mr. President, the divisions. The first piece is the contents of LB383, AM 1010. The second piece is LB-- what is essentially LB172, AM1009. Senator Bosn, as chair of the committee, has asked to take up the first piece, the contents of LB383, making up AM1010 first, before the second piece of the division.

**ARCH:** Returning to the queue, Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. So I know the board doesn't reflect this right now. So I think we're on Senator Storer's portion. And so my amendment-- there we go, AM1010. And my amendment is AM1007, which I miscorrect-- misstated as AM1070 last time. We're not that deep, folks. We're still in the early 10 aughts. So again, AM1007 is just clarification that any fines assessed against this will go to the common school fund in, in accordance to Article VII, Section 5 of the State Constitution, so it's just clarifying that. This-- we already adopted it yesterday on LB504. This is just a good practice. Any time we're having a, a bill come up, we should probably make sure that it has this language in there, to be in compliance with the constitution. Because if we don't, then there is always the potential that it could be misconstrued or a mess, and, and somebody would have to potentially litigate to get it done, which there's, you know-- there was-- I'm trying to remember his name, but it was a senator from maybe Beatrice or Crete who sued about parking meters. And that's-- I remember that story, and that's how I knew about this part. But anyway-- and again, the fact that we don't assess fines to other entities is a good thing for the state of Nebraska. Other states assess fines and fund their governments based off of fines and fees and things. And that becomes really problematic, in terms of over-policing and over-- you know, oppressive to people, and then the costs, of course, gets license suspended and things like that. So anyway, this is just-- it's the clean-up intention. So, that said, I'm opposed to AM1010, which is the-- Senator Storer's bill. I-- in this whole conversation we've had this session, there's been a whole lot of how are we going to protect kids from this crazy new world we live in, where everybody has a device in their hand or in their pocket or in their face all the time, and it's-- it is getting worse and there-- oh, it's going to be continually going forward. I've actually brought now, my third bill about regulating AI, or generative AI, I think, is what it's called, which we'll probably talk about on the next bill a little bit. But it is a quickly-evolving territory. I think it is very-- a good idea that we try to get our hands around this. But in the way all things happen, we don't have a full grasp on what the ins and outs of things are and we maybe-- a, a bill doesn't strike the right compromise between intervention and freedom. And, you know, I brought, like I said, my AI bill, I think, 3 times. I have not really pushed those bills because I don't feel like I've figured out the right balance yet. So I keep bringing the bill to keep the conversation going and keep trying till I get my hands around it and further understand it, but I'm not on the floor asking you to vote for a bill yet because I don't have it figured out. I think that's where this bill is at. Other states have

tried to do this. I think-- others we'll talk about. In the state of Arkansas, there's a very similar bill that was just struck down by their federal court and people around here know that Arkansas is in the same district-- circuit as we are-- Court of Appeals. And so if that works its way up, it potentially will have implications for us and clarify that issue. But fundamentally, the-- my problem with a lot of these things are is that we run the risk of making it harder for people to ex-- engage in their First Amendment rights and their freedom of speech rights, and I'm very concerned about requiring adults to have to prove their age to use the Internet or to use these social media sites. I'm, I'm very concerned about what methods we're using to have people confirm their identity and their age, and I'm concerned about having to confirm so that your kids can use it. I understand what people are trying to get at by restricting access for kids. I do think there may be First Amendment implications for that as well, but I, I think we shouldn't force innocent people or adults who have these rights-- putting this extra burden on adults is where you get into the constitutional issue. I'm going to run out of time. And I know a lot of folks are going to talk about other stuff, so I'll probably push my light and talk one more time on this, at least. Thank you, Mr. President.

**ARCH:** Senator Hardin, you're recognized to speak.

**HARDIN:** Thank you, Mr. President. Just wanted to complete what I was saying a little bit earlier on LB172, which is still tied up in there somewhere on that board. Some minor changes were made between the hearing on February 6 and AM837, which is morphing before our eyes. And anyway, changing the term of child pornography to child sexual abuse material, or CSAM, based on feedback heard from testifiers. The only opposition in committee on LB172 came from the Criminal Defense Attorneys Association, and we included an affirmative defense into the bill in response to their testimony, and this addition removes their opposition. Thank you, Mr. President.

**ARCH:** Senator Hughes, you're recognized to speak.

**HUGHES:** Thank you, Mr. President. I just wanted to speak on LB383, that part of the bill. I just had pulled up some information, kind of what's happening in the European Union. And in the Union, there's no blanket ban on social media for minors, but they have the Digital Services Act, the DSA, which requires platforms to protect children, including measures like age verification, restricted targeted advertising, and providing tools for parents and children to manage

screen, screen time. So the Digital Service Act was adopted in 2022 by the EU, and its aim is to ensure a safe and fair online environment including for children. How they protect minors is that it mandates that very large online platforms-- we all have our little acronyms-- V-L-O-P, take measures to protect children. And these include age verification-- and they must-- these platforms, the very large platforms must implement measures to verify the age of users and ensure that children under a certain age cannot access content or services that are not age-appropriate. They restrict targeted advertising. These very large providers are prohibited from targeting children with personalized advertising based on their profiles or browsing history. They provide screen time management tools that can help children and parents manage screen time-- screen time and access to content. And then there's parental control tools, tools that allow parents to monitor what their children's online activity is and access to that content. France, for example, specifically has taken a little bit more proactive approach, and they require parental consent for minors under 15 to require accounts on social media platforms and mandate that the platforms create systems to verify users' age and whether parental consent has been obtained. Other EU members are exploring ways to protect minors online, while some are calling for a higher minimum, minimum age for social media use. So this debate is going on-- it's ongoing clearly here in the United States, as well as overseas. And I am, I am very happy Senator Storer has brought this bill. I think this is just another tool. I-- we just don't even understand what all the online things, the effects they can have on our kids. And there's been several books out, *The Anxious Generation*, being one of them, if anybody's read, that we just really need to be very aware of this and, and get control of it. And clearly, we're seeing this, parents doing this all across the world. So thank you, and I yield my time.

**ARCH:** Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. Speaker. Can I have a gavel, because I'm losing my voice? Well, now I don't need it. I, I rise today to ask some questions of Senator Storer, about specifically, the First Amendment concerns. This is one of the reasons that I was a present, not voting on the way out of committee. I first want to say that Senator Storer and I agree that social media is harmful to children, that social media companies know or by now they should know that they are causing harm to children, that they are maybe providing a few little things here and there where there are parental controls or things like that, but they aren't changing their ways completely to get rid of the harm



that is being done to children. So I think, like many other areas of the law, where we find-- or not the law, but many other areas of life where we find that people are hurting our kids, that there is long-term, got to be some kind of solution that holds these companies responsible. I don't know whether or not this is the, the, the tool that does that, but I really admire Senator Storer for coming in here in her first year and trying to do some work on that problem. And to all the companies out there that are doing social media that are not protecting our kids and are hurting our kids, we see you, and we will find a way to protect our kids. So with that, Senator Storer, will you answer some questions?

**ARCH:** Senator Storer, will you yield?

**STORER:** Yes, I will.

**DeBOER:** Senator Storer, the Arkansas case that we've already been talking about here, you and I had a conversation the other day in which you suggested to me that, that your law is distinguishable from the Arkansas law. I know I heard over the clamor a little bit ago that you said that there was-- that yours is content-neutral or not a content-based law. In the Arkansas case, they talked about the fact that because some of the discussions on social media platforms are First Amendment protected, that that right there made them content-based. Can you talk to me about whether your bill has some way of addressing that issue of burdening content-based speech?

**STORER:** Yeah. Thank you, Senator DeBoer. I-- when I became aware of the Arkansas ruling, I sat down and tried to read through. I am not an attorney, but sat down and, and read through the, the information that had been put out about that. I pulled up the amendment that the Arkansas House has put forth to try and address the concerns raised in that ruling. and when I lined up their amendment to address those fixes, it's almost identical to a lot of the language that's already in my bill.

**DeBOER:** Can--

**STORER:** And--

**DeBOER:** Can you talk to specifics?

**STORER:** Yeah. So it's, it's really about defining what a social media platform is, and so that method of access. What is that, what is that definition of social media platform, not the content being accessed on

the platform, or the speech being either seen or provided on the platform, but just the platform itself.

**DeBOER:** So in their definition, I know one of the things the Arkansas object-- the Arkansas case objected to was that there was an exception for education.

**STORER:** Right. And actually, my bill carves out any sort of educational material, material so that age verification is not required for educational material.

**DeBOER:** I thought that was one of the problems that the Arkansas court found, was that the fact that there was that exception for educational material was one of their concerns, because then that meant that--

**STORER:** I think they had it included-- I think they were including educational material. We had already excluded it, if that makes sense.

**DeBOER:** I think that's why they were saying it was content-based, was because they said if it's educational, then it's excluded from our prohibitions, but if it is non-educational, then it isn't and that makes it content-based, because content-- education is a content question.

**STORER:** Right. So, so it's not part of our age-- if it's an education-based platform, it's not part of the age verification. So there is, that's not even, that's not even addressed in our bill.

**DeBOER:** I think that's what the court was saying was the problem.

**STORER:** Right. Yeah. I think, I think we're reading that different. Their fix to that is actually reflected in the language that's already in our bill.

