

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 25, 2025

Rough Draft

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Ninth Legislature, First Session. Our chaplain today is Father Jeremy Hazuka, St. Michael's Church, Hastings, Nebraska, in Senator Lonowski's district. Please rise.

JEREMY HAZUKA: Soul mate. O Lord, our Lord, how majestic is your name through all the earth. Your majesty is set above the heavens. From the mouth of children, of babes, you have fashioned praise to foil your, foil your enemy, to silence the foe and the rebel. When I see the heavens, the work of your fingers, the moon and stars which you arranged, what is man that you should be mindful of him, the son of man that should care for him? Yet you have made him little lower than the angels, with glory and honor you crowned him, gave him power over the works of your hands, and put all things under his feet. All of them sheep and oxen. Yes, even the cattle of the fields, birds of the air, and fish of the sea that make their way to the waters. O Lord, our Lord, how majestic is your name through all the earth. Lord, we ask you to grace our state senators with the virtues necessary to serve well the people they represent. May they remember the great dignity you have bestowed upon the human person, creating us in your image and likeness. Little less than the angels. May there be a balance of justice and mercy in their decisions. May they be good stewards of the creation you have entrusted to us. May they have the prudence and fortitude to work together for the common good of our state, our nation, our world. O Lord, our Lord, how majestic is your name through all the earth. Amen.

KELLY: I recognize Senator Juarez for the Pledge of Allegiance.

JUAREZ: Senators, please join me. 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: Thank you. I call to order the thirty-second day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

KELLY: There any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

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

CLERK: There are, Mr. President. Your Committee on Revenue, chaired by Senator von Gillern, reports LB50, LB399, and LB316 [SIC-- LB613], LB709 to General File. Additionally, amendment to be printed from Senator Ibach to LB307. Motion to be printed from Senator Kauth to LR48. And a communication from the Exec Board chair pursuant to 81-12,242. The following appointments have been made to the Economic Recovery Special Committee: Speaker Arch, Senator Armendariz, Senators Guereca, Juarez, McKinney, Prokop, and Spivey. That's all I have at this time, Mr. President.

KELLY: Senator Fredrickson would like to recognize the physician of the day: Dr. Steve Wilson [SIC-- Williams] of Omaha. Please stand to be recognized by your Nebraska Legislature. Senator Strommen would like to recognize some guests seated under the south balcony: Brad Sherman, the mayor of Sidney; and Brett Kerkman, the councilman from Sidney. Senator Ballard would like to recognize three guests seated under the south balcony: Paula Petersen of Waverly, Jana Alcoverro of Catalonia, and Juli, Juli Wiese of Germany. Please stand to be recognized by your Nebraska Legislature. Senator Dorn, you're recognized for an announcement.

DORN: Thank you. And good morning, colleagues. This-- over the past weekend, former state senator from District 30, Senator George "Bill" Burrows, of Adams passed away. Bill was born in Adams, Nebraska on October 21 of 1930. He lived his entire life in the Adams area. He graduated from Adams High School in 1948 and received his bachelor degree from the University of Nebraska in 1953. Bill married Norma Conneally on December 3-- 26, 1953. He served in the United States Army and served in Korea for 16 months. Bill was a lifelong farmer, an active member of many agriculture commodity groups, serving in several organizations including Farmers Home Administration, the Nebraska FSA Office, the Landrace Hog Organization, and Farmers Union. And he also was a vet ag instructor. He also was a lifelong member of the United Methodist Church. Bill served in the Nebraska Legislature from 1975 to 1983. Bill was very active during that time with the discussion if-- some of them my age remember it, some of the younger people don't-- of the-- our corporate farming issue that we had at that time. Bill also ran for governor in 1982 and lost in the primary. Bill passed away on February 21, 2025. He is survived by his wife of 71 years, his three children, their spouses, four grandchildren and their spouses, and six great grandchildren. Just wanted to bring everybody up to date on the

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passing of Senor-- former Senator George "Bill" Burrows from District 30. Thank you.

KELLY: Thank you, Senator Dorn. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President: LR49, introduced by Speaker Arch--

KELLY: Speaker--

CLERK: --congratulating Jerry and Bill Adams as recipients of the distinguished NEBRASKAlander Award and extending its appreciation for their service to the state of Nebraska. Resolution was read on February 24, 2025.

KELLY: Speaker Arch, you're recognized to speak.

ARCH: Thank you, Mr. President. And good morning, colleagues. I want to explain why we have legislative resolutions to begin our session today. When I was elected Speaker in 2023, I found out that one of the expectations for the Speaker was the annual introduction of legislative resolutions to honor the annual recipients of the NEBRASKAlander Awards and to present the resolutions at the annual Statehood Day Dinner, which is this coming Saturday, March 1. These resolutions are congratulatory in nature, would normally appear at the bottom of the agenda, with automatic adoption five days after their appearance in the agenda pursuant to Rule 4, Section 5(b). This year, there was a timing mix-up and the-- with the Statehood Dinner happening on this coming Saturday, we don't have time for the resolutions to be automatically adopted after appearance on the agenda. Therefore, I have scheduled these three resolutions for adoption via vote this morning to make sure that they are completed. It's not my intention to take a lot of time discussing each resolution, but I would ask for your support so we can move on to the legislation for the day. First legis-- legislative resolution is LR49. It congratulates Jerry and Bill Adams from Broken Bow, Nebraska as recipients of the 2025 NEBRASKAlander Award. I would ask for your green vote. Thank you.

KELLY: Thank you, Speaker Arch. Members, the question is the adoption of LR49. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the resolution, Mr. President.

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KELLY: The resolution is adopted. Mr. Clerk.

CLERK: Mr. President: LR50, introduced by Speaker Arch. Legislature congratulating Kenneth E. Stinson as a recipient of the distinguished NEBRASKAlander Award and extending its appreciation for his service to the state of Nebraska. Resolution was read for the first time on February 24, 2025.

KELLY: Speaker Arch, you're recognized to open.

ARCH: LR50 congratulates Ken Stinson, Chairman Emeritus of Peter Kiewit Sons', Inc. as a recipient of the 2025 NEBRASKAlander Award. I would ask for your green vote, please. Thank you.

KELLY: Thank you, Speaker Arch. Members, the question is the adoption of LR50. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the resolution, Mr. President.

KELLY: The resolution is adopted. Mr. Clerk.

CLERK: Mr. President, next resolution: LR51, introduced by Speaker Arch. Legislature congratulating Dave Heineman and Sally Ganem as recipients of the distinguished NEBRASKAlander Award and extending its appreciation for their service to the state of Nebraska. Resolution was read for the first time on January 24 of this year.

KELLY: Thank you, Mr. Clerk. Speaker Arch, you're recognized to speak.

ARCH: This is the last one. Excuse me. LR51 congratulates former Governor Dave Heineman and former First Lady Sally Ganem as recipients of the 2025 NEBRASKAlander Award. I would ask for your green vote, please. Thank you.

KELLY: Thank you, Speaker Arch. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to thank my friend, Speaker Arch, for bringing forward these legislative resolutions today to recognize and acknowledge the accomplishments of these distinguished Nebraskans and to commemorate their awards that they have worked hard for and are bestowed very deservedly. I wanted to particularly add a note of personal and professional congratulations to Governor Heineman and Sally Ganem, who are

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highlighted in LR51. I had the opportunity to serve with Governor Heineman during my previous stint in the Legislature. And as you might imagine, he and I had a few policy disagreements about some of the issues that were facing Nebraska. Nevertheless, I developed a significant amount of respect for Governor Heineman and his leadership. I was grateful to build a relationship with he and First Lady Sally Ganem, who was a beloved First Lady. And both the governor and the former First Lady have literally devoted their entire life to public service in so many different fashions, whether it's Sally's commitment to kids in education, from the classroom to school leadership, to her ongoing work on the city council, whether it was Governor Heineman's work as a constitutional officer and then, of course, as governor. I know that he continues to be engaged in public issues. And Nebraska is very grateful for their family's incredible dedication of service in numerous and important ways. I also just want to add a note. Governor Heineman recently suffered the loss of, of his, his mom, who had a, a very incredible and long life and has left a beautiful legacy as well. So in extending our condolences but also our congratulations, I just wanted to raise a note to say thank you to Sally and to Dave for their hard work and to thank them for their friendship and leadership. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one in the queue. Members, the question is the adoption of LR51. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the resolution, Mr. President.

KELLY: Thank you, Mr. Clerk. Through-- the resolution is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR49, LR50, and LR51. Mr. Clerk, next item on the agenda.

CLERK: Mr. President: Select File, LB357. There are no E&R amendments. Senator Holdcroft would move to amend with AM320.

KELLY: Senator Holdcroft, you're recognized to open.

HOLDCROFT: Thank you, Mr. President. LB357 and accompanying amendment, AM120, were advanced out of General File unanimously. As a reminder, this bill, brought on behalf of the Nebraska Ra-- Racing and Gaming Commission, contains several changes allowing the commission to better manage the record growth of casino gambling and horse racing within Nebraska. These changes include the reduction of the number of

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required meetings held by the commission each year, formally licensing racetrack enclosures, consolidating the commission's cash funds, clarifying provisions of the gaming operator licensing fee, changing the term of individual horse racing licenses, and the expanding of background checks and fingerprinting procedures. Next, I will discuss AM320, which includes a technical change discovered during Enrollment and Review and a grandfather clause provision. Thank you, Mr. President. This concludes my opening on LB357.

KELLY: Thank you, Senator Holdcroft. Seeing no one else in the queue. You're authorized-- recognized to close on AM320.

HOLDCROFT: OK. So AM320-- kind of did this a little out of order. Thank you, Mr.-- as mentioned on my opening statement on LB357, AM320 includes a technical change discovered during Enrollment and Review. Additionally, this amendment includes a grandfather clause provision for those current-- currently licensed to conduct horse, horse racing meets. This clause ensures current licensed racetracks are deemed to hold a racetrack enclosure license until the commission acts upon their application for the racetrack enclosure license, preventing any gap in licensure. Thank you, Mr. President. This concludes my opening on AM320.

KELLY: Thank you, Senator Holdcroft. Seeing no one else in the queue. You're auth-- members, the question before the body is the adoption of AM320. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM320 is adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB357 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion to advance LB357 to E&R Engrossing. All those in favor say aye. Those opposed, nay. It is advanced. Mr. Clerk.

CLERK: Mr. President: Select File, LB251. Senator, I have E&R amendments, first of all.

