

**ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022**  
**COMMITTEE STATEMENT**  
**LB1213**

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**Hearing Date:** Wednesday February 09, 2022  
**Committee On:** Judiciary  
**Introducer:** Albrecht  
**One Liner:** Provide requirements regarding access to digital and online resources provided by school districts, schools, and the Nebraska Library Commission for students

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 6 Senators Brandt, DeBoer, Geist, Lathrop, Pansing Brooks, Slama  
**Nay:**  
**Absent:**  
**Present Not Voting:** 2 Senators McKinney, Morfeld

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**Oral Testimony:**

**Proponents:**

Senator Joni Albrecht  
Matt Heffron  
Bill Pulte  
Kent Kingston  
Brian Tegtmeier  
Marilyn Asher

**Representing:**

Introducer  
Self  
ESU #3  
Millard Public Schools  
Self  
Self

**Opponents:**

Emily Nimsakont  
Rod Wagner  
Spike Eickholt

**Representing:**

Nebraska Library Association  
Nebraska Library Commission  
ACLU of Nebraska

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 1213 requires schools, school districts and the Nebraska Library Commission to require and ensure that online or digital resources block obscene and harmful materials to minors. The measure requires these entities and their resource providers to be able to block and filter such materials using accounts for both the minors and their parents or guardians. The bill allows schools, school districts and Library Commission to withhold payments from resource providers if the protection and privacy provisions are not met.

A private right of action is created for parents and guardians for violations of the bill's provisions, allowing for damages and attorney's fees. LB 1213 also allows the court to increase an award (up to \$10,000) for egregious situations. Each instance

is considered a separate violation.

#### Section by section

Section 1 A new section that requires schools, school districts and the Nebraska Library Commission to ensure their digital or online resources meet certain protection requirements. For resources for students K-12, these protections include: blocking access to obscene material (subsection (2)(a)), establishing accounts for both student and parents to allow access (subsections (2)(b) and (c)), protect the account information and prevent concurrent sessions (subsections (2)(d) and (e)).

Subsection (3) allows the school, school district or Library Commission to withhold payments to the resource contractor if the contractor fails to meet the standards in subsection (2) and can be considered a breach of contract (subsection (4)).

Subsection (5) requires the Library Commission to issue a provider compliance report annually (Dec 1).

Subsection (6) allows a parent or guardian to file a civil action to recover damages by the minor, parent or guardian as well as attorney's fees. The subsection allows the court to increase the award amount depending on the egregiousness of the violation (up to \$10,000). Each instance of obscene materials is considered a separate violation.

Subsection (7) creates an irrebuttable presumption that the resource provider knows the content of the materials provided.

Subsection (8) provides definitions of account, block, concurrent sessions, digital resources, filter, and online resources.

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#### **Explanation of amendments:**

Committee AM2336 revises the remedy and creates a complaint process when a student or parent alleges accessibility to materials obscene or harmful to minors via an educational research database.

The process provided in the committee amendment would require a student or parent to submit a complaint to the school's principal or superintendent regarding a specific site or material. The principal or superintendent would review the complaint and make a determination within seven days whether the material is obscene or harmful to minors. The person making the complaint is notified of the determination within seven days after the complaint. The school board, if one exists, shall ratify or reject the determination by a majority vote of the board.

If the superintendent or principal determines that the material in the complaint is obscene or harmful, the vendor or provider is notified and shall block or filter the material. If unable or unwilling to block or filter the material within 14 days, the school board, if they contract directly with the vendor or provider, may institute a declaratory judgement action or other proceeding to determine if the vendor or provider is in breach of the contract. The vendor or provider has a defense to the action that the material is not obscene or harmful to minors.

If the school has no school board, a party to the contract may exercise the actions described above.

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Steve Lathrop, Chairperson