**DeBOER:** OK. And what was that fix?

**STORER:** AM611.

**DeBOER:** OK.

**ARCH:** Time, Senator.

**STORER:** I can, I can pull it up and we can hash over this.

**ARCH:** Senator McKinney, you are recognized to speak.

**McKINNEY:** Thank you, Mr. President. I, in committee, I believe I voted no against this. And I've asked some questions in the committee because I do think this raises some First Amendment questions. One, restricting access to social media for minors. And the potential, the potential issue is that this could be seen as a broad restriction on minors', minors' speech rights as it significantly limits their ability to engage in public discourse online. There's a relevant case that ruled that the, the Internet and social media platforms are vital spaces for free expression. The other potential issue is parental monitoring requirements. This could infringe on minors' rights to private speech and association as recognized in cases involving free speech. Another is age verification requirements. The requirement may chill free speech by forcing users to reveal personal information before speaking, which could be challenged under *McIntyre v. Ohio Elections Commission*, where the Supreme Court upheld anonymous speech as a First Amendment right. Another is enforcement and penalties. The attorney general can enforce the law and impose fines on companies that do not comply. The potential issue here is that this could be challenged as overly broad government regulation of online speech. This bill's in-- intent to protect minors is valid. I think we all agree. We want to protect our kids. We want to protect youth, but the First Amendment concerns exist due to its restrictions on access, monitoring, and potential chilling effects. Likely legal, legal challenges is, is high, similar to other states. So I think we can't just gloss over those potential issues that might come up, and that's why I brought those up at the hearing and that's why I voted no. Because I think although we want to protect our kids, we also have to protect their rights in the process, and we have to find a way to strike that balance of protection versus valuing their rights. And we should. They're humans, as well. They have rights, and we should not infringe on them. We should do what we can to protect them as best as possible, without overstepping their, their, their rights. So I think we have to think about that, we have to think about restrictions on access. We have to think about monitoring requirements, and we have to think about the bill's chilling effect to free speech. That's what we should think about. Because what is going to happen potentially, which is I think likely high, there's gonna be a legal challenge, and a lot of these questions are going to be raised in that challenge. And that's why I'm just bringing them up. I want to protect kids, too, but we have to balance that. And we have to think about the pros and cons, and the likely outcomes, and the consequences in, in the process. We shouldn't do something and then have to come back and say, dang, we passed that law last year and we have to repeal it or we got to make a

change. I think we should try to do the right thing the first time, hopefully. I know people are tired of clean-up bills and those type of things. And I think we have those because we might move too fast, sometimes. And so all I'm saying is they're high-- and I'm saying high for a reason. High and potentially high First Amendment issues dealing with restrictions to access to social media for minors, parental monitoring requirements which could chill free speech, age verification requirements, enforcement and penalty issues, which could be overly broad, so we should think about these things, so thank you.

**ARCH:** Senator Moser would like to recognize some special guests today. There are 9 fourth grade students, 3 teachers, and 3 sponsors from Holy Family in Lindsay, Nebraska. They are located in the north balcony. If you would rise and be recognized by your Nebraska Legislature. Returning to the queue, Senator Fredrickson, you are recognized to speak.

**FREDRICKSON:** Mr. Speaker, sorry about that. I was out in the Rotunda. I rise today-- so this is-- I, I am appreciating this conversation. I've been listening closely. I've got a, a few thoughts on this. I-- I've had some conversations with Senator Storer. I spoke with Senator Dungan about this, as well as Senator Bosn. I think some of the concerns that have been brought up as it relates to LB383 are, are valid, in terms from a constitutional perspective. But I also want to highlight what I think is-- what I understand is Senator Storer's goal, I think, is a very admirable goal. Because I do believe that we need to, as a society, take incredibly seriously the challenges and the risks that we're seeing as a result of social media use among, among young people. I think there's-- you know, we're, we're seeing more and more data and evidence come out that, that really underscores a lot of what we're saying, and especially when you're thinking about young people whose brains are still developing, there-- there's major concerns. In fact, I was reading recently, there's some new research out that shows that for individuals who are hooked on social media up until age 25, that can result in permanent changes to the brain, which we, we don't really sort of know or expect or anticipate what that can all look like. So that, that is a major concern that I have, and I think that there is certainly a noble goal and pursuit there. I-- I'll also say that, you know, one of the-- some of the pushback I've heard to the guardrails, for lack of a better word, around social media use has been related to an individual's ability to find community or to be able to connect with others. And, you know, I, I can appreciate that to a certain extent. I will-- but I, I, I-- what I would ask my colleagues around this issue specifically is that-- well, a couple

things. One is that I think it goes beyond finding community. The risk that happens online is not so much looking to connect with or learn more about a specific concern one might have, but it's about contact with others that could be predatory, and that's, that's where the issue comes in. It's a lot safer for kids to explore these things in a library. And we-- I bring that up because earlier, we were having this discussion about, you know, the school libraries, what's available, what are students checking out. And so if we're really going to be going back to this idea of protecting kids and ensuring that our children have the ability to access resources that they need, but also have safeguards in place to protect them from genuine and real threats, which, you know, online, frankly, there are genuine and real threats that exist, we should be very hesitant and thoughtful around censorship that might happen in a library setting through, through books or through other forms of engagement or ways that a child could or young adult could access community and information about, about other issues there. So that's kind of where I'm standing. I'm, I'm inclined to support the spirit of the bill. But again, I'm gonna continue to listen to the concerns as it relates to the constitutionality of the bill, because I do think there might be some genuine concerns with that. But I'll continue to listen to the debate, and I look forward to seeing how the discussion goes. Thank you, Mr. President.

**ARCH:** Senator Lonowski, you're recognized to speak.

**LONOWSKI:** Thank you, Mr. President. I stand in support of LB383. Parents do have a role. No. Parents have the role, the ultimate role in raising their children. Parents should want to know what their children are reading. They should know what their children are reading. Kids should know what the expectations are. Parents should know what their children are viewing on TV, on the Internet, online, on social media platforms. The rights of the juvenile children are valid, but at the expense of the parents' right, at the expense of the parents' rights to raise them? Parents still have that ultimate right. My son, now a U.S. Army sniper, was not allowed to play with matches or watch Beavis and Butthead on TV. That was my right as a parent. I had the option to allow him to watch whatever he wanted. He had the option when he turned 18 to continue-- or to start watching that or to continue with his military dreams. Social media companies are making millions, if not billions, on the backs of our computers and off of our children who are watching these, downloading these apps, watching social media for hours on end, and then passing on the propaganda that the social media giants want them to pass on. This bill is very

similar to Senator Murman's bill this morning, especially in one way. This does not force parents to do anything. It allows parents one way to help their children grow up and grow up normal without having to watch some of these, some of these Instagram or TikTok or whatever it might be. If they want these freedoms for their children, they have those options. I stand in support of Senator Storer and her bill. I yield my time, Mr. President.

**ARCH:** Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. I rise again in favor of Senator John Cavanaugh's AM and opposed to this particular portion of the bill. So we started the conversation, I know, with regards to the First Amendment. And there's been a little bit of discussion from, I think, Senator DeBoer about the Arkansas case. And that Arkansas case is one that I think is informative, with regards to how we act on this. And the reason for that is a lot of the definitions that are contained in LB383 are very similar to the definitions that are contained in the Arkansas law that was found or at least enjoined, because they believed on its face to be unconstitutional. And so looking through this opinion, there's a number of, I think, important points to make. One of those essentially, big picture, is that this is a ban on all speech without discernment, in terms of having access to that speech. And so, I think at that point in time, there's a discussion that was made that it's like asking somebody to present an ID before walking into a public forum, which means they're asking you to essentially present some form of verification before you can access speech that would otherwise be protected. And the fact that some of that speech that is protected is what rises-- or raises some of the concerns that we have here. The main issue that was pointed out in the Arkansas case, though, is this issue with regards to vagueness. So by virtue of the fact that we are violating the right to free speech, you're allowed to do that as long as you meet strict scrutiny, and we've talked a little bit about that already, too, but strict scrutiny requires a couple of things. One, that there has to be a compelling governmental interest at play in terms of why you're putting the law into effect. And two, your solution, the law, has to be narrowly tailored specifically to address that concern. And so this bill, like many others, puts forth the notion that protecting children from harm is a compelling governmental interest. That is agreed upon. I think everybody that's talking about a lot of these bills, whether it's this one or Senator Bosn's LB504, agrees with the general concept that it is a compelling governmental interest to protect our kids. So in order to do that, though, you have to narrowly tailor your statute that

infringes on the right to speech in order to actually address that harm. What this bill fails to do, unfortunately, is it does not narrowly tailor that, I guess, fix for the problem. And it does so-- in, in, in its attempt to do so, it does very vaguely. So you have a, a basic principle, a due process right to have specific solutions or specific language in bills. A bill can be found unconstitutional for being vague. They specifically point out in this Arkansas case that it is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. It goes on to say that vague laws may trap the innocent by not providing fair warning. And if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. So the Arkansas law in particular was found unconstitutionally vague because it fails to essentially properly define social media companies. It fails to properly define who is and who isn't included or excluded from this statute. And it also goes on to essentially properly lay out the burdens of proof that have to be made in order to hold somebody accountable for this. And so the generality of the law, the fact that it is in fact, so vague, puts the court in a position to say that your due process rights are essentially being violated by virtue of the fact that a reasonable person looking at the law would not have any idea what exactly it means, and that is very problem-- or problematic. Our definition of social media contained in LB383 is very broad. And I think the broad nature of that definition is inherently problematic because it means that this is not narrowly tailored in order to affect or, or prevent harm that is going to befall a child from social media. I think under this definition of social media, it could be a fantasy football app, it could be a Pinterest account, it could be maybe even having your own account on the New York Times cooking page. And so the fact that it is so broad in who it affects is indicative of the fact it is not narrowly tailored to address the harms that have been, I guess, again, very legitimately put forward, with regards to the protection of children. So--