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KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB251 be adopted.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The amendments are adopted.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB251 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB251 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB250. First of all, Senator, I have E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB250 be adopted.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendment is adopted.

CLERK: Mr. President, Senator Jacobson would move to amend with AM256.

KELLY: Senator Jacobson, you are recognized to open on the amendment.

JACOBSON: Thank you, Mr. President. Good morning, colleagues. Very simply, AM250 just clarifies that the residence referred to in the bill are primary residences as to just-- or, residences. So I appreciate your support for this amendment on the floor.

KELLY: Thank you, Senator Jacobson. Seeing no one else in the queue. Senator Jacobson, you're recognized to close. And waive. Members, the question is the adoption of AM256. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 38 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM256 is adopted. Mr. Clerk.

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CLERK: Mr.-- Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB250 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed, nay. LB250 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB118. First of all, Senator, there are E&R amendments.

GUERECA: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB118 be adopted.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. The-- ER10 is adopted.

CLERK: Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB118 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB118 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: LB148. There are no E&R amendments. Senator Rountree would move to amend with AM391.

KELLY: Senator Rountree, you are recognized to open on the amendment.

ROUNTREE: Thank you, Mr. President. And good morning, colleagues. Today, I'm here to open on AM391, which would amend my bill, LB83, into LB148. I appreciate Senator Hansen's willingness to allow this amendment and for his work to improve the dental landscape in Nebraska. LB83 and the amendment would have Nebraska join the Dentist and Dental Hygienist Compact created by the Council of State Governments and the Department of Defense. Under this compact, licensed dentists and dental hygienists would be able to practice in all states participating in the compact. There are currently ten states that are members of the Dentist and Dental Hygienist Compact,

including Colorado, Kansas, Iowa, Minnesota, and many others. There are also 17 other states currently considering joining the compact. With many neighboring states already included in the compact and others potentially joining, I believe that this bill is an opportunity to bring new workers into our state. Allowing greater mobility with licensure is one way to attract additional workforce into our state. Nebraska has faced a shortage of dentists who would accept Medicaid in recent years. Allowing licensed dentists and dental hygienists into our state will increase access for Nebraskans in need of dental services. In my district, military families frequently move in and out of our state. And reducing the number of barriers for trained professionals to work in our state is a priority of mine. LB83 was voted out of the Health and Human Services Committee 7 to 0, with no opposition testimony. I would also like to highlight that we had testifiers in favor of LB83 from the Health Care Association of Nebraska, the Nebraska Dental Association, Nebraska Dental Hygienists' Association, and the UNMC College of Dentistry. With that, I would ask that you vote green on AM391. Thank you, Mr.--

KELLY: Thank you, Senator Rountree. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. And thank you, Senator Rountree, for explaining your amendment. I-- this is a friendly amendment. I appreciate everything that Senator Rountree has done-- again, as a collaborative effort-- to make sure we can kind of move the dental industry forward and make it more available for the citizens of Nebraska. So this is a friendly amendment, and I encourage my colleagues to vote in favor of AM391. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Seeing no one else in the queue. Senator Rountree, you're recognized to close. And waive. Members, the question is the adoption of AM391. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM391 is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB148 be advanced to E&R for engrossing.

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KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB148 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB98. I have nothing on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB98 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. LB98 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB196. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB196 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB196 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB41. Senator, first of all, I have E&R amendments.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB41 be adopted.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB41 be advanced to E&R for engrossing.

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KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB41 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB160. There no E&R amendments. Senator Riepe would move to amend with AM264.

KELLY: Senator Riepe, you're recognized to open on AM264.

RIEPE: Good morning, Mr. President. And good morning, colleagues. This amendment to LB160 adjusts the number of tests a barbering candidate may take before they are required to attend remedial programming. Instead of having two attempts before having to go back to school, they will have three attempts. This was an amendment set in motion by Senator McKinney when LB160 was heard on General File. The Board of Barbers has agreed to this change, and I appreciate it very much. Thank you, sir.

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

McKINNEY: Thank you, Mr. President. I rise in support of AM264 and LB160. I think this is a great compromise with the Barbers Board and Senator Riepe, and I hope that everyone gives it a green vote. Thank you.

KELLY: Thank you, Senator McKinney. Seeing no one else in the queue. Senator Riepe, you're recognized to close. And waive. Members, the question is the adoption of AM264. All those in favor vote aye. All those opposed vote nay. Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on adoption of the amendment.

KELLY: AM264 is adopted. Mr. Clerk.

CLERK: I have nothing further on the bill, Senator.

KELLY: Senator Guereca for a motion.

GUERECA: Mr. President, I move that LB160 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. AM160 is advanced for E&R Engrossing. Mr. Clerk.

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CLERK: Mr. President: LB296, Select File. I have nothing on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move to advance LB296 to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB296 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB335. I have nothing on the bill, Senator.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB335 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB335 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB240. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB240 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB240 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB293. Senator, I have nothing on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB293 be advanced to E&R for engrossing.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. LB293 is advanced to E&R Engrossing. Mr. Clerk.

CLERK: Mr. President: Select File, LB609. First of all, Senator, there are E&R amendments.

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KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that the E&R amendments to LB609 be adopted.

KELLY: Members, you have heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted.

CLERK: Senator Bostar would move to amend with AM352, Mr. President.

KELLY: Senator Bostar, you are recognized to open on your amendment.

BOSTAR: Thank you, Mr. President. AM352 makes a small adjustment to the bill that was worked out with all stakeholders. It changes the refund eligibility period for fraudulent transactions from 90 days to 30 days for both new and existing customers. That's all it does. I would request your green vote on AM352. Thank you very much.

KELLY: Thank you, Senator Bostar. Seeing no one else in the queue. You're recognized-- and waive closing. Members, the question is the adoption of AM352. All those in favor vote aye. All those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM352 is adopted. Mr. Clerk.

CLERK: Senator, I have nothing further on the bill.

KELLY: Senator Guereca, you're recognized for a motion.

GUERECA: Mr. President, I move that LB609 be advanced to E&R for engrossing.

KELLY: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB609 is advanced for E&R Engrossing. Mr. Clerk.

CLERK: Mr. President, next item on the agenda: General File, LB143, introduced by Senator Rountree. It's a bill for an act relating to students; to amend Section 79-215; changes provisions relating to the preliminary enrollment in a school district by children of military families; requires any preliminary or advanced enrollment provisions of the school district apply to students with an in-- individualized family service plan or individualized education program or students

that receive special education as prescribed; and repeals the original section. Bill was read for the first time on January 13 of this year and referred to the Education Committee. That committee placed the bill on General File. I currently have nothing on the bill, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Rountree, you're recognized to open.

ROUNTREE: Thank you, Mr. President. And good morning, colleagues and all those in our viewing area. Today, I'm here to introduce LB143, which would better connect military families moving into Nebraska to individualized education plans, individualized families service plans, or other special education services. Military families are highly mobile, and they often find themselves moving from state to state as the service member's deployment changes. This means that military children are frequently changing school districts. These changes can create difficulties for any student, as they are forced to quickly adapt to a new school environment. But it can be especially difficult for military children with special needs. Students who receive an individualized education plan or an individualized family service plan, they rely on these services to learn to the best of their ability. And when these services are disrupted, the student suffers. LB143 aims to ensure that when a student moves in with their military family, that student is connected to services as quickly as possible to minimize any learning loss. LB143 further clarifies in law that military students are included in advanced enrollment policies. A Partners in PROMISE study found that only 16% of respondents with special education needs have ever been able to advance-enroll their student despite their state having advanced enrollment policies. Of those who have never used advance enrollment, 78% were told because it was not an option. The policy presented does not change current advanced enrollment policies in the state but clarifies it and creates a better transition for military families and schools alike. I know that Bellevue Public Schools and Offutt Air Force Base worked closely together to provide the best services as quickly as possible for students moving into the district. And I'm sure that every district in Nebraska works just as hard. I think that clarifying this in statute can be helpful for schools who do not deal with military families frequently. This concept is something that the Department of Defense strongly endorses to attract and retain military families to our state. LB143 came out of the Education Committee 7 to 0, with one absent and no opposition testimony in the hearing. Thank

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you for your consideration of this bill. And I ask that you vote green to advance LB143 to Select File. Thank you, sir.

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

SPIVEY: Thank you, Mr. President. And thank you, Senator Rountree, for bringing this. I was hoping that you would maybe yield to a few questions.

KELLY: Senator Rountree, would you yield to some questions?

ROUNTREE: I will.

SPIVEY: Thank you again for bringing this. And I really appreciate your perspective being in the military and the advocacy that you are doing on behalf of the families in your community. And so I just was wondering if you could just give a little bit more context of how this bill came up of-- did you hear more about this while you were knocking doors or just given your experience in working so deeply in community that you recognize that this was an important issue that you were going to champion through this legislation?

ROUNTREE: Thank you so much, Senator Spivey. Yes, this bill was greatly personal to me as a father with a special needs child and one that has moved from community to community. It was especially important that services were already recognized and in place when we arrived at a new duty station, and that still continues to be the point today. If you get to a new duty station and the services aren't there and there's an interruption, it can have a greatly negative impact on the mental health of our children and our families. So when I was coming from RAF Lakenheath, England, coming back to the United States, we had our IEP plan set and [INAUDIBLE] to our new duty station. [INAUDIBLE] said, OK. Well, these are the services that his son needs. We can provide all of those services. And in fact, this is a good IEP. We don't have to do a new one. We can just take [INAUDIBLE] and enroll it. So once we got on station, my son was able to continue on without a break in services. And so that is something that I would like to see for all of our military families and for those that are just transitioning from district to district. So it enhances mental health and family stability.

SPIVEY: Thank you, Senator Rountree. And I think you also made a great point around-- for military families, but just families in general,

around being able to have the support around IEPs and the resources that you need. And we've been having lots of conversations in other committees and I think on the floor just around the attacks around LB504 plans and how that would really start to erode some of the resources and protections needed for families to really ensure that their children are thriving. And so I just wanted to thank you for bringing this bill and thank you for bri-- providing more context on the intention and the impact that it will have.

ROUNTREE: All right. Thank you, Senator Spivey.

SPIVEY: I yield the rest of my time, Mr. President. And bless you.

KELLY: Thank you, Senators Spivey and Rountree. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I want to thank Senator Rountree for bringing this measure forward and rise in support of this measure. I wanted to add a few more comments along the thread that my friend, Senator Spivey, raised this morning as well. I remember when Senator Rountree brought this measure to the Education Committee. As is typical in our pattern in practice, we had organized our committee hearings around bills touching upon the same issue areas. And this day, we had an opportunity to hear really a variety of different bills about things that we can do-- we could do to improve programs, services, and supports for students with special learning needs. As those conversations were happening, we also first became aware in many instances of the disappointing attack that Attorney General Hilgers launched with his colleagues from other states to strike at the very heart of a critical federal law that has provided support and services and accommodations to children with special needs. And the good news is, as more Nebraskans found out about that radical and disappointing utilization of the Attorney General's power and prestige and state resources, they started to speak out. They started to ask questions. They started to push back. They started to advocate. And then and only then, when called upon the carpet by the citizenry as to the radical nature of this litigation, did Attorney General Hilgers and his colleagues attempt to backpedal and try and make certain amendments and filings and statements that, indeed, it was never their intent to undercut this well-established and important federal law that provides critical services, support, and accommodations to children with special learning needs. It is also important that Nebraskans just follow the facts on this. The Attorney General indicated that he had never meant to challenge the federal law

which did provide these critical programs, services, and accommodations, I think, for decades. But you-- if you look at the, the filing on its face, it, it speaks for itself and undercuts the Attorney General's rhetoric when called upon the carpet in regards to his radical actions in this regard. So it is good that they are backpedaling somewhat, but it does not go unnoticed by me and many members of this body and many families across the state who appropriately utilize those protections, programs, and services and accommodations under federal law to help their kids stay in school and be successful when they have special learning needs. So I think it is definitely important that Senator Rountree is moving this forward to help military families with special learning needs have better support, services, and accommodations as they are entitled to under federal and state law. But it's important that we also note that, in this moment of very chaotic and divisive politics, Attorney General Hilgers will stop at nothing, even attacking disabled students in their school and the services that they rely upon. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Seeing no one else in the queue. Senator Rountree, you're recognized to close.

ROUNTREE: Thank you, Mr. President. And thank you, colleagues, for your time on this bill. Like I said, I think this is a simple change that would better connect our military students to IEP services when they enroll in their new school districts. Again, this bill came out 7 to 0, with one absent from the Education Committee, with no opposition testimony and no fiscal impact. Thank you for your attention. And I ask that you vote green on LB143. Thank you.

KELLY: Thank you, Senator Rountree. Members, the question is the advancement of LB143 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB143 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, next item: General File, LB504, introduced by Senator Bosn at the request of the governor. It's bill for an act relating to consumer protections; adopts the Age-Appropriate Online Design Code Act; provides an operative date; and provides severability. Bill was read for the first time on January 21 of this year and referred to the Banking, Commerce and Insurance Committee.

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That committee place the bill on General File. There are committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Bosn, you're recognized to open.

BOSN: Thank you, Mr. President. The internet, apps, and social media are ever-changing. As a parent of young children, it is hard to stay a step ahead of every new opportunity to protect children's privacy, mental health, and keep them safe. Online safety concerns for juveniles have been a concern for years, expressed by law enforcement. Educators, parents, pediatricians, therapists, and even young adults are asking for our help. For these reasons, I have introduced LB504, which is a bipartisan bill. Serving in the Legislature as a mom with four young children provides me a unique opportunity to advocate for these issues on behalf of children across our state. In 2023, the U.S. Surgeon General released an advisory opinion regarding social media and youth mental health. It provided insights on what policymakers could do to protect youth. Some of the recommendations were to develop age-appropriate health and safety standards, to require a higher standard of data privacy for children, and to ensure technology companies share data relevant to the health impact of their platforms. LB504 implements some of those recommendations, such as the age-appropriate design code, which helps to prevent the compulsive use of social media and to protect children's private information. It also provides users with easily accessible and easy-to-use tools to protect their privacy, their in-app purchases, to control personalized recommendations, and restrict the sharing of precise geolocation information. Last September, there was a Nebraska Family Impact Seminar research brief that was published. This brief mentioned that, on average, teens engage with screens for 7.7 hours a day. This brief also mentioned that Instagram and Snapchat were the most used social media platforms and watching online videos on TikTok and YouTube were favorite activities. This brief mentioned that social media constitutes a new social context for teens that has consequences for neurobiological development and mental health. They have found that the more time a teen spends on social media, the more the teen can ha-- the more adverse effects that that teen can have, such as a greater risk for mental health disorders. And colleagues, I am not here to tell you that all social media for children is bad. As policymakers, grandparents, parents, we all want to keep children safe. Unfortunately, even people who work in the technology industry who thought they were making educated decisions were led astray by these companies. You're going to hear a lot of opposition from the lobby on this bill. The sky is not falling, and I am not taking away

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First Amendment rights for children. Those things are simply not true. This bill is the product of over a year of work with an organization called Reset Tech. Previous versions of this bill have been proposed and passed in other states, including California, with bipartisan support. In California, this legislation, which passed a couple of years ago, was challenged on First Amendment grounds and was sent back. Scholars and advocates worked to amend the bill to avoid any content moderation which triggers First Amendment claims. This bill is the Nebraska version of that modified and updated language. There was another challenge in California to that legislation-- and this bill also anticipates some of the fixes that were needed in that bill. The bill also passed in Maryland. You will hear opposition say that this bill will force companies to have a heavy burden of figuring out whether a person is a minor or not. I would contend with you that it is easy to forget how often you are asked for your birth date when creating a new online account. And respectfully, colleagues, everyone in here has enough experience with social media and online programs to know that these companies are capable of gathering this information-- including your date of birth-- already. I gave the example in the committee hearing: if I, if I start talking to all of you about cute 4th of July shirts for my daughter, by the end of today, if I open my Facebook feed, I will be given ads showing 4th of July shirts for children. And everyone in here knows that that's true because you've all experienced it, including the opposition. It's laughable to believe that this bill will result in social media companies gathering more data than they already are. Colleagues, there are a number of states who have passed or are working on legislation similar to this. They include California and Maryland, who are currently experiencing lawsuits but are working through that. There are several bills who have-- or, several states-- excuse me-- who have bills going through their legislatures right now, including Vermont, Illinois, South Carolina, Michigan, and Minnesota. There are two other states who are pulling in certain elements of this and working to include additional parts, and they include New York-- excuse me-- New Mexico and Washington. I would encourage each of you to look at the individuals who came in and testified in support of this legislation. They include pediatricians, law enforcement officers, whistleblowers from social media companies, and parents who have experienced tragic events as a result of the impact of social media on their children. Colleagues, I understand that this is a new concept. I'm happy to answer questions. I hope this is a healthy debate. And I ultimately ask for all of you to support LB504. Thank you, Mr. President.

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KELLY: Thank you, Senator Bosn. Senator Dungan has some guests in the north balcony: fourth graders from Trinity Lutheran School. Please stand and be recognized by your Nebraska Legislature. There is a committee amendment, as the Clerk previously stated. And Senator Bosn, you're recognized to open on the committee amendment.

BOSN: Thank you, Mr. President. Yes, there was a committee amendment. I can speak to what it does. And then certainly you're welcome to ask any questions that you may have of the chair or vice chair of this amendment. This is AM169, I believe, which was a-- it's essentially cleanup language. There were some areas where the bill had been updated and-- since we filed it to include a streaming service, which essentially is-- think things like DirecTV-- the difference between DirecTV, where you're not picking what shows. They have a-- they have a schedule of events. And so that is different than something like YouTube. And then the additional change is the language, which is cleanup language which came from, I believe, federal language that they are using. And so-- that we were remaining consistent with the language that was in other areas. I guess I would see if Senator Jacobson wants to clarify. And I would yield my time to Senator Jacobson.

KELLY: Thank you, Senator Bosn. Senator Jacobson, you have 8 minutes, 55 seconds.

JACOBSON: Thank you, Mr. President. Let me look at my list here. Yes. AM169 is the committee amendment to LB504. AM169 amends LB504 to exclude from the definition of online service a streaming service that provides only licensed media-- media in a continuous flow from the service, website, or application to the end user and has not obtained a license to the media from a user or account holder by agreement to, to its service-- terms of service. AM169 also provides clarification and revisions to the duty of covering online services to exercise reasonable care in the creation and implementation of covered design features. Additionally, it, it's-- it specifies the particular harms to, to children that this exercise of reasonable care must mitigate. I appreciate your support for this committee amendment to LB504. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I do rise today in support of AM169 but opposed to LB504 as, as it's currently

written. For those who are paying attention here at home, this did come through the Banking Committee, which I sit on, and I was the only person who did not vote for it. So I thought it was important today to have a debate and have a conversation about what my concerns are pertaining to LB504. I hope people actually engage in this conversation because this bill is not small. And what I mean by that is it is going to have very consequential effects on the usage of not just social media but web applications and websites in the state of Nebraska in a number of different ways. I, I do appreciate Senator Bosn and her opening, I think, clarifying some of the points here. I don't want to say the sky is falling. That's not what I'm getting at, at all. But the bill is so broad in what it affects and it's so broad in the different applications that are wrapped up into it and I think so ambiguous in the ways that these companies have to exercise reasonable efforts to prevent certain harms. It implicates a number of different things that I'm concerned about. I also do want to say that I appreciate Senator Bosn's efforts on this. I believe that she's genuine in her concern about protecting kids. I share those concerns. I share the concerns about social media and the negative impact that it has on youth today. Absolutely I agree with that. I just think there are other, more targeted avenues that we can go through in an effort to protect those, those children. And I think that Senator Bosn has been open to those conversations. She and I have talked about this bill a number of times. But I want to just start here today by outlining some of my general concerns, and I will punch back in and talk a little bit more about those as time goes on. First of all, I absolutely believe this bill has First Amendment problems. Senator Bosn indicated in her opening that another bill was passed and there were complaints about the First Amendment but those have been addressed. Let me be very clear, colleagues, that my reading of this bill, as well as a number of experts in this area, say that this bill still has major First Amendment implications. And to say that those have simply been fixed I think is not true. For background, the-- there was a bill in California, and that bill was passed. And that bill was then challenged, and it was found unconstitutional. California reworked the bill and it was then passed again. That version of the bill, the second version-- which it's my understanding this bill is very closely modeled after-- had another lawsuit filed. And it is currently under an injunction. It's been signed into law, but it cannot go into effect because of the continued First Amendment concerns. And there's going to be a trial about that in April. So the legislation that this is fundamentally predicated on is still being challenged and potentially could be found unconstitutional at that

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trial. Certainly, there was a case on the face enough that the courts did enjoin it from going into effect. Same with Massachusetts, I believe, there is other litigation. I think it is bad policy for us to pass a bill that is this broad and sweeping in its context knowing full well that it will immediately be mired in litigation from the second that it is signed by the governor if it reaches that point. I absolutely believe that the bill contemplates content moderation. I will get into more detail about that later. But to put it quite simply, somebody is going to have to make the decision about whether or not the covered design features that are being talked about in this bill lead to the contemplated harms. The amendment talks about harms such as anxiety, depression, eating disorder-- all things that we should absolutely protect our kids from. But in order to determine whether or not a covered design feature-- which is something like infinite scroll or an AI algorithm or any of those other things-- leads to depression or anxiety or an eating disorder, somebody's going to have to make a determination as to whether the content being pushed through that mechanism causes those harms. Colleagues, my concern is this empowers an entity-- the Attorney General-- to make that determination. What if somebody makes the decision that a covered design feature like infinite scroll is pushing LGBTQ content and a determination is made by the supervisory figure that that might lead to depression? So therefore that company is now in violation of that. The content matters. It is not simply a time, place, and manner restriction. In addition to that, colleagues, I have addit-- more concerns about the implementation, how this actually is going to work. I do plan on talking a little bit more today about some of these issues when it comes to the First Amendment and certainly the, the broad scope of this bill. And I look forward to others getting involved in this debate because, again, I do think this is a very sweeping piece of legislation with a good intent but potential problems in implementation. Thank you, Mr. President.