**ARCH:** Time, Senator.

**DUNGAN:** We'll continue talking about this. Thank you, Mr. President.

**ARCH:** Senator Storer, you're recognized to speak.

**STORER:** Thank you, Mr. President. Senator Dungan and I finally agree on something. The state does indeed have a well-established and compelling interest in safeguarding the health and welfare of children, a compelling state interest in protecting children. A

growing body of data clearly demonstrates the significant harms of social media can have on young users, including increased rates of anxiety, depression, self-harm. And this legislation is designed to respond directly to those harms that this body has a compelling interest in protecting. This legislation, again, aims to create guardrails that protect vulnerable populations from the well-documented risk associated with unregulated access to these platforms. And I appreciate the fact that you brought to light one of the problems with the Arkansas law that social media was not defined. Well, in fact, we do define that on page 3. Social media company means a person that is an interactive computer service and that provides a social media platform. Social media platform means a website or internet application that allows a person to create an account and enables an account holder to communicate with other account holders and use-- and users through post. Now, if we are expected to name every potential app and platform and method, then somebody that has that crystal ball is going to be a rich, rich man. Because we couldn't have defined with specificity some of the unique aspects of social media platforms 2 years ago that exist today. So this idea that, well, I appreciate your, I appreciate your effort, I get your purpose, but this isn't perfect yet. You show me one piece of legislation that we have crafted that when crafted, was perfect and didn't need some remedies 5, 10, 15 years down the road. I'm not waiting. I'm not gonna sit here and wait while we lose more kids to suicide, depression, and anxiety, while I'm waiting to get it perfect. I'm not waiting. We owe our young people and our parents. We owe it to them. It is the, the responsibility of the state to protect those children from known harms, and the one thing I have not heard any disagreement in this room about is that social media is harming our children. It is harming our children. I have a letter here that I won't read in entirety at this time, but I may get back on the mic and read later from a senior at Creighton. She's in-- going into social work, and she wrote me a handwritten, 2-page note, saying thank you, thank you. I wish that we had some of these protections when I was in high school. And what she's seeing in her work as she prepares to be a social worker and work with families, is that we need to put guardrails on this. We are way behind in, in regulating the dangers that we are exposing our young people to. And I'm not blaming anyone for that. It is not because, because anybody has been irresponsible, but what I'll tell you is it's irresponsible right now if we sit here and do nothing. That is irresponsible, because now we know. We have the evidence. And if you've ever sat with a family that has lost a young person to suicide, if you're willing to-- that is due to bullying, cyber



bullying, body dysmorphia, or because they saw suicidal examples of how to commit suicide on social media, which, by the way, happens. If you can sit there with them and say, well, good luck, so sorry-- as an individual who's elected to come down here and create laws and regulations for the sole purpose of protecting our citizens, if you can live with yourself because you--we didn't get it perfect the first time, while 1 or 2 or 10 or 20 more young people die, I can't and I won't. I cannot go to bed at night, knowing that I didn't do everything I could to give our parents the tools to parent and the protections that our young people are begging for, quite frankly. When I start receiving letters and having conversations from those young people who look at me--

**ARCH:** Time, Senator.

**STORER:** --in the eye and say, we need this. Thank you.

**ARCH:** Senator Andersen, you are recognized to speak.

**ANDERSEN:** Thank you, Mr. President. I rise in support of LB383 and yield the remainder of my time to Senator Storer.

**ARCH:** Senator Storer, 4 minutes, 50.

**STORER:** Thank you, Senator Andersen. I want to talk for just a minute about parental rights. The U.S. Supreme Court has long recognized the fundamental constitutional right of parents, remember, parents, to make decisions concerning the care, custody, and control of their children. LB383 is not talking about some wide-sweeping broad requirement. We're talking about the need for minors to get permission from their parents to access a platform that is proven to create harms. Let's keep this in perspective. *Troxel v. Granville*, Granville, 2000. This legislation does not override that right. It strengthens it by ensuring that parents retain a meaningful role in determining their child's engagement with powerful and often opaque digital platforms. Let's talk about free speech of minors. While the First Amendment protects freedom of speech, courts have consistently recognized that the speech rights of minors can be subject to greater limitations, particularly when exercised under the supervision and the authority of their parents. It's worth confirming, the broader principle remains, parental discretion in guiding and when necessary, limiting children's exposure to certain content is constitutionally sound. Parents still have the right to supervise and control what their children are subject to. Parents have the right to parent. And what LB383 and now

AM1010 is doing is putting that ability back in their hands. This is not government telling parents what they're supposed to do. This is not government telling minors what they can do. This is government giving parents the tools in a situation where they otherwise can't get guardrails around it. I have talked to parents who are really working hard to control what, what their children access online. And at the end of the day, they discover on a routine basis how many ways there are for their kids to work around the parental controls or that they may be on an app they didn't even know existed. I guarantee you that there is no adult in this room that knows about every app that our teenagers are using. I guarantee it. I guarantee it. So I don't know how you can give permission for something that you don't even know existed. In the words of my mother, when I was raising my own teenagers, she said, well, Tanya, you're going to have to get up pretty early in the morning to outsmart a teenager. And that is not a criticism of our youth. That is the reality that we are behind in regulating and protecting our youth in the social media world. And LB383 does define what a social media platform is. LB383 is written and drafted according to Tennessee and Louisiana's social media age verification laws, both of which were passed, both of which stand as law, neither of which are enjoined or have been challenged due to constitutionality. We did not write LB383 based on Arkansas's law. So again, remind-- let's keep it in perspective when we're talking about free speech, when we are talking about the constitutionality, the Arkansas law is not what we're drafted after. And we're talking about a parent's right to supervise and parent their child, their minor child. It's our kids we're talking about, and we do have a responsibility. I yield the rest of my time.

**ARCH:** Senator Storm, you're recognized to speak.

**STORM:** Thank you, Mr. President. Thank you, colleagues. I have 5 children at home. My youngest is a fourth grader. I have a seventh grader, a freshman, a junior, and a senior in high school. So I'm living this right now. It's a full-time job to try to police social media in my children. I don't always do a good job. It's, it's just very, very difficult. But I wanted to read something from Yale Medical Review about social media and what it does to, to young people, specifically young people, and it's titled, What are the Potential Harms of Social Media by-- Use by Teens? Over the last decade, increasing evidence has identified the potential negative impact of social media on adolescents. According to the research study of American teens ages 12 to 15, those who use social media over 3 hours each day face twice the risk of having negative mental health

outcomes, including depression and anxiety symptoms. The advisory states that other studies point to a higher relative concern of harm in adolescent girls and those already experiencing poor mental health as well as particular health outcomes, such as cyberbullying related to depression, body image, and disorder eating behaviors and poor sleep quality linked to social media use. What's more, the social media algorithms are built to promote whatever you seem interested in, said Dr. Mayes. If a teen searches for any kind of mental health condition, such as depression or suicide, it is going to, it is going to feed them information about those things so soon they may begin to think that everyone, everyone around them is depressed or wants to commit suicide. And so this is what Senator Storer has been talking about. And, and one thing that we can try to do is try to keep devices out of the bedroom. Research shows a relationship between social media use and poor sleep quality, reduced sleep duration, and sleep difficulties in young people, according to Dr. Murthy's advisory for teens, poor sleep is linked to emotional health issues and a higher risk of suicide. According to Dr. Murthy's report, on a typical weekday, nearly one-third of all adolescents report using screen media until midnight or later. While screen media use includes various digital activities, social media apps are the most commonly used applications by teens. Knowing that, try to create a culture at home where all phones are turned off by a certain time. Make sure it's at least one hour before going to bed. However, you may find that bedtime rules don't work as well as your kids get older, and I can relate to that. My fourth grader, my seventh grader, it's different than dealing with my junior and senior in high school. It may be necessary to ask your teen to put their phone outside the bedroom before going to bed, but if the response is, I do my homework late, or I have group chat about math, or I'm going to need the phone to group chat, and you suspect your teen isn't being honest, that will be a difficult conversation. The important part, though, is to keep those, those conversation lines open. And like I said, I deal with this all the time. That's what my, my senior is telling me. I need, need my phone for homework. I need to phone to listen to music to go to bed. The younger ones, my seventh grader and my freshman are, are girls. So they constantly say, well, the, the junior and senior, which are boys, they don't have to do that, so why do I have to do that? But I am living this battle in my house and I can see firsthand how destructive it is. And to sit there and stare at a phone or a screen all day long, it totally affects more than just when we talk about suicide, but communication. I look at young people. They can't communicate like they, they did when I grew up. They stare at a phone all day like

this, and that's what they want to do. I watch teens stand in groups, and they text each other while they're in a group. They don't talk to each other. So this is really going to affect our society and I'm totally all in support of this bill, and we need to do whatever we can to, to help children in our society. But I will also add, also, adults struggle with this, this, as well. I'll yield the rest of my time. Thank you.