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

BOSN: Thank you, Mr. President. As you likely all assu-- anticipate, I disagree with Senator Dungan. I would also note that Senator Dungan missed, unfortunately, several of the proponents' testimony for this bill. And so I, I hope he does go back and listen to that and watch that. Here's what I can tell you. The, the group that brought this bill-- back-- backstory is always helpful. So this is a bill that I started working on from the NCLS session that I went to in August of 2023. It was in Indianapolis. There was a presenter-- a group that was

presenting on social media and some of the concerns that they had and efforts that were being made to address that with First Amendment protections being-- at front of mind. And the group that I was working with at that time had model legislation they were talking about. We've had ongoing Zoom meetings. We've had ongoing communication on how to best do this bill so that we can effectual-- effectuate these protections without impeding someone's First Amendment rights. And I can tell you that the number of individuals who have reviewed this language wit-- with a First Amendment background as attorneys, scholars, practitioners, professors is more than a dozen. Additionally, we had testimony from a University of Nebraska College of Law First Amendment professor at the hearing-- although he was testifying in his individual capacity-- who would disagree with Senator Dungan as well. We've also had the Attorney General review this language for its First Amendment protections, and they also saw no problems. So I guess at some point we have to be willing to say if these individuals have reviewed it, they said those protections are accommodated in this bill, that we're going to proceed forward because our kids matter and we're not going to keep waiting for the perfect epiphany to drop down and, and decide to prioritize our children. The content moderation versus design features of this bill is really important. And I understand that it's complicated and confusing, so I'm going to give you an analogy because I think that's the most helpful. If you listen to the radio when you drive to work, you don't get to pick what ads they play. They play in the order they want to play them. They play all the ads in their order. Five minutes, let's say, of ads, and then they go back to their radio show. If you listen to Pandora, your ads are targeted because they anticipate things. What has she looked at on her phone? What searches is she doing? What she's getting on Amazon? Why is she buying these things? Your ads on a streaming feature are targeted towards you. The content of those ads is the same. I can listen to Froggy 98 and hear an ad for Tide Free and Clear. It's not clean and-- if it's got to be clean, it's got to be Tide. That's their ad. I hear that on the radio. If I turn on Pandora and I am targeted towards those things because I do a lot of laundry, the ad is still the same. The content of the Tide Free and Clear ad is what I'm hearing on the streaming service. They've just targeted me for that. I haven't told them they can't say their slogan or that they can only play certain portions of it. It is the same ad. It's just targeted for me. And what this bill does is say, you can't do that to children. You can't target them. You can play your ads. You can decide what ads are most broadly appropriate for children. And you can play them. But you can't target this 12-year-old girl for things

like, you know, getting fake nails or whatever the case may be versus this 12-year-old girl for playing sports because you think that's what she wants. You have to play the ads with no algorithmic profit in mind. Because we don't want to have our children driven down a path that is not in their best interest. There is no content moderation in this bill. No matter how many times those who think that it-- who are using that argument. And quite frankly, here's the other concern that I, I would just raise to you. If opponents of this are so confident that this bill is unconstitutional and it won't stand up to the muster, why bother fighting it? Let it pass. You can win at the end of the day when it gets to the Supreme Court and you can have the "I told you so" moment, Senator Bosn. But the reality is it is going to pass. It is going to pass muster. And all these other states are saying the same thing. And having some uniformity across the country of what language we're accepting and how we're going to protect our kids across state borders is important. It protects kids across the country. Rather than having a piecemeal approach of, well, Nebraska says--

KELLY: That's your time, Senator.

BOSN: Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. Senator Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I don't know. I kind of feel bad I interrupted the Bosn-Dungan sort of back-and-forth, but I'm going to try to interject here a little bit and give some thought to the bill at hand. So I want to thank Senator Bosn for bringing this bill. I think it's actually a really interesting topic. I went to a number of conferences this past summer, and thi-- this exact topic was spoken about at I think almost every single conference I went to. And so I think that certainly speaks to the fact that this is an issue that we're, we're, we're all facing across, across the country and in different state legislatures and I think certainly something that we're looking for solutions that are going to be effective around. One thing I, I agree with Senator Bosn about-- and I've spoken with her about this at, at length-- is, is, you know, I-- there, there are genuine and true concerns about social media and, and, and children. There's, there's just no doubts about that. I've experienced this with my own son, and I, I think a lot about some of the algorithms at play and, and things that we could look at to regulate those. I particularly think about

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the impact on young Nebraskans as it relates to mental health. I know these are things that have been discussed before. You know, responsible use. How do we teach our kids how to engage with these devices or to engage digitally, even, in a way that's responsible? But also, I think a lot about the-- this from the perspective of, of privacy and data protection. Right? So my six-year-old son isn't necessarily going to be as savvy when he's using an online device as it relates to his own personal information or data as someone who might have some digital literacy would have that's, that's a bit older than him. So I think there is a lot of, of merit to what we're trying to do here and to consider how do we, in a bigger picture, regulate around the, the digital landscape, especially when it comes to young folks. I did have a couple of questions related to the bill. And I apologize to Senator Bosn. I didn't give her a chance to-- give her a heads-up before, but I'm wondering if she might be willing to yield to a couple questions.

KELLY: Senator Bosn, would you yield to questions?

BOSN: Yes.

FREDRICKSON: Thank you, Senator Bosn. So a couple questions I, I had for you. The first one relates to specifically Section 12 of the bill. So from what I understand-- and please correct me if I'm misinterpreting this, but this bill would give the Attorney General the ability to both write the regulations as well as to enforce the regulations. Is that correct?

BOSN: I didn't hear the first part. To write the regulations?

FREDRICKSON: Yeah, would, would-- write and, write and enforce the regulations for the bill-- or, the law, should it pass.

BOSN: Well-- so the regulations are in the, the language of the bill, but I think he can adopt rules that would be necessary for him to actually carry that out. Yes, he is the enforcer of the act.

FREDRICKSON: OK. And I guess my question is what sort of-- I, I think about sort of ways-- so-- like, the Secretary of State, for example, sort of oversees other businesses in our state. Is there a reason why we're placing this specifically under the Attorney General's Office?

BOSN: Because it would fall under legal things. So there is a civil penalty under subsection (3) for those who are not in compliance with the, with the intent of the bill.

FREDRICKSON: OK. And my other question for you relates specifically to kind of privacy and data protection I sort of named a little bit earlier, especially as it relates to younger folks. So I was thinking about one of the other bills we're working on in the Legislature, LB241, which we're looking at, you know, kind of protecting cy-- or, cybersecurity and cybersecurity breaches-- I think we advanced that to either Select File recently-- and that sort of changed this threshold from negligence to sort of gross negligence and-- or wanton negligence for penalties related to that for, for private companies. I'm just kind of thinking of these two bills sort of in, in the same context. And I think specifically I-- look, I think all of us at some point are going to be part of a data breach in our lives. That's just the reality of the digital world. One thing that I feel a particular protection around is, is young people and, and their data and their privacy. And so I was just kind of curious to hear your thoughts on the interaction between those two bills or if you have any thoughts on ways we can ensure that young people's data is in fact protected and that we're prioritizing them over, over corporations.

BOSN: So that's a great question. I guess I had not anticipated that sufficiently that I can answer that, but I, I can get back on the mic and do that. So the, the protections in this bill are really about the design and having the privacy protections for minors. Are they designed to be addictive verse-- so think auto scroll. Auto scroll is one of the things that certainly statistically has shown to be-- make online-- covered online services more addictive. So what this bill does is specifically outlines some of those designs, like auto scroll, and says you cannot do that on a chil-- anyone under 18's--

KELLY: That's your time, senators.

BOSN: --phone. Sorry.

FREDRICKSON: Thank you, Senator Bosn. Thank you, Mr. President.