**ARCH:** Mr. Clerk, for a motion.

**CLERK:** Mr. President, Senator Hunt would move to bracket the bill until June 9.

**ARCH:** Senator Hunt, you're recognized to open on your motion.

**HUNT:** Thank you, Mr. President. I am embarrassed and ashamed to admit to all of you that I am shaking with rage. And I'm-- you know, you've seen me become activated and be passionate, especially those of you who have served with me for these 7 years. And I think I've come a long way in managing those reactions. I have, I have 2 tricks that I do that aren't working, and one is I picture myself as a melting stick of butter in a pan. What could be more beautiful and calming than that? And the other thing I do is pretend that I'm on a bus in Japan, and a lot of my friends have heard me say that I am on a bus in Japan. And that means I can't hear or understand any of the chatter around me, but I know I'm my way. And all I need to do is sit pleasantly and wait until I get there. I just heard a passionate speech from the introducer of this bill about preventing suicide, about protecting children, about parents' rights. So if we're going to stand here and talk about suicide prevention, if we are going to invoke the lives of children in crisis, then I expect you to bring that same energy, the same urgency, and the same passion to support transgender and queer youth who are statistically much more at risk. We have lost lives in Nebraska since the passage of Senator Kathleen Kauth's bill, 2 years ago. Kids killed themselves. And if you are outraged enough to speak with fire about a parent's right to control their kid's access to use Snapchat, which you think the government needs to intervene to have them do, then I hope you're as fired up to defend the rights of a parent to call their child by the name that reflects who they are. If you're here talking about preventing suicide, then show me that same commitment to the kids who are actually dying because they're told by lawmakers, by schools, by policies that they don't matter, that they can't be themselves, that even their name is too controversial to be spoken out loud. Last night, a news story broke out of Florida that

maybe some of you saw, that there's a teacher who's been fired from, from teaching school because she called a child by their preferred name. Are we going to do that to all the Katherines who want to go by Katie, all the Joseph's that want to go by Joey? Are we doing that to cisgender kids, too, to straight kids, or are we just firing teachers for calling queer kids what they want to be called? And I want to be very clear. If you're going to stand on this floor and invoke suicide of children to pass sweeping legislation that strips rights and chills speech and increases government intervention, then you better be ready to bring that same energy when it comes to supporting queer and trans youth, because those are the kids who are actually dying in our communities. You don't get to cry foul about the suicide crisis, which is very real, in one breath and then in the next breath, vote to ban healthcare for trans kids, vote to prevent them from playing sports with their friends. And you don't get to stand up and say, we're just standing up for the rights of parents to parent their kids. Let parents be parents. When you undermine the rights of parents who support and are that safe space for their gay kids, for their queer kids, for their trans kids, you don't get to use the pain of children as a shield for government control while staying silent on the policies that actually drive kids to despair. Makes me sick. Let me say it plainly. The number one predictor of suicide risk among LGBTQ youth is rejection-- rejection by their families, rejection by their communities, their schools, and their government. And the same people who are pushing this bill are the ones who have made this place and this state more dangerous for these queer kids every single day. And they continue and they persist, and it will continue this year. So if you are here about protecting children by passing these little bills about what they can do on their little phones, protect all the children. If you care about mental health, invest in it. If you care about suicide prevention, listen to the experts who are telling you that acceptance of queer kids saves their lives. But don't come in here and use suicide as a political cover to pass more government expansion, more surveillance laws, whatever, while exposing or ignoring the real life-threatening consequences of your own policies. The introducer, Senator Storer, talked about the parent's right to parent. We got to stand up for the right of parents to parent. Well, then why do you oppose those rights when a parent supports their queer kid? Don't you think they know their kid better than you do? Senator Kauth, why do you trust some parents to make decisions but not others, or you delegate that to the schools, or you delegate that to the government. This is not about protecting kids. It's about control, and punishing difference, and deciding which families count, and which

kids we protect from suicide and which ones we throw away. So I say to Storer-- Senator Storer, and I say to the other members of this body supporting this bill, if you really care about children's lives, prove it. And I think you do care about children's lives. But stop using suicide as a talking point, as you turn around and treat queer kids like they are expendable, like you can throw them away. Bring that same fire for those kids you are ignoring. Bring that same passion for the families that you are trying to erase and the parents whose rights you are denying. If you're outraged enough to speak with this kind of fire about a parent's right to control their child's access to Instagram, then I hope you're just as fired up to defend the rights of a parent's right to call their child by their own name. I feel like this is weaponization of concern for kids to pass government overreach while ignoring the policies that actually hurt the most vulnerable kids in our state. So, do I feel better? No. Does anybody in here feel better? Probably not. Everyone's all wound up. Makes me sick, makes me sick what this place has become. Thank you, Mr. President.

**ARCH:** Return to the queue, Senator-- returning to the queue, Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. Still in opposition. And I am a parent, too, and I'm a coach of about 30-plus kids. And sometimes, if I'm coaching a youth club, it's close to 100, so I'm around kids all the time, so I understand what's going on. Again, I will say, the issues with this bill, first, this could be seen as a broad restrictions on minors' speech right, as it significantly limits their ability to engage in public discourse online. This could infringe on minors' rights to private speech and association, as recognized in cases involving free speech. The requirements may chill free speech by forcing users to reveal their personal information before speaking. Also, this could be challenged as an overly broad government regulation of online speech. I also did some research on the Arkansas bill, Arkansas Act 689, and did some comparisons. So for the age verification in Arkansas, it required social media platforms to verify users' ages and obtain personal consent for those under 18. This bill mandates platforms to use reasonable age verification methods and obtain parental consent for minors. In Arkansas, parental supervision tools, it was not specified. In this bill, it requires platforms to provide parents with tools to monitor their posts, messages, privacy settings, and screen time. In Arkansas, for enforcement and penalties, it allowed civil action against platforms violating the act, and this bill permits civil action and authorized the Attorney General to impose penalties up to \$2,500 per violation. In Arkansas, U.S.

District Judge Timothy L. Brooks permanently blocked the, the act for First Amendment violations. The law was deemed a-- deemed as a-- the law was deemed a content-based restriction on speech that was narr-- narrowly tailored to serve a compelling government interest. It also had due process concerns. The act's vague terms risked arbitrary enforcement and didn't clearly define which platforms were subject to the regulation. So given that in comparisons to this, it is likely that LB382-- LB383 will face comparable constitutional challenges. The courts may view it as impo-ing-- as imposing undue restrictions on minors' First Amendment rights and being overly broad in its approach. Considering the precedent set in Arkansas ruling and the parallels between the two laws, there's a high probability that LB383 would be subject to legal challenges and be-- and potentially be ruled unconstitutional. The argument isn't that we, we don't want to protect our kids or we don't care about the safety of our kids. We're also talking about respecting the rights of our kids. We can't ignore that. People stand up all the time and say, respect the Constitution, we care about the Constitution, all these things about constitutional rights. But when the arguments are raised on this floor, people want to ignore them. So I'm lost. Do we really care about the Constitution, or do we pick and choose which parts of the Constitution are valid and not valid, depending on the topic? Like seriously, we can't pick and choose. Because if, if that's the case, then just stand up and say the Constitution isn't valid and it needs to be rewritten. And I think, was it Senator Halloran-- maybe do the constitutional convention, since the-- we, we picking and choosing which parts of the Constitution is valid. We want safety for our kids, but we cannot, in the process of trying to do that, violate their constitutional rights. And we cannot ignore that. This bill, in comparison to that Arkansas law, is going to face challenges, and we can not ignore that. Thank you.

**ARCH:** Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I do plan on talking a little bit more about the constitutionality of this. I think that's a really important conversation to continue to have. But I do want to touch briefly on what Senator Hunt, I think, very poignantly talked about, and it is the fact that there are people who are in our community, who are facing self-harm, who are dealing with suicidal ideations, and who are actively in danger because of things that we've done, as a Legislature. This isn't me just being hyperbolic. I've sat in rooms with people. And I've sat in rooms with kids. I'm talking like 12-year-olds, who have said to me that they know people who have

actively tried to kill themselves because of things that we've done and because they're scared and because they feel in danger in our state. And it's not just the trans community, although that is an important community not to forget in this conversation. It's just the LGBTQ community at large, and I know this because I've sat there and had these conversations with them. And it is, I think, really concerning that we seem to pick and choose when we're worried about the words that we say in here having an effect on people. And so, I, I genuinely agree, as I've said with Senator Bosn's bill, with Senator Storer's bill, that we need to do everything we can to protect children. I think that is an important thing for us to focus on. But when there is, in fact, a constitutional problem with a bill, I think it is our job to address it and to try to find other avenues, other avenues for us, in order to address those concerns. And I think that when we are dealing with First Amendment issues in particular, it gets really dicey. It gets dicey, because we're talking about things that we all care about, that we're all passionate about, but you don't get to completely overlook the Constitution, just because you're seeking to achieve a certain outcome. And so, I understand that the intention of this bill is, I guess, trying to help people. But at the end of the day, I fear that it does run afoul of the First Amendment. I want to speak a little bit more about the narrowly tailored nature, or lack thereof, of this bill. There's a conversation we've had already, about whether or not something is content-neutral or is discrimination based on content. And if you look at the definitions that have been talked about in this bill with regards to what counts as a social media platform, it is very clear that some are included and others are excluded. And the fact that there are certain companies or platforms that are sought to be included in this while others are excluded based on what content they present or how that content is presented, I think it is clear that this is not content-neutral discrimination. This is not the same thing as a time, place, and manner restriction. In order to figure out which parts of this bill apply to which companies, you have to-- the state has to make an analysis over whether or not something is falling under these definitions, which inherently has to do with the content that's being prevented-- presented. The reason I say this, colleagues, is this is not as cut and dry as it's being told to you. I understand there are certain bills that do-- or certain laws in other states that maybe seek to achieve this same goal. Simply because other laws have been passed and not challenged or overturned does not mean that they are, in fact, constitutional. Maybe it means nobody's actually challenged them. But I want to say to you that there are a number of other bills across our country that have mirrored a