KELLY: Thank you, Senators Fredrickson and Bosn. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Colleagues, I'm not sure where I'm at on LB504 or AM169 yet. I appreciate the conversation. And I, I do think that the intention is certainly a laudable goal. I appreciate the work Senator Bosn's done on this. And, and I have four young kids that I think are almost exactly the same age as Senator Bosn's kids. They're very-- our kids are a very similar age. So I, I get where

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she's coming from on these concerns. And I actually punched my light when Senator Bosn was talking, I don't know, the second time she was talking. And-- when she said, you know, the listen-- they listen to what you're, you're doing. And I thought there was-- I had a very recent example where we had the Douglas County election commissioner came into the Government Committee and testified. And I didn't Google him or anything or look him up afterwards or anything like that. But my phone, you know, attaches to my car and does the GPS. And when I got my phone at-- or, my car after that, it wanted-- it suggested directions to the Douglas County election commissioner's office, which I thought was kind of surprising and concerning. So I-- obviously, the sort of intrusions that these tech companies are, are into our privacy is concerning to me. Senator Fredrickson just brought up the bill that has been advanced where we allowed financial-- or, I guess not just financial. I always say that because it went to the Banking Committee. And Senator Hallstrom has corrected me several times, but it has not taken. But where we have let these businesses be more careless with our data. And now we're here on a bill that is seeking to require, you know, more care. And so I'm obviously in the camp of where we should be requiring these companies to take all due care, act as a reasonable person-- which is the negligence standard. But forcing these companies to act reasonably with our data and not collect more data than they need to do what they need to do. And one of my real concerns with any kind of age verification thing is that it does require an additional step of collection of data. Senator Bosn said that you could just put in the age on there-- and I don't know if that qualifies. I'd have to, to, to take another look at the bill to see if that-- just putting in your age meets the standard. But I don't know if you guys know this, but you can lie on those things. I regularly lie about my age on these things because I don't want them to know my specific birth date. I use the same year but a different day because I'm inherently-- I'm just very distrustful of these companies. So anybody out there who's monitoring my data, you might have the wrong birthday. But-- so I think that that requirement is really the big concern to me is what is it going to take for them to effectuate some of these things and put into effect, you know, the requirements for younger people and older people. Because they're going to have to act-- have actual knowledge of their age. And I just am concerned what steps are required. And then, of course, if we're alleviating them of their, their obligation to maintain the safety of that information, I'm again concerned on that. If it's going to be requiring some sort of scanning or photo of driver's license or some other, you know, putting in a-- that you have a credit card or whatever that ties to a financial institute--

instrument, which I know is another version of verification. They would have that information. And that's a concern to me. I know Senator Bosn says there are no First Amendment concerns. I just-- looking through the bill, saw a few things that jumped out to me that may require explanation as to their-- whether they implicate First Amendment. And one of them just is in Section 4 where it says, except as provided in Section 2 and 3 of this section, a covered online service is required to exercise reasonable care in the use of personal data of the user and the design and implementation of such online services, including but not limited to the coverage design features, to prevent the following harms. And it has a few of them. And the one that jumps out to me is (d), which is highly offensive intrusions on reasonable privacy expectations. I don't know what that means. And I don't know who is the one that defines highly offensive. Is that the Attorney General's definition of highly offensive? Is it my definition of highly offensive? And how, how-- I just don't-- I, I honestly just don't know what this-- how this is mechanically happening. Is it in the scrolling? Is it in the push notifications? So I think when you start making a, a determination about what's offensive to some people, that's-- you are inherently implicating speech. So those are going to be some of my questions. I'm going to keep listening. I might push my light again because I did have-- wanted to talk a little bit about my experience with my kids online. So I'll just do that and get back in the queue. Thank you, Mr. President.

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

STORER: Thank you, Mr. President. Good morning. I obviously am passionate about this issue as well. And just wanted to-- and I, and I may get in the queue a time or two to focus on a couple different aspects, but I wanted to talk specifically about the concern about violation of free speech. And I just want to share a very recent Stanford Law Review article, January 2025, Speech Certainty: Algori-- Algori-- mit-- I can't say the word-- Algorithmic Speech and Limits of the First Amendment. And this just presents, I think, a really interesting argument. And I, and I won't obviously read the whole thing, but addressing the concept of protecting free speech based on machine learning, machine-generated speech. Machine learning algorithms increasingly med-- mediate our public discourse from search engines to social media platforms to artificial intelligence companies. And as their influence on online speech swells, so do the questions of whether and how the First Amendment may apply to their output. A growing chorus, chorus of scholars has expressed doubt over

whether the output of machine learning algorithms is truly speech within the meaning of the First Amendment. But none have suggested a workable way to cleanly draw the line between speech and nonspeech. But the discussion is happening. This article proposes a way to successfully draw that line. It goes on to say that, ultimately, because the output lacks speech certainty, it's not the programmer's speech. Because the output lacks speech certainty, it is not the programmer's speech. Whose First Amendment rights are being violated? These are computer-generated algorithms. Accordingly, this article contends that the output of machine learning algorithms is not entitled to First Amendment protections. I think we really have to stop and consider that. Our First Amendment rights applies to people, to citizens of the United States of America. And when we start talking about whether or not limiting the use of algorithms is a First Amendment violation, really we're talking about limiting a computer-generated algorithm. So is it, is it the person who turned the computer on whose speech-- is it the owner of the company? These algorithms are-- there's not an individual sitting there monitoring, monitoring a child's activity and punching in what, what ads are going to be directed to them. It is computer generated. I contend that computers do not have First Amendment rights. So we're living in a new world. I think we do all acknowledge that. I will just close with one other thing. I have, I have spent a lot of time visiting with parents on, on this issue in general, social media and the rise and its effect on our children's mental health. And I've also visited with some young people. And, and the response, quite frankly, was a little surprising even to me. Now, maybe they were afraid to just tell me what they really-- if they really disagreed with me. That might be true. But I think all of you would agree that sometimes when you just look somebody in the eye, you can tell by their facial expressions if they agree or they don't agree and really what, what they're feeling. And as I ask some of these young people about their opinion about, you know, some-- managing that, that maybe we the Legislature need to step in and create some boundaries on social media in general. And, and I kind of gave them examples because they're not going to say it. I said, you know, sometimes you find yourself at a site that you didn't intend to get on. Sometimes you find yourself the recipient of some really ugly content that it's too embarrassing to go tell your mom and dad about. You're too embarrassed to admit you were there. It's a spiral. And the look in these kids' faces told the whole story. And all I can tell you is the look said, please help us. Please help us. And ultimately, every young teenager that I have visited with on this issue agreed that it's time. It is time that we put some controls in

place and provide some help not only to parents but to these kids. We are losing a generation. So with that, I will yield the rest of my time. Thank you.

KELLY: Thank you, Senator Storer. Speaker Arch would like to announce some guests in the north balcony: 60 members of the Nebraska Farm Bureau from across Nebraska. Please stand and be recognized by your Nebraska Legislature. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. Trying to figure out where I'm at. I'm sort of leaning no right now. I understand Senator Bosn's mission. It's just how we get there is kind of where I'm trying to wrap my head around. Especially because of other bills that we have previously discussed on this floor and in, in committees about, you know, the reas-- reasonableness of care with, you know, personal data. But we move things forward about, you know, allowing some of these companies to be negligent and being able to be negligent and you have to figure out if they were grossly negligent. My biggest gripe and-- yeah. My biggest gripe is Section 12 of the bill that gives the Attorney General to write regulations for the law. I don't understand why he's giving this-- I, I know she said why he's given the authority. I just don't remember any other time with any other bill where the Attorney General was giving this authority. Or why isn't some other agency taking on this responsibility, such as the Secretary of State or somebody else? I don't know. I just-- and I say this because if he's fighting the cases, why is he writing the-- I-- it's just kind of confusing that he would write the rules. I've just never seen it. Maybe he has before. And may-- maybe Senator Bosn could refresh me on that when she probably gets back on the mic. I just don't recall any other time that we, since I've been in the Legislature, we gave the Attorney General authority to adopt and "promuglate" rules and regulations to carry out an act. That, that's a big one for me. But, you know, as a parent, I do think it's important-- and as a uncle, a coach, all that-- to protect our kids and make sure that, you know, what they're doing online isn't affecting them in a negative way. And it's just the-- the, the devil's in the details, honestly. I-- so I'm just trying to wrap my head around some of this. I, I get the mission. It's just, how do we get there? But, you know, my biggest thing is him writing it and then enforcing-- that's confusing to me. I would-- I don't know. I think there's se-- there would have to be some type of separation. Maybe not. Maybe other states do it, do it like this as well. But I don't remember. And that's kind of what I'm lost about, because-- I'm trying to think of a time that we passed a bill and the Attorney General wrote the rules. I don't know. And-- you know, I know

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the Attorney General. You know, AG Hilgers, former senator. But I don't necessarily know if we should allow him to write the rules and enforce it. I think maybe somebody else, another body, another agency, should be in charge of writing the rules. And if he has to enforce them, he should enforce them. But I don't know if he should be in charge of that. That's kind of my gripe. You know, I'm just wondering, you know, how are these fi-- fines going to be imposed? Also, what is the standard of proof? Is it beyond a reasonable doubt? It's a lot of questions I have, but my biggest thing is this whole thing with the AG writing the rules and enforcing them. I don't know if that has been common practice in this body. And I just raise that up because I don't remember us doing that. Maybe we have on a bill and I could be wrong, but I, I'm-- I admit when I'm wrong. So if I'm wrong, I'm wrong. But I don't remember it happening. And I don't know if we should travel down that road, considering a lot of things that's going on outside this body. That's why I bring that up. So thank you.

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

DUNGAN: Thank you, Mr. President. Colleagues, again, I do rise in favor of AM169 and opposed to LB504. I can talk more about why I'm in favor of the amendment later, but I wanted to take an opportunity to respond to a couple of the questions that have been raised during this debate and continue the conversation. First and foremost, we absolutely have a duty to stand up and say we shouldn't be passing laws that we think are unconstitutional. That doesn't mean we're always right, and certainly the courts make that ultimate determination. But to Senator Bosn's point about why are we even standing up and opposing a bill if we think it's unconstitutional because at the end of the day we'll win, the amount of time and litigation and costs to the taxpayer that it takes to get to that point is extreme. And I know, I know that we know that. Obviously, saying let's just pass unconstitutional laws and see what happens, there's any number of reasons we don't do that. So obviously it's a waste of time both for the taxpayer and the Legislature to do that. As it pertains to the First Amendment issues here, I understand that there's a number of First Amendment individuals or scholars who believe it doesn't run afoul of the First Amendment. There's also a ton of people who do. So to act as though this is settled law I think is problematic. And reasonable minds can disagree. And again, I've had a number of really productive, good conversations with Senator Bosn about this. And I want to reiter-- excuse me-- reiterate. I think she's very well-intentioned. As Senator McKinney said, as Senator

Storer said, we all agree that it is paramount that we protect our children. And that is never up for debate. But there are ways to do that that are oftentimes more narrowly tailored, that don't run afoul of certain constitutional protections, and certainly don't empower individuals to potentially abuse their power and overreach. Just last year, we passed some legislation or the last biennium re-- regarding some online protections, and there are certainly tweaks that we can make to that to increase protections. I know Senator Bostar had worked on that point. I've talked to a number of advocates and folks in the community, stakeholders who are willing to make a number of concessions to continue to ex-- enhance protections for juveniles when it comes to online practices. I simply think, respectfully, that LB504 goes too far. The question about the First Amendment's been raised in terms of whose rights are we talking about. And I want to be very clear about a couple of things. First of all, bills like LB504 essentially deputize companies to make or commit censorship on behalf of the state. Again, I just disagree. This is absolutely content moderation. There is no way that a covered design feature can inherently lead to eating disorders or things like that. It is the content being pushed on a design feature that leads to the determination that it's going to cause those harms. Simply scrolling on infinite scroll by itself I don't think can be clinically proven to show that I'm going to have exposed content for substance use disorder or, or higher propensity for substance use disorder. It is the content on the designed feature that is being analyzed. And bills like LB504 deputize companies to adhere to that censorship on behalf of the state, or else they run the risk of a very extreme fine. In addition to that-- and this is a totally separate point. The Supreme Court has held time and time again that websites, definitively, websites have a First Amendment right to the editorial decisions that they make in curating and presenting their content. And what that means is a website has a First Amendment right the same way that a newspaper would to curate and present content and not be forced by the state to do so in a certain way. Now, I understand, again, the goal, but this bill contemplates any number of mechanisms with which the state is telling websites or companies how to cultivate and curate and ultimately present their content. There's a portion of the bill, colleagues, that specifically says there have to be certain parental controls to prevent certain features from being utilized. And it also says that all of the requirements that are laid out in there have to be the default setting. So in order for an app to not run afoul of LB504, they have to adhere to a default setting of how content is presented to the public. And that is part of the reason that this

violates a First Amendment right of individuals to curate and cultivate content. And let me be very clear, colleagues, I'm not necessarily in favor of a lot of these social media apps. I think they cause some great harms. But I am in favor of the First Amendment, and we have to be very careful when we as a state start telling private citizens or these, these websites who are publishing this content what they can and can't do. And so that is why I continue to rise opposed to this. I understand that-- again, reasonable minds can disagree. I think there's really good points being made on both sides.

KELLY: That's your time, Senator.

DUNGAN: But I do continue to oppose LB504. Thank you, Mr. President.

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

SPIVEY: Thank you, Mr. President. And good morning again, colleagues and folks that are watching online. I appreciate the discussion and dialogue this morning. And I'm at my desk researching and, and looking up just to get more information. So I do appreciate the context that Senator Bosn has presented, as well as other members of the committee like Senator Dungan. I do agree that our job in what we should be trying to do is to protect kids. I have a ten-year-old who is actively using technology, and I have a, a two-and-a-half-year-old who is more proficient, I think, in technology than me. It's, it's a part of our world in a very different way that I don't think that we've ever imagined. And so I do appreciate not only this conversation, but I think there have been other bills that are currently in the body that we are talking about what is our role as a government, as state legislatures, folks that are trying to pass statutes around protections and boundaries on that and, and the implications. And so I, I don't have a point of view yet. I do think, though, however, one thing that was brought up in a point made by Senator Dungan is, like, what is the reach of government in this space and what does that look like? And again, I think about my ten-year-old. And I am actively involved in everything that he is moni-- watching, and, and I'm monitoring it. And so I know that's not the case for all parents. We can't be with our kids every second of every minute as they are using technology and using these various apps. But if we are monitoring and removing and saying what content can be held, what does that role look like with us as parents that would maybe allow something that now we are saying as a government is not allowable to be shown or to be a part of the reel of videos that comes up? And so I was thinking about

that and, and have been thinking about how do we again balance what that parent's rights are, how are they monitoring the information that their kids are consuming, and then what does that look like from what we are saying is allowable across the board? And then I-- as I was reading through the bill and looking at the fiscal note, I saw that there is then a request for the AG's Office to be able to add another attorney because they don't currently have the capacity to be able to take on any litigation that may come from this type of policy. And I think in general, as Senator Conrad uplifted earlier, have real concerns about how quickly the AG's Office is growing and how that office is using staff to push litigation and policies that do not align to the best interests of Nebraskans. Again, we had a great example this morning of, of the 504 lawsuit that was-- Nebraska has joined in nationally, and the impacts of that. And so I do have grave concerns about the AG's budget, how it continues to grow, and that it doesn't align with some of the interests and priorities that Nebraskans are being set. And I also would like, if I have time, Mr. President, to-- if Senator Dungan would yield to a question.

KELLY: Senator Dungan, would you yield to some questions?

DUNGAN: I will.

SPIVEY: Senator Dungan, were you in the hearing at the time when the ACLU came to testify?

DUNGAN: I was, yes.

SPIVEY: So again, I, I talk about that-- I'm the former board President of ACLU-- all the time because I'm so proud. But they are very clear around First Amendment rights, right? Like, they were-- got in the hot seat around defending folks around First Amendment that were on very different political sides. And, like, that is so important to them. And so I-- the, the conversation around that this doesn't derail First Amendment rights has come up. But they came in to testify. And so I would love your point of view from that standpoint of what that testimony entailed, and then again your point of view around how does this really infringe on First Amendment.

DUNGAN: Yeah. I mean, I think that that's a good point. Again, there's individuals on both sides of this issue, I think, who are scholars, who are academics who can come in and disagree about it. But to your point, the-- you know, the American Civil Liberties Union is often seen as one of the paramount First Amendment protectors. It doesn't

matter if you're conservative or liberal. They come in and say, you get to say whatever you want to say. And I think that's part of what their testimony was, is they came in and they highlighted the fact that the California law that this is based off of was originally found in-- unconstitutional, changes were made, and then that second law is currently under an injunction because there's been a finding in that injunction that it may be unconstitutional. And it's pending a trial. So their point, I think, was there's a number of courts that have already ruled these kind of infringements unconstitutional. This particular law obviously has not gone before a court yet, but based on their reading of both the First Amendment case law in general, as well as the current suits that are pending, that this would certainly run afoul of that as well.

BOSN: Thank you, Senator Dungan. And I yield the rest of my probably 10 seconds, Mr. President.

KELLY: Thank you, Senator Spivey and Dungan. Senator Dorn, you're recognized to speak.

DORN: Thank you, Mr. Lieutenant Governor. I didn't know if I would get up and speak on this, but I very much appreciate the conversation. A lot of interesting parts have been brought out about this-- Senator McKinney about the Attorney General and different things. And even listened on the last discussion about First Amendment rights and other things. One of the things I, I think that we do as a legislative body, we develop laws or we create laws or we try to, I call it, put things, guidelines in place or govern things in place. And do we always do them correctly? No. Sometimes we find out the next year we have to come back and we change them. But as I sit here over the last so many years, I also come to this realization that quite often we pass bills not to penalize, I call it, all of the good actors in this, the people that are doing everything right. But we have 1%, 2%, 5% that have created issues or created things outside of what we would consider, oh, is that right? And we then develop laws or people bring forward bills that we attempt to, I call it, rein in that or bring in some type of controls or whatever so that that can't be a part of what's going on. I look at this situation as very, very much that way. We as legislatures, we don't necessarily, I call it, like maybe what's happening in social media. Some of us don't understand it near as much as some of the younger ones do. If, if you ask me, this maybe should be a bill for people 70 and over instead of 16 and younger or whatever. Because let me tell you, I don't know social media had near as good as some of those young people. But yet at the same time, what

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protection, what guidelines, what things are in place so that, I call it, the bad actors now-- and there are those out there-- the bad actors now can't have some of the influence that we don't want to have happen? The last several years, I've gone to Representative Flood's Fintech Flyover. If you think that it's a perfect world out there, you ought to go to the Fintech Flyover and see what AI is doing in all of those things. So there's many things going on here with discussion. I am for AM169 and for LB504 also, but one of the-- one of the other things I wanted to talk about was-- and, and, and Senator McKinney kind of got my interest in it-- and would Senator Bosn yield to a question?

KELLY: Senator Bosn, would you yield to questions?

DORN: Yeah. Oh.

BOSN: Yes. Sorry.

DORN: Thank, thank you very much. Because one of them was the Attorney General and how they have the, I call it, the scope of this or-- not the scope of it, but how they have the overseeing of this act or whatever. Read that part in there. Could you explain that a little more? The Attorney General doesn't get to write this-- this bill is this bill, but now he has the oversight of, I call it, making sure that when we do have bad actors they're not just left to go at their own merry way.

BOSN: That's, that's correct. So what you're talking about is Section 12, page 13 of the original bill, which is essentially the enforcement and investigative authority for the Attorney General as it relates to this code. So essentially, how do we enforce that these regulations are done? Well, if you look back to Section 11, which is on page 11, it talks about a public report by an independent third party. So there's no collaboration or collusion between the Attorney General and anyone. And it details what information on page 12, (i) through (xi), all the things that have to be included in that report for-- and then submitted to the Attorney General for purposes of enforcement and investigation for compliance.

DORN: One, one more quick question, if I have time. How, how will this-- will, will it be a case reported to the Attorney General? Will they have staff that's maybe overseeing these things and-- or how will that, that progress?

BOSN: So I think that's pro-- and I-- I'm next in the queue. So even if we run out of time, I can address that. But I would say that's probably what Senator Spivey was alluding to with regard to the fiscal note, which talks about the Attorney General initially submitted 0.5 additional employee and then added an amendment for a full-time employee and their salary for purposes of reviewing those reports annually and investigating and pursuing any of those violations.

DORN: Thank you very much for explaining that.

KELLY: Thank you, Senators Dorn and Bosn. Senator Bosn, you're recognized to speak. And this will be your final time before your close on the amendment.