lot of this language that have been found, at least on their face, to have constitutional problems. So I understand, this is an emotionally charged issue. I understand that people are trying to help kids, and I think that's laudable, and I think we all seek to achieve that same goal. It doesn't mean we get to throw the baby out with the bathwater and say, who cares? Let's do something. There was a debate we had earlier this year, where one of our colleagues said, oh, lawyers can get up and argue all they want, but we got to do something because it's important. I think we owe it to the people of Nebraska to be better. I think we owe it to the people of Nebraska to do our job in a manner that's not sloppy, to do our job in a manner where we actually pay attention to what the ramifications could be, and not simply say let's just shut up and let this bill pass because if it is unconstitutional, the courts will deal with it. That's a waste of our time and it's a waste of--

**ARCH:** Time, Senator.

**DUNGAN:** --taxpayer dollars. Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I, again, rise in support of my AM, AM1007. And I think this is-- it is an interesting conversation, and I think there are some-- we're, we're at a fundamental principles level of conversation and not necessarily the details, which is, I think, is totally a fair conversation to be having. And I've been listening, and I, and I think that there's been some very powerful and, and important points that have been made. And I, I think that there are other analogies, as well, when we have these conversations about the ends justifying the means and overriding constitutional protections. I've been here for a number of debates about the Second Amendment, and how important that is and how we can't, we can't override someone's individual right to possess a firearm, even though there is tremendous data, health-based data, studies probably from the same institutions that I think that Senator Storm was reading from, that will tell you that guns are a major contributor to death of children, and that we refuse to take any meaningful action to protect them in schools or in public spaces. And, of course, as a parent who sends their kid to school, you know, that's the nightmare, right, is that you're going to get that call and that something has happened. There was a shooting outside of 3 schools in Omaha not that long ago: Benson High School-- what is it, the middle school by Benson High School, and then the grade school just north of

there. And of course, you hear that in the news and that's terrifying. And so, we refuse, in this country and in this state to take meaningful action to limit guns in our communities, limit guns and the types of guns that are available, and people stand up and will pound on the desk and say how important it is to preserve someone's constitutional right to their gun, even though it is clear-- the data is extremely clear that it is a leading cause of death for young people. And so that, that is-- struck me in this conversation, and I do think-- of course I think we should do something about that. And I think there are really meaningful things that we could do and still be respectful of other people's rights. And that is that the balance you have to strike is that when we are infringing on one person's right to do something in the interest of protecting someone else. And so my original problem with this bill is the fact that it is, it is being pushed as a parent's rights-- to give parents the right to do something, but I view it not as giving me as a parent the right to have this power, it is taking away my right as a parent to determine how I exercise this responsibility in respect to my children. So my kids are too young. They don't have these devices yet, and I do wrestle with what I'm going to do about it. But I currently have the option to put restrictions on their phone. I can have an option not to give them a phone or a tablet or whatever, but I have those options in how I deal with it. If we pass this bill, I will not have those options. I will have to either-- if I want to allow them to get on the Internet, I'm going to have to scan my driver's license or something along those lines to prove that I am an adult, that then I can vouch for them. So this is inherently taking away the rights of me as a parent to decide how I engage in these things with my kids. But it also takes away the right and puts burdens on people who have nothing to do with children, people who are just going to get onto one of these sites on their own. So it is, it is clearly an overly broad approach to trying to put guardrails around how kids interact with these social media sites, and so it is-- it does trample on adults' First Amendment rights. I know Senator McKinney was talking about how it tramples on the rights-- First Amendment rights of, of young people, but it clearly tramples the rights of adults who, in, in no way have a relationship with children, and so I think that is a, is a problem with this, and requiring me to interact with these sites in a way different than I would individually choose to do that and requires me to put in information that I would rather not share with these Internet companies. So again, opposed to AM1010, in support of AM1007, and I suppose we'll talk about the rest of the bill when we get to the rest of the bill. Thank you, Mr. President

**ARCH:** Senator Storer, you're recognized to speak.

**STORER:** Thank you, Mr. President. This does generate, clearly, a lot of passion. And I would hope that the one underlying commonality we all have is a love for our own kids, a love for our grandchildren, in many of our cases, nieces, nephews. Most of us have some interaction with or have had some interaction with a teenager. And I think it's clear that there is a lot of emotion tied to that. I will say that I think we should all be very careful of not making some judgment of our motives. There is no one sitting in this room today that knows who I've sat beside, whose eyes I've looked into, and who I have walked through the issue of depression, anxiety, and suicide with. It doesn't matter how I dress, where I live, whether it's ranch country or in the middle of Omaha, we all have our own very unique, personal experiences. I do want to share a couple things with you. While I've been sitting here, have received some emails and some messages. This one is worth sharing. Well, they're all worth sharing, quite frankly. But I will leave names out. But this gentleman says, I'm watching you speak passionately about children on social media. My son, Kevin, committed suicide shortly after his 30th birthday. And he had problems with a variety of social media and other electronic platforms as well as cyber bullying. What was amazing to me was the complete lack of interest from the police and the FBI, as far as looking into what happened to my son. The attitude seemed to be that he did this to himself, and that was that. He went to a Tactical 88 gun range in Papillion, he rented a gun, and he shot himself in the head with it. I hope you are successful in your endeavors. There's parents out there that need our help. I doubt that young man started his addiction with social media at 29. My guess is it started earlier than that. I'm going to read just an illustration, so we can kind of put all this in perspective into the realities of what we currently have to age-verify for. This is not something new. This is not a new concept. We are not breaking ground here that you might have to prove your age to do certain things, buy certain things, access certain things. I'm going to read this. So this is not my own words. A significant cause for these problems-- and this is in relationship to increasing suicide rates-- is the unfettered access kids have to content and experiences in the digital world from which they are restricted in the real world. Let me reword-- read-- I'm going to read that one more time. The example is digital world versus real world. Imagine the following scenario in which a child faces no restrictions in the physical world. So I'm gonna read you a quick story. Walking down the-- fake story-- walking down the Las Vegas strip, 12-year-old Caleb walks into a

casino where he plops down at a slot machine. A waiter offers him a drink, an alcoholic beverage, which he eagerly accepts, and after a couple hours of gambling and drinking, he stumbles outside and takes refuge in an adult movie theater, where he watches an X-rated movie. He feels lonely and empty, but his curiosity leads him on and he thinks maybe the next spectacle will cheer him up. Sounds pretty radical, doesn't it? The idea that Caleb would be able to partake in any of these experiences at his age is ridiculous and only possible if no one did their job and no bystander intervened, yet Caleb's experience in that story is one that many young children and teenagers encounter online on a daily basis today. So think about that in the real world, versus what we're allowing to happen in the digital world if we don't start to put some guardrails on this. I yield the rest of my time.

**ARCH:** Senator Andersen, you are recognized to speak.

**ANDERSEN:** Thank you, Mr. President. I yield my time to Senator Storer.

**ARCH:** Senator Storer, 4 minutes, 50.

**STORER:** Thank you, Senator Andersen. I had talked earlier about a, a letter that I had received from a, a senior in college over in Creighton, Creighton University. And I'm just going to read this with you because it, it, it matters. Dear Senator Storer, I'm writing to express my strong support for LB383, the Parental Rights in Social Media Act. As a social work student and an advocate for child welfare, I believe this bill is crucial in ensuring the safety and wellbeing of our youth in the digital age. Social media has become an integral part of our society, but without appropriate safeguards, it exposes minors to numerous risks, including cyber-bullying, exploitation, and mental health challenges. I personally wish there had been a law in place when I was younger to protect me and my peers from the harmful effects of unrestricted social media use. LB383 strikes an important balance by allowing minors under 18 to have social media accounts while ensuring that parental consent and oversight are required. The provision that mandates parents verify their age and submit written consent to their child's social media use is necessary step in protecting younger users. For the formerly-- can't read some-- a little bit of the writing-- the monitoring post, messages, privacy settings, and screen time will provide essential guidance and supervision. This bill aligns with the core social work values of social welfare, as outlined in the National Association of Social Workers Code of Ethics. Ensuring the well-being of minors by providing

safeguards against potential online harm is a fundamental responsibility of both policymakers-- that'd be us-- and social profess-- semi-social professionals by providing the protections that LB383 would, would for minors. You are taking an essential step in promoting a healthy-- healthier digital environment for our youth. I urge you to vote in favor of this bill to protect children from the dangers of unsupervised social media use. Thank you for your time and dedication to the well-being of Nebraska's families. I appreciate your leadership and look forward to seeing the positive impact of LB833 [SIC], senior at Creighton University going into social work. Again, it's time that we catch up. And I'm just going to, again, affirm that the state does have well-established and compelling interest in safeguarding the health and welfare of children. Parents have rights to make decisions of what their children have access to, whether it's something they consume physically, socially, digitally, and the First Amendment rights of minors are subject to the limitations of their parents. You know, when we talk about open forums, so, you know, Times Square would be a public forum. And if you're telling me that parents don't have the right to determine what platform their child gets to get on in terms of social media, then I guess you would have to also agree the parents have no right, if their child at 12 or 15 wanted to go to Times Square at 3:00 in the morning and profess their belief in whatever. It's no different. That's no different. And I don't think you're going to find a parent here that says that they don't think they have the responsibility to supervise their child in situations like Times Square at 2:00 in the morning with no supervision, as an example. Virtual, digital. The physical world, we show IDs to get into an R-rated movie, to buy alcohol, to drive, to vote. I could go on and on and on. This is not new. We're not breaking ground, people. We're just applying the same concept that if we believe something is addictive and harmful to our youth, then there is an age restriction on it. I yield the rest of my time.