BOSN: Thank you, Mr. President. So I just want to go back and address-- try to address some of the questions that I've been trying to track. First of all, Senator McKinney brought up, you know, this seems language inconsistent with other areas of statute, requiring the Attorney General to enforce the rules and regulations. I did a quick search, and that's fairly common in Nebraska Revised Statutes and provided him with the first example we were able to print out, which is Chapter 8, Section 2615, which uses identical language. And that's probably why our bill drafters use that same language as it relates to that. Senator John Fredrickson asked some questions regarding Section 4 and the language that was included in that section. I quickly provided him with a copy of the amendment. That does clarify that we have updated that language for the purposes of protection, for enforcement, and-- so that you don't have a rogue Attorney General applying this uniquely in Nebraska versus in South Carolina or something like that. So the goal here is that this is the level-- the language that was used at the federal level. It was then provided to each of the states that is proposing similar legislation so that we have uniformity for all states with the same listed harms in Section 4. So I would-- hopefully that addresses his concern as it relates to Section 4 language. As it relates to Senator Dungan's concern that this bill goes too far and we need to be very careful as it relates to First Amendment issues, I would simply offer this-- and certainly I've had multiple conversations with Senator Dungan. I have yet to be provided with that more narrowly tailored language that he refers to that would address these concerns. So I will certainly have that follow-up conversation. But I would also submit to all of you that this language has been worked on by these groups for years and has been tailored and, and tried to be tweaked so that it fixes some of those concerns. I would also note that this language was adopted in

the UK for purposes of protecting children in the UK. The first thing you will hear anyone stand up and say is, well, that's different because they don't have First Amendment protections. I'm not suggesting that they do. I'm just saying these companies can and do know how to comply with these restrictions because they have done so in other places. So for those reasons, I think some of those concerns have been addressed and are being addressed, and I'm certainly open to those ongoing conversations. I was provided with some amendments from the tech lobby who came in in opposition. And I would tell you that those amendments are essentially-- gut the bill. So they're, they're not something I'm-- I think we can work with in terms of accommodating into the language of this. But if there are amendments that someone has that doesn't gut the purpose and the intent of the bill, I'm, I'm-- I remain open to those conversations. I think I've addressed most of the questions. So I'm just going to go through some of the talking points. And I did hand this out to my colleagues for purposes of reviewing at your desk. It's a one-pager front and back. It talks about the rates of youth depression, anxiety, eating disorders, and drug overdoses are skyrocketing as teens and kids spend more and more time online. Colleagues, I'm not asking to ban children from the use of social media or its-- or-- because I think that ignores the reality that there are some benefits for kids of using social media. I also think that the-- it's appropriate to have guardrails. This bill is an effort to keep social media accessible but to put those guardrails on so that we can protect our kids. We're responding to a problem that we have been presented with left, right, and center. Teachers, law enforcement officers, pediatricians, mental health providers. All individuals are saying we have to fix this. And quite frankly, the tech companies are-- who are telling you, well, we've, we've got all these things in place, shouldn't have any problem with this bill. And second of all, if they really wanted to fix this, nothing before today prevented them from doing it. I submit to you they aren't going to do it until we make them do it. Online platforms purposefully design their products to keep kids on screens, to track kids's activity, and then they monetize that data that they collect to increase their profits no matter the cost to your children and Nebraska children and families. We have been warm-- warned that online harm has real-world consequences from the medical community, educators, community leaders--

KELLY: That's your time, Senator.

BOSN: Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I appreciate Senator Bosn's-- answering questions. And she had come up and corrected me right after I was on the mic last time about the-- the amendment addressed the concern that I was talking about. So I appreciate that. I'm still listening to folks to see what people-- you know, the arguments people are making. But again, I, I agree. This is a legitimate concern of kids being online. And like I said, I have young kids. And my oldest, actually, the, the reason I punched my light to get back in is, is I was going to tell-- talk about my oldest is an age now where she is starting to, you know, get online. She has an email address. And we signed up for a chess.com app to play chess against each other. And I'll let you know she has beat me many times now. She's very good. And I enjoy that. And so there are-- yeah, of course there's valuable [INAUDIBLE], but it is, it is a-- so-- it's social, I guess. I don't know if it counts as social media. I don't know if it qualifies under this act. I don't know if they make \$25 million in revenue. But I certainly-- again, I'm concerned about the-- what, what it takes to preserve the data is really-- or what it would take for somebody to comply with this and whether the steps we take in trying to achieve a very valuable objective ends up causing more harm. And I was going to talk originally-- I'm not going to take the bait and say that the English don't have the First Amendment, but I thought about it. But-- so I, I, I do-- I worry about the idea if we don't-- aren't afraid that this bill is unconstitutional, we shouldn't-- if, if we think the bill's unconstitutional, why are we fighting it? Because somebody will just challenge it. And I am not necessarily at the point where I think the bill i-- will be unconstitutional with amendments that Senator Bosn I think is willing to entertain. I think that there's potential that it's unconstitutional. As LB504, as drafted-- I'd have to look more at all the things that L-- AM169 changes and think a little bit more about some of the other stuff. But I do think ultimately we have an obligation to try and pass things that we don't think are going to be a violation of constitutional rights or a violation of the law or the-- or hurt people. And while I do think it is really a good idea to put some guardrails around the way that these companies are-- it, it is predatory in nature that-- the way they push out images or whatever, videos and, and things to entice kids into continuing to consume. So I think that is really-- that's a real thing. And it's important that we try to address it. Probably should be addressed at the national level because I wonder if these services are going to

actually address it in Nebraska, or they just go dark here or what. And maybe that's better, but I don't know. But I do think we have an obligation when we pass a law to make our best effort. We all owe it to each other to give our honest opinion about what we think about something and, and certainly intem-- attempt to make bills better. But I think we certainly have an obligation to the people of Nebraska to try to pass laws that we think do not violate the Constitution. And I will tell you from personal experience, I told you so doesn't feel as good as you think it's going to feel when you object to a bill and then it passes and you think, well, I'm going to come back and tell you I told you so. And not, not to brag, but I've been right about a lot of things that we passed anyway that have been mistakes. And I've really thought about getting up here and saying I told you so. And then I think this is-- it's not going to make a difference. So just because I got up here and said I told you so doesn't mean I didn't tell you so. But anyway, I'm going to keep listening and thinking about this. But at the moment, I, I think I'm in support of AM169 because it solves the problem I brought up originally. I think that there's-- probably needs to be some other amendments, but I certainly agree with Senator Bosn that if you want to-- if there are legitimate conversation to be had that doesn't undermine the intention of the bill, that's probably the way to go. But I'm going to keep listening and thinking on the remainder of LB504. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. Senator John Cavanaugh, I totally get that feeling of I told you so, but it doesn't actually feel that good. I was going to yield my time to Senator-- yes. I'll yield the remainder of my time to Senator Dungan. Thank you.

KELLY: Senator Dungan, you have 4 minutes, 46 seconds.

DUNGAN: Thank you, Mr. President. And thank you, Senator M. Cavanaugh. I do appreciate, again, a lot of the conversation we're having. We keep saying that, but I think it's because there are so many times on bills where we get off track or there's, you know, people talking about things that don't pertain to the bills. But this has been a very substantive conversation. And I really appreciate a lot of my newer colleagues in particular getting involved in this and asking questions and being engaged with some of the, the various debates that we're having. I want to clarify a couple of things before I-- I, I know I'm gonna be talking again here soon. But there was a conversation about

the amendments that would be possible here. I, I don't know for sure what all conversations have happened with Senator Bosn and other stakeholders who were involved here. I know she's been, again, very open and in conversations with me. Just to make very clear, in my conversations with Senator Bosn, I expressed a lot of my concerns. Those concerns, I think, can kind of be lumped into three different pots. I'll go into that more in a minute. But one of those was, for example, the definitions that are contained in that subsection as to the harms that the covered entities have to take reasonable care to prevent. And I-- that's part of why I'm in favor of AM169. Senator John Cavanaugh mentioned this: AM169 changes a number of the harms or the definitions in that subsection, that the company has to take reasonable care to prevent being caused by their covered design features. I think the definitions in AM169 are clearer. I think the definitions in AM169 are cleaner. And certainly I think they address some of the concerns I had with regards to the broadness of those definitions. What the AM does not address, however, is the underlying fact-- in my belief and the belief of others that I've spoken to who do more First Amendment law than the rest of us-- is that this still is predicated in content-based discrimination. And I keep harping on that because I haven't received a good answer as to how this isn't based on content. Again, if the goal is to prevent an app from utilizing, let's just say infinite scroll. And for those watching at home who aren't as familiar with some of the apps, what infinite scroll means is you just keep scrolling down on the page and you never reach a bottom. It keeps populating with new material and new information, whether that's Twitter or Bluesky or, or, you know, TikTok, whatever you want to talk about. It, it's this idea that you can continuously scroll. If the goal is to ban that, the bill could just ban that. But instead, it bans it, saying companies have to use reasonable care in ensuring that they're covered design feature-- infinite scroll-- doesn't cause a particularized harm. And that particularized harm with the amendment are things such as consistent with evidence-informed medical information, mental health disorders such as anxiety, depression, eating disorders, substance use disorders, and suicidal behavior. I would, I guess, posit that infinite scroll in and of itself as a feature can't cause those things. What it can cause are those things if it then utilizes infinite scroll to put forth particular content that is catered in such a way that could potentially have evidence-informed medical information showing that it causes anxiety, depression, eating disorders, so on and so forth. Additional to that, physical violence, cyberbullying, and discriminatory harassment are things that you also

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have to make sure you're using reasonable care to prevent. Again, the thing itself, the scroll, is not going to cause cyberbullying. What is going to cause cyberbullying-- which is a huge concern and a major issue that I have concerns about-- is the content being pushed on that. And so the ultimate determination as to whether or not this is discriminatory based on time, place, and manner restrictions-- meaning just saying you can't post things at all-- versus the specific content-- which has a much higher level of scrutiny-- I think it really does boil down to the fact that it's what's being pushed by these apps. So again, colleagues, please vote yes on AM169. I think it clarifies a lot of the concerns that were originally brought up and shows Senator Bosn's willingness to engage, I think, in, in true conversation, and I really appreciate that. But it does not alleviate the overarching concerns of the onerous nature-- oh. There we go. I'm out of time. The onerous nature of this bill. Thank you, Mr. President.