**ARCH:** Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I rise in support of the bracket motion in regards to the underlying measure. And I want to thank and commend Senator Storer for her hard work and her undeniable passion and commitment to this issue. I know she and I had an opportunity to even talk about these issues pre-session, as she was preparing her legislative agenda. And I would never divulge the contents of a private conversation, but-- with a colleague, but I, I appreciated that time together, and I appreciated her sharing her research and experiences that really drew her, her commitment and

leadership to this issue. And I've, I've never forgotten, forgotten that, as I've been happy to welcome her as a colleague into this body. I'm a parent, as well, of 2 young children, and-- a 13-year-old and a 9-year-old. And my 9-year-old is not on any sort of social media platforms, but I can tell you, he watches hunting and video-- hunting and fishing videos as often as he possibly can on, on YouTube to figure out what the next tip might be to catch a big bass or to gear up for when he is gonna be old enough to, to go out and, and go hunting in Nebraska. I can also tell you that my daughter, who is 13, and her friends utilize social media. And not every time you open up your Snapchat, is there a video about how to commit suicide. There's, there's actually a lot of very expressive content that comes with even young users' ability to interface with social media platforms and with each other. Is there concerning content at well-- as well? Yes. Are there parental controls and policies in place for many of these types of services? Yes. Are those adequate for all instances? That's up to individual parents to decide in, in, in that regard. And I, I do want to push back a little bit or perhaps refine and clarify some of the statements that I think maybe have been a little loose, in terms of legislative debate thus far. To be sure, government absolutely does have an interest in protecting children from harm. But the purported correlation between social media use and negative consequences for mental health of our nation's youth has actually sparked an intense study and debate. And if you go back and you look at the court records in regards to these issues, it's rather inconclusive. And that has been part of the reason, in addition to vagueness concerns, in addition to free expression concerns, in addition to the lack of a clear record in this regard, in terms of actual causation and correlation, courts have been reluctant to extend restrictions that sometimes might apply to minors' expressive activities, for example, in relation to things like obscenity, to these types of instances, as well. Nevertheless, even when there is a compelling state interest, as we discussed with Senator Bosn's bill, the, the remedy must be narrowly tailored. It cannot be a broad ban or a restriction on even a young person's ability to access expressive content or to make expressive content or to view or to digest expressive content. And I know that social media is confusing and controversial, even for adults, and definitely for young people, as well. But honestly, when you go back and you look at the legislative debates, societal debates, court cases, many of these same sort of questions and concerns about moral panic or about the decline or decay of society, or impact on family life, or mental health, popped up with every new medium, whether that be radio, whether that be TV, whether that be video

games, this is the latest iteration in terms of technologies that do have an expressive component that do garner First Amendment protections that we are sorting through as a society and trying to catch up the law if necessary. But just because it's new--

**ARCH:** Time, Senator.

**CONRAD:** --doesn't mean it should be restricted or banned by the government. Thank you, Mr. President.

**ARCH:** Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. I hadn't intended to speak on this bill, but I felt like I should after listening to Senator Hunt's very poignant statement. There's a lot that happens in here. There's a lot that's said in here and a lot that transpires in here that is oftentimes in conflict with who we say we are and what we're about. We say we want small government, but we just keep making government bigger. We say we want families to make their choices in parental rights, yet we can't trust those parents if they have a queer child to make the right choices. So we have to legislate unconstitutional legislation to harm those children, to harm those parents, to harm those families. We have to "other" them. We have to ostracize them. We have to hurt their hearts. We have to make them feel like they don't matter and that their existence is the problem. And then, we'll talk about social media and all the ills of social media. What people see on social media are clips of elected officials vilifying transgendered individuals and making transgendered individuals feel like they aren't worth anything, like they aren't worth love, compassion, respect. It's exhausting. And we have a bill still coming this year that does that, that harms children and says that it stands with women. I don't need you to stand with me. I'm fine going to the bathroom on my own. Thank you very much. I'm fine choosing what bathroom I use. And I'm fine with my children choosing what bathroom they use. I don't need you to get involved. I don't need government to get involved, just like I don't need government to get involved in what books my kids read. I don't need government to get involved in what digital devices my kids have access to, or what social media platforms they can utilize or not utilize. That's my job. I might not be perfect at it, but it's still my job. I get to decide when my kid goes to the doctor. I get to decide what doctor my kid sees. I get to decide what vaccines my kid takes or doesn't take. But now I don't get to decide if my child gets treatment if they so need because the Legislature decided for me and for all parents in Nebraska. And if my kid wants to go by a different

name at school, that becomes a legislative issue. And guess what? Actually, one of my kids does go by a different name than is on his birth certificate. My son, Barrett, we call him Barry. Nobody has a problem with that. He also uses the boys' restroom, in case you're wondering. But he, at home, shares a restroom with 3 girls. Seems to be OK. He's a little goofy, but he's OK. So before my time runs out, I just want to say to anybody who needs to hear it that's watching today that you are loved, that you matter, that you're worth fighting for, and that I will never stop fighting for you. Thank you, Mr. President.

**ARCH:** Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. Just thinking about, you know, some of the conversation on this bill, I don't think you, as a parent, when you go to Times Square in New York, you get IDed when you take your kid or your kid gets IDed. So I don't think that's a comparable. I think we want to protect kids, but what is the balance there? And that's what we have to think about. What is the balance? Again, protection versus their rights. Because they do have rights, and they do have fundamental rights, and the courts have ruled multiple times that minors have rights, constitutional rights that cannot be infringed upon. So that's what we're discussing here. So when it was ruled that online or social media, it's like, I'm, I'm paraphrasing, but it's like a Times Square or town square, same thing. So we don't ask for IDs when kids go to community meetings and, and those type of things. And all the while, things that are said at town halls, nobody says, hey, let's check his ID for kids coming into the community meeting. We don't want them to hear people yelling and screaming at the senators. We don't do that. We let kids come in and they hear what's going on. So although social media is social media, I think, as parents, it is up to us to monitor our kids. If you don't want your kid on social media, don't let him on social media. It's very simple. It honestly is. And you could check their phone every day. Although there's a bunch of apps, it doesn't-- one, you don't have to give them a phone or a tablet to start. Two, you could check his or her phone every day and see what's going on, or just talk to them. Build a relationship. I know we're all busy, but you could do these things. The biggest thing is building a trust and a bond with your, with your kids and the minors in your family, so you can have those conversations about what they're doing and, and what's going on. That's how life is supposed to work. We're not supposed to say because I'm so busy and I don't have the time to ask you these questions or just check your phone that I wanna just infringe on your rights or chill your speech. I think that these are fair questions being asked.



It's not like people are standing up and saying the bill is bad because of, because of some wild stuff we're saying and jump-- and jumping out of the park saying these things. These are valid arguments, and it's a comparable case and a comparable bill that was struck down and ruled unconstitutional because of these arguments, and we cannot ignore those. And you might not like the arguments or you might not like the courts-- that the courts ruled it unconstitutional, but the facts are the facts. I'm just saying. Again, we don't ID kids when they go to Times Square in New York, no matter if it's 3:00 in the morning. We don't do it. I don't think it happens. A cop might ask, hey, what you doing here? But, you don't get IDed. And I think the same should be true-- if the, if the courts have looked at social media as a virtual-- and I'm paraphrasing, because I forgot the exact language-- it's like a Times Square-- it's like a town square. Why are we doing it? Don't-- do we or do we not believe in the constitutional rights of our youth? That's the question that needs to be asked. Do we believe in the constitutional rights of our youth? That is a yes or no question. And if it is yes, then your vote on this bill should be held to that, which means it should be a no on this bill. Thank you.

**ARCH:** Time, Senator. Senator Dungan, you're recognized to speak.

**DUNGAN:** Thank you, Mr. President. Colleagues, I rise again, I guess, in favor of the motion to bracket for now, but certainly in favor of the Senator John Cavanaugh amendment and opposed to the underlying bill here on this part of the division. So there's a couple last points I wanted to make that I didn't get a chance to get to before. The first of those is this discussion that this is not actually some substantial burden. The Supreme Court, the United States Supreme Court has been very clear when they've said, requiring adult users to produce state-approved documentation to prove their age and/or submit to biometric age verification testing imposes significant burdens on adult access to constitutionally protected speech and discourages users from accessing regulated sites-- or the regulated sites. Age verification schemes-- in addition to that-- like the ones that are contemplated under LB383-- are not only, they say, quote, an additional hassle, but they also require that website visitors forego the anonymity otherwise available on the Internet. So I understand there's probably a couple of different ways somebody can seek to verify their age. But what this bill specifically contemplates in the language is the use of third-party vendors to verify your age through uploaded identification or potentially the, I guess, use of biometric data. And I'm not entirely sure what that would look like, but I know there's some really innovative technology out there where we're

utilizing that. But the courts have been very clear that when you need those things in order to access otherwise protected speech, of which the courts also have been clear exists on websites and social media, it invokes this constitutional concern, because it is creating a burden to the access of that speech. So that's one thing that I think is important that we, we shouldn't overlook the, I guess, hurdle that it takes to even get access to these sites. But then, that takes me to the part that I actually find the most compelling about all of this when you're discussing whether or not this bill actually protects kids, and whether or not this bill is actually narrowly tailored. Nothing about gaining access to a website through uploading and identification prevents you from then accessing harmful materials. It'd be like waving a fake ID at a bar to then go inside and then do whatever illegal activity you want in there. You've already been let in. There's nothing protecting you from the things that are happening once you're in. So if, in fact, the conversation is about whether or not this statute is narrowly tailored or even substantially related to the either important governmental goal or compelling governmental interest, depending on which standard you decide to apply, whether it's intermediate scrutiny or strict scrutiny, the fact that there is not really any further protection against harmful activity or harmful speech for youth, I think demonstrates the overly broad nature of LB383. So the goal can be good. The goal can be something that we all agree is important, which is helping protect children. And I, I agree that social media, online, all that kind of stuff, there, there are a number of negative aspects to it. But we cannot then make the decision to create overly burdensome access to all of the information that is available on those social media sites or the Internet writ large. The Internet provides access to community for a lot of people. And there have been a number of papers, articles, what-- whatever, written about if you are in a marginalized community, no matter what that is, no matter where you live, no matter who you are, no matter what your background, if you don't have access to community, it can have a very harmful impact on your day-to-day life. The Internet and social media, while problematic in certain ways-- I will absolutely agree that there is some harmful material on social media and on the Internet. But as a whole, it provides an outlet oftentimes, to community for people who don't have it at home, who don't have it at school. And so, I just want to be very clear that yes, we all want to protect kids, but we need to make sure we're doing so in a way that is tailored to the specific needs of that protection that we're talking about. And to simply require age identification is an overly broad way of achieving that goal, because it does nothing to actually protect or seek to

protect the kids that we are trying to help from any of that harm that is available on social media or the Internet. So colleagues, I know this has been a long debate. I know we've talked about a number of different issues. I would reiterate to you that this is not an issue of first impression. Courts across the country have dealt with and addressed this. And they have found it is, in fact, constitutionally suspect.

**ARCH:** Time, Senator.

**DUNGAN:** Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you're recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. Well, I'll just sort of piggyback on what Senator Dungan was saying there, about the protections and, and the over-broadness of this. And one of my points that I was making last time, is about the fact that not only is this, this bill imposes a duty on the, the young people it seeks to protect, but it imposes the duty on other people it does not seek to protect. So, the adults who are now going to have to submit a digital-- let's see-- reasonable age verification method includes requiring presentation of a digitized identification card or any commercially reasonable age-verification method to confirm an individual's age. So it puts a burden to confirm the age of adults who it's not seeking to help through these methods and giving that information to the social media sites to create an account. That is a, a problem. And as, you know, like I said earlier, Senator McKinney has talked about the rights of the kids themselves. I'm talking about the rights of these adults who we're not seeking to help, and we are infringing on their, their right to privacy, and I think Senator McKinney and Senator Dungan and others have talked about the chilling effect that forcing people to do these things, these extra steps, has to-- it certainly would have a chilling effect on me. I don't want to scan my driver's license to allow my kids to get onto chess.com, which I've talked about before. I signed my kids up with a-- for a chess app. I had to sign, sign my son up for an email. I had to put in his age. That email address was then tied to my email, so we had-- that was the age verification there, but I did tie his email address, which is already system in place. then he had-- was able to sign up for a chess account. All of that, I had an existing email account that just gets to supervise his email account. I didn't have to scan my driver's license for my email account, I didn't have to sign an affidavit saying that I'm his father to sign him up for that email account or to

sign him up for chess.com. I didn't have to do all those things. If I had to do all those things, I probably wouldn't let him do it. I would probably just let him use my current account, but here's the other thing. Going forward, I would still have to prove-- I'd have to scan my ID to prove that I'm an adult that is vouching for myself, I guess, at that point, to sign up for these accounts. And I probably wouldn't do that, either. And that is a chilling effect. And we are creating a burden on the people we are not seeking to help through this bill, which, of course, is that overbroadness that Senator Dungan was just talking about. And so, I'm opposed to AM1010. I support AM1007, which is my bill. And of course, even though I oppose AM1010, we should adopt AM1007 because it makes-- if, if you do choose to adopt AM1010, you should have it with AM1007, because it does make it clearer and more in line with our constitution going forward. And it is a better approach to how we do all of-- writing all of our legislation to be clear of where the money should be referenced. I don't know how much time we have left today on this, so I maybe won't get to talk again, but maybe we'll get to a vote eventually on some of the things on the board, and we'll go on to the other parts. But I, I, I do think that there is a legitimate interest in, in helping parents, giving parents tools to protect their kids. But forcing people to act in a certain way is the problem. And forcing people who don't have kids and who are not in, in any way related to kids is really a problem. So I-- thank you, Mr. President.

**ARCH:** Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. Good afternoon, colleagues. I wanted to just add a few more points for the record in regards to technical policy, legal and practical concerns with the age restriction components in Senator Storer's bill, LB383, without touching upon the other aspects in the bill. But-- and to Senator Storer's points and the other proponents who have spoke passionately in support of this measure, let's just kind of think this through logically. If you're incredibly passionate about protecting kids online, and that is clear, no one's arguing against the sincerity there, you should take the time to get it right. Because if the ultimate goal is to establish an effective guardrail that can pass legal scrutiny, you shouldn't rush. You should take time to take it right, actually, because the best way to achieve your goal is to ensure that you can navigate the legal landscape to have an effective remedy. Otherwise, rushing forward doesn't help you meet the ultimate goal. So you can't be blinded by the passion. You can't let the passion blind the logic, right, or the practicalities. So we also know that there is a very recent decision

from the Eighth Circuit, from our sister state in Arkansas, that tried to do this very thing. It's almost an identical bill, and I haven't heard any compelling or clear kind of debate about what's distinguishable from this measure versus the Arkansas bill. So we actually have clues and a roadmap from our own circuit that told us what was problematic and perhaps what wasn't. And now we see the Arkansas legislature going back to try and come up with a new iteration to pass legal scrutiny, right? So, my first question would be, what's analogous and what's distinguishable in this measure, versus what the court tested in the Eighth Circuit in the Arkansas case. Second, I do think it's important to note that when you look at the committee statement, for example, that kind of tells you what you need to know. There isn't a cadre of mental health professionals, or even parents, for that matter, who ran forward to testify on this measure. The committee statement includes primarily testimony in support from the Attorney General's Office, an individual testifying on their own behalf, an appointee from the Department of Health and Human Services, code agency for the governor, the Institute for Family Studies, I'm not quite sure what that is, but then the Nebraska Family Alliance and the Nebraska Catholic Conference. That's who came in to support this measure, and of course they have every right to support any measure that they see fit, but it kind of undercuts proponents' arguments that there is a undeniable and clear record in regards to correlation and causation in regards to young people and mental health and other harms and social media because that's not reflective in, in the committee record in terms of the testifiers. Those are not expert witnesses on children's mental health, for the most part. They're political entities and actors right of center, so number one. Additionally, in decisions spanning decades, the Supreme Court has made it crystal clear that minors are entitled to a significant measure of First Amendment protection, and yes, Senator Storer, in terms of protest participation, in terms of access to news, access to books, other expressive activity. And pretty much everything that happens online is general expressive activity. And Justice Antonin Scalia, one of the most conservative champions on the Supreme Court, stated it well. And I quoted this during Senator Bosn's debate as well, on LB504, that while government possesses a legitimate power to protect children from harm, it does not wield a free-floating power to restrict the ideas to which children are exposed. The only time the court has said that children can't access--

**ARCH:** Time, Senator.

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**CONRAD:** --speech protected for adults is when it came to obscenity.  
Thank you, Mr. President.

**ARCH:** Senator Bosn, you're recognized to speak.

**BOSN:** Thank you, Mr. President. I just want to take a quick moment. As the chair, I am responsible for reporting on all the position comments. And I think having a floor record that there were a significant number of individuals who did submit comments in support of Senator Storer's bill is definitely worthy of clearing up. Because while there were fewer testifiers, I think we often pay too little attention to the individuals who submit online comments. I get some of the best amendments and best feedback from these online comments. And in this particular case, there were 68 proponents. I didn't need to hear from 68 parents in person telling me that this was the legislation they were advocating on behalf of, but I certainly took the time to read all 68 of those proponent comments, all 20 of the opponent comments, and the neutral comment. I just wanted to make sure that that record was clear. Thank you, Mr. President.

**ARCH:** Senator Conrad, you're recognized to speak.

**CONRAD:** Thank you, Mr. President. And to my friend, Senator Bosn's point, yes. We utilize every factor that's in our favor when we're arguing for in a bill-- for a bill. Right. But I do want to just note while every voice matters that engages with their Legislature, when you look at the sheer volume in terms of online comments in regards to this particular measure, I mean, it's, it's eclipsed, for example, when you look at the number of online comments that have come in for winner-take-all, or carve-outs and caps on minimum wage or sick leave or otherwise. So to say that that's somehow, you know, unique or indicative in terms of building support for this particular measure is just contradicted by the body's approach in regards to online comments otherwise, or even in-person comments otherwise. So I just want to, want to be clear about that. So again, there's expressive rights in regards for adults at play here, in regards to minors at play here, in regards to editorial and expressive rights that the companies themselves have, so-- which is a whole different minefield. But the other questions I have are very technical that I want to pose on the record. So, Senator Storer's measure actually has a very specific private right of action in it. Senator Bosn's measure did not, LB504, so I think it would be important for the proponents of those measures to say why there is a different approach in terms of enforcement and why. Additionally, I, I do think that there is a lot of ambiguity

about the language itself in Senator Storer's bill, in regards to the age verification process and the retention of information and exactly-- and that seems to set up a whole separate cause of action if the retention is unreasonable, but none of that is really defined or clear about how that works. I also just wanted to ask what would happen in regards to the fact that what if a minor utilizes-- what if they, what if they fake the, the parent's note to, to get an account online? Is there any liability for the minor or the family in that regard? Just wanted to kind of tease that out. What about fake accounts or shared accounts? How are those policed or thought through? How does this legislation contemplate the utilization of VPNs or other technologies which may mask certain identifying information. I think we do have some of the same issues or problems when it comes to ensuring a clear directive that any of the settlement funds would go to the common schools fund specifically, as we took up with a successful amendment to Senator Bosn's bill. I also have questions as to if these harms are so clear and correlated and in, in causation, why is this measure perspective only? Why does it impact all existing accounts? I also think it's important to recognize that the, the bill itself is very specific in terms of language for parents. It does seem to have a carve-out for emancipated minors, but how do emancipated minors who don't perhaps have a driver's license maybe get access if they don't have a parent to go through the verification process? What happens for foster kids? It seems to be very limited to quote unquote, natural parents. What about if parents don't have access to the Internet? I see there is a fax option there and I don't exactly know if anybody still uses faxes at the social media companies, but maybe they do. I also don't know enough about the technology to know what a commercially reasonable age verification method is, and maybe those just exist with different private corporations, but it would, it would be good to know. It seems to be that there's an attempt to do some carve-outs for online transactions or sales, but I'm assuming that, that might also-- the exemption, for example, would that apply to something like Facebook Marketplace, but not Facebook, trying to just kind of sort, sort out those questions, also trying to get an understanding about why there would be an exemption for young people's financial transactions since that could implicate--

**ARCH:** Time, Senator.

**CONRAD:** --things like, perhaps trafficking, as well. Thank you, Mr. President.

**ARCH:** Senator Guereca, you're recognized to speak.

**GUERECA:** Thank you, Mr. President. Good afternoon, colleagues, Nebraskans at home. It's a tough, tough conversation. It's a very emotionally charged topic. I think what the biggest takeaway is that we do want to protect our children. The world that they live in is vastly different from the one so many of us grew up in. I think parents are scrambling to, to find a way to keep them safe. So I understand the intent of the bill, because the desperation from these parents is there. But how, so it's, it's, it's the most delicate balancing act of how do you protect the inherent rights of these young people while at the same time, making sure that these parents have the tools necessary to keep their kids safe. It's a huge lift. Is this LB383 the, the answer? I don't know. And I think-- like I said, it's a delicate balancing act, because we need to make sure that our, our young people are protected and that their rights are protected. So yeah, it's, it's a-- certainly a tough one. If this passes, I'm sure it'll go to the courts, and it's something that's being wrestled with legislators all over the country. Maybe this is the solution. Maybe this is the one that, that gets through. I don't know, but it's a tough ask. Thank you, Mr. President.

**ARCH:** Seeing no one in the queue, Senator Hunt, you're recognized to close on your bracket.

**HUNT:** Thank you, Mr. President. All that needed to happen was that no one stand up and say they're passionate about preventing suicide when they're going to turn around and vote for a bill that's already, you know-- that we know is literally causing suicides here in Nebraska. That's all that had to happen. And then I wouldn't have hopped up and felt the need to pop off. You know, I don't really have the maturity to stand on my hands. Like, Senator Storer came over after I spoke and said to me, right here in front of Senator Dungan as he was talking, that out of respect for me, because she respects me so much, she wanted to let me know that she was going to respond to what I said. She doesn't respect me, and that's fine. None of you have to respect me. I don't care if you respect me. I don't respect a lot of you. And I don't respect Senator Storer because she is supporting LB89, which is a bathroom bill to allow many of you to live out your fantasy of being genital cops, in the ladies' room, in the men's room, and to empower kids to keep bullying each other to the point of depression, to the point of suicide, and then to stand up on the mic and say something and be like, you don't know what I've been through, you don't know how many people I've known who have depressed. I grew up queer. I have a queer kid. You think I don't know anybody who's been depressed? You don't know my story. Let's realize that none of us know each



other's stories, do we? But you cannot stand on that microphone and cry out about protecting children from harm and suicide, while simultaneously voting for a bill that strips queer kids of their rights, their identities, and their humanity, and then say to me, well, that's a different thing. We're not talking about that bill. It's apples and oranges. No, it's all the same thing. It's about kids committing suicide and killing themselves. And I care about that, not just because of something they saw on Instagram or Snapchat. I care about it because of the policies that we make and perpetrate through this body. And you should, too. You should care about that. And if you don't, you're a hypocrite. And no, I don't respect you. I'll say it on the mic. I'll say it to your face. So don't come over to me and act civil, like you're acting with civility. It is uncivil behavior to take the rights away from Nebraskans, whether they're 9 years old, or 19, or 90. So what I'm going to ask you to do is not invoke the lives of children in crisis and talk about suicide prevention if you are voting for Kathleen Kauth's bathroom bill that empowers people like her to become gender cops in every bathroom. It's disgusting. It's disgusting. You don't get to speak the language of prevention while ignoring the realities of queer youth who are begging to be left alone. You cannot claim to support parents while fighting tooth and nail to keep parents from affirming their own children. You cannot say you want to prevent suicide while telling entire groups of students that their existence is a problem to be fixed and that you have the cure and it's that they can't be called by their name and they gotta go in the wrong bathroom and they can't play sports with their friends. What about the teen in a small town who uses social media to find their voice and connect with people like them for the first time in their life, like I did as a kid? What about the young person whose parents reject them, who relies on online resources to connect with people like them for the first time in their lives, these kids who rely on online resources just to survive? And what about the thousands of kids in our state who are watching what we say here and do here today, wondering if the Legislature sees them as human? They see the hypocrisy. I've got 9-year-olds, 10-year-olds telling me they see the hypocrisy. You don't get to stand for kids only when it's convenient. You don't get to speak for suicide prevention while pushing bills that make vulnerable kids feel like their existence is a political problem. You don't get to claim the mantle of parental rights while rejecting the rights of parents who support their queer kids. We know, in Nebraska, what drives suicide risk. We have years of data, we have thousands of stories, and we have clear evidence, and it's not social media alone. It's not books in the library. It's not lax of-- it's not

a lack of parental notification. It's rejection. It's shame. It's isolation. It's policies that single kids out for punishment instead of protection, and all of you are complicit in that. So if you want to talk about preventing suicide, let's actually show up for all kids in Nebraska, because too many young people are in this state watching us, listening, reading these headlines, and they are taking in the messages we are sending to them. And that message, if we are not careful, is we do not care about you.

**ARCH:** Time, Senator.

**HUNT:** Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the bracket motion. All those in favor vote aye; all those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 29 ayes, 3 nays to place the house under call.

**ARCH:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are now present. Senator Hunt, the vote is open. Will you accept call-ins? Mr. Clerk.

**CLERK:** Senator Brandt voting no.

**ARCH:** Record, Mr. Clerk.

**CLERK:** 4 ayes, 26 nays on the motion to bracket, Mr. President.

**ARCH:** The bracket motion is not successful. Mr. Clerk, for items.

**Speaker 9:** Raise the call if you could, sir. Raise the called if you can.

**ARCH:** I raise the call.

**CLERK:** Mr. President, items for the record. Notice from Senator von Gillern for withdrawal of FA85, FA48 [SIC - FA84], and several motions on LB650. Your Committee on Revenue, chaired by Senator von Gillern, reports LB608 to General File with committee amendments, as well as

LR13CA. Amendment to be printed from Senator Dover to LB288, Senator von Gillern to LB650, Senator John Cavanaugh to LB192, Senator Storer to LB383. Name adds: Senator Ballard, name added to LB80; and Senator Brandt, withdrawn from LR20CA. Notice that the Appropriations Committee will meet in executive session upon adjournment in room 1003. Finally, Mr. President, President, a priority motion. Senator Raybould would move to adjourn the body until Friday, April 11, at 9:00 a.m.

**ARCH:** Colleagues, you've heard the motion. All those in favor, say aye. Opposed, nay. We are adjourned.