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

JACOBSON: Thank you, Mr. President. Well, this bill came out of Banking. I can tell you that it's always easy to get on the floor and demagogue these bills. It's unconstitutional. There's a lot of things-- it's an admirable bill, but it doesn't work. So let's just move on, try next year. OK. There's one rule when people come to committee that I'm chairing and say, we really think this is a great bill, but there are changes that need to be made to the bill. The first question I ask the person that's testifying is, have you spoken to the bill's sponsor about the changes that you believe need to be made? And nine times out of ten, the answer is, no, we have not. OK. Why not? Well, we talked to them this-- today. So it's hard for me to feel how serious they really are when there's not really been earnest efforts to try to take steps until the bill's right in front of them. So we seem to be-- have a habit in this body of kicking the can down the road. Let's try-- let's bring it back next year. Let's bring it back next year. But anyone who was in the committee hearing heard some really gut-wrenching testimony from parents. One in particular I can think of was a mother of identical twins where they had been on the internet. The one daughter ended up as a result of the targeting that she had on bringing something on dieting, ended up with an eating disorder. Identical twins-- and I'm trying to remember the age, but they reached a point to where they were-- they were eight years old when this started. The twins a year later weighed 40 pounds different. 40 pounds. OK. This is real stuff that's happening to kids who get

hooked into the targeted kinds of activity that goes on when they're researching something. This is a real problem that really exists. I get it that there are, there are potential-- potential. Let me underline that-- potential constitutional issues. And everyone's been working around the margin to find the right mix. And I think Senator Bosn has tried to do that. Could this bill be deemed unconstitutional? Possibly. But you know what? We aren't going to know unless we pass this bill and move forward with an honest effort. And I think the more bills that get passed in bodies like ours across the country, it will send a loud message to those on the other side that we're serious about taking steps to end this, that you've made enough money off of the targeted ads, you've made enough money off of selling data. It's time to worry about how this is impacting our kids. That's really what this bill's attempting to do. I would also say to Senator McKinney's questions on the Attorney General being involved in promulgating rules, I would tell you-- and then also enforcing them-- I would tell you that the Banking Department promulgates rules and they enforce them. The Department of Insurance promulgates rules and they enforce them. This is not a foreign thing to happen, and I can't imagine anyone more qualified than the Attorney General to help promulgate some of the rules. So with that said, I'm supporting the bill. I don't know whether it's constitutional or not. I'm not an attorney, but I would say that we're going to need to take steps and take action. We can't just continue to wring our hands and say, I really like the bill, but I can't support it because of this. That's a cop-out. We need to move forward to make real progress instead of passing amendments that are just simply going to gut the bill. So with that, thank you, Mr. President.

KELLY: Thank you, Senator Jacobson. Senator Dungan, you're recognized to speak. This is your final time on the amendment.

DUNGAN: Thank you, Mr. President. Again, I rise in favor of AM169, opposed to LB504. Colleagues, I was in the Banking hearing for that testimony. And Senator Jacobson is absolutely correct. It was gut-wrenching. It was horrible that anybody would ever have to go through that themselves. It was horrible that any parent would ever have to see their child go through that. And I want to be very clear that I am horrified that anybody would find that content on social media and then be victim, essentially, to, to those kind of things. What I want to make very clear, though, is in the same way that Senator Jacobson is saying we need to do something, I think that we as a body from time to time act too quickly and indiscriminately in the effort to address real problems without sussing out the ultimate

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ramifications. I think that there tends to be a desire to operate off of anecdote versus data. And while I certainly think anecdotes can be helpful for explaining why bills are important-- and they certainly can be powerful in getting your message across-- I think that when it comes to legislating, it is our job to ensure that we are not simply legislating versus anecdote but rather are marrying that anecdote with data and fact-based decision-making. I think it would be incredibly irresponsible for us as a body to kick out a piece of legislation and just hope the courts figure it out, especially when there is ample evidence to the fact that it, in fact, might not be constitutional. And I, I get that the people in this room who aren't attorneys sometimes get frustrated by these is it constitutional, is it not constitutional arguments. And you're right. Technically, nothing is unconstitutional until the court says it is. We used to hear that from Senator Erdman all the time. And I understand that notion. But I think that we have a responsibility to debate these things and welcome the conversation around constitutionality as opposed to say that it's just something that's frustrating or annoying to talk about and that we're trying to bog it down. You'll notice there's no IPP motion on the board. There's no motion to recommit. I told Senator Bosn that I had concerns as one of the-- the only member of the committee to not vote for this and that I would make those clear. And I think this is a legitimate debate. So while I appreciate the in-- incredibly moving testimony that we heard during the hearing, I also think there was other testimony we heard that gave rise to some of the concerns that I've expressed here today. With that, Mr. President, I would ask if Senator Bosn would yield to a question.

KELLY: Senator Bosn, would you yield to questions?

BOSN: Yes.

DUNGAN: And I did mention this to Senator Bosn ahead of time. So this is not a gotcha, as people are so fond to say. But Senator Bosn, you heard the, the statements made by Senator Jacobson with regards to nobody talking to you ahead of time about how to fix the bill. Is that right?

BOSN: That's true.

DUNGAN: Is it, is it, is it a fair articulation that prior to the hearing you did not have a lot of interactions with stakeholders about language that may fix this bill?

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BOSN: Correct.

DUNGAN: Since that hearing has happened, though, have you had conversations with various stakeholders about potential amendment language that would satisfy some of their concerns?

BOSN: I have had ongoing conversations with a number of different lobbyists for different tech companies with various versions of, you know, fixes for their particular-- carve my company out for whatever reason, none of which I thought provided the protections that we needed. But those conversations did begin after the hearing, surprisingly enough.

DUNGAN: And are those conversations still ongoing at this point in time with regards to potential amendments that could be added if LB504 were to proceed to Select File?

BOSN: Absolutely. Because here's the bottom line. If we can get tech companies on board and pass something that they can all say, yep, we can comply with this and we can do very well, I think that's a benefit for all of us. Because the reality is we will become the model state for all 49 other states to say Nebraska did it this way and the tech companies agreed.

DUNGAN: Well-- and I appreciate that. And I also appreciate Nebraska being number one in any number of different circumstances. So thank you for answering those questions. And colleagues, again, I, I appreciate everybody engaging in this. I would encourage your green vote on AM169 and your red vote on LB504 as it's currently written.

KELLY: Thank you, Senators Dungan and Bosn. Senator Fredrickson would like to announce some guests in the north balcony. They are fourth graders from Sunset Hills Elementary, including Machaela Cavanaugh's daughter, Hattie, as well as Rockbrook Elementary in Omaha. Please stand and be recognized by your Nebraska Legislature. Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President. I'm going to come back again to what I am hearing to be the primary opposition. And let me first state that I, I am standing in support of both LB504 and AM169. But I want to come back to, to what I continue to hear is maybe the primary issue of opposition to LB504, which is free speech. Platforms claim the recommendations they deliver to users are a form of free speech that are protected by First Amendment, but that argument, quite frankly,

fails to distinguish between the videos posted to the platform and the output of the AI algorithms. The former, videos, typically-- or content-- do enjoy First Amendment protections even when they promote a harmful reaction. But the latter, the actual recommendations and their manner of delivery, are products of an autonomous machine. And where that output causes addiction or other harm, as is often the case-- which is really the crux of this bill-- it is neither speech nor otherwise exempt from consumer safety regulations. Computers do not have free speech rights. A couple other things that I just want to, want to comment on. And, and I appreciate Senator Dungan's comments, I guess, about-- there are many of us that do not have law degrees, but respectfully, Senator Dungan, that does not preclude us from reading and understanding and analyzing information. There were some comments about parents' rights and that there may be some parents that want their kids to see some of the harmful data pushed to them via the algorithms. And I guess I kind of-- I just want to make a point that, that government has age restrictions on a variety of things that parents don't get to supersede. We have limitations on what age you get to drive, what age you get to vote, what age you have to be to purchase alcohol, what age you have to be to purchase tobacco, what age you have to be to go to an R-rated movie, what age you have to be to buy a lottery ticket, what age you have to be to be firework-- buy fireworks. I could go on. This is not a new concept. And if a parent is going to put their underage child behind the wheel of a vehicle before they are of the legal age, then there will be legal consequences to that. There, there are things that whether or not we as a parent want our kids to do at a certain age, there are age restrictions because it has been deemed to be significantly harmful to them. So I, I don't think that's a very valid argument. When it comes to the idea of whether or not these social scrolling has any particular impact, I just want to read a quick quote off of the, the-- from the American Psycho-- Psychological Association, Chief Science Officer Mitch Prinstein. Social media features such as endless scrolling-- which we've been talking about-- and push notifications are, quote, particularly risky to young people whose developing brains are less able to disengage from addictive experiences and are more sensitive to distractions. The platforms seem to be designed to keep kids engaged for as long as possible, to keep them on there, and the kids are just not able to resist those impulses as effectively as adults. The evidence-- the argument's over, quite frankly. The data is very clear about the addictive nature of social media and its effect on the mental health of our children. The-- there is ample evidence to that effect. So, so I, I'm not, I'm not really empathetic

to the argument that infinite scrolling is not the problem but rather the content itself. Both tend to be the problem, but the infinite scrolling created through these algorithms on social media platforms is indeed scientific data, creating an addictive behavior, and changing the makeup of our children's brains. Again, our kids need our help. Parents are asking for our help. It is time that we catch up to the digital world we're living in from a legislative standpoint and put the parameters in place like we've done in the past through all of these other things that I've mentioned-- alcohol, tobacco, voting-- and, and be responsible to the citizens of the state--

KELLY: That's your time.

STORER: --of Nebraska. Thank you, Mr. President.

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

HALLSTROM: Thank you, Mr. President. Colleagues, I rise in support of LB504 and AM169. Our children are using social media on an ever-increasing basis. And as parents, we should be assured that the children's use of social media is subject to reasonable safeguards and permissible controls. LB504 provides minimal but consistent expectations for software developers and social media platforms. The bill protects minors from having the private information shared, provides parents with tools to monitor their child's online safety, and requires design features to prevent compulsive use of social media. As Senator Bosn has indicated, LB504 is patterned after California's age-appropriate design code legislation, but, significantly, modifications have been made to address alleged unconstitutional or constitutional infirmities. Senator Bosn and the Judiciary Committee have worked and visited with opponents of the bill and reached out to find specific language to address their concerns regarding infirmities from a constitutional perspective. One of the opponents recently sent a letter. It contains subheadings, and one of them was recommendations. And I was very pleased to see that. And I thought, we're going to finally get some suggestions on language to address and appease their concerns. The recommendation was the Legislature needs to be more flexible in its approach. No language. No amendments. And that's disconcerting. I do acknowledge Senator Dungan's remarks and comments regarding the cost of litigation, and that should not be taken lightly. However, if we cower and take the opponents' arguments as gospel, we forsake the opportunity to protect our children. I think we need to move forward with this. As this bill

gets ever closer to passage, perhaps the opponents will come forward with some meaningful language to address their concerns. They've suggested that there's more narrowly tailored language. I'm not sure if it exist, because it's illusory until it's actually offered and we are given an opportunity to review and act upon it. With that, I would yield my time back to the chair.

KELLY: Thank you, Senator Hallstrom. Senator Holdcroft, you're recognized to speak.

HOLDCROFT: Question. Call of the house.

KELLY: The question has been called. Do I see five hands? I do. There's been a request to place the house under call. The question is, shall the house be placed under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 16 nays, 1 nay to place the house under call, Mr. President.

KELLY: The house is under call. Senators, please record your presence. Those 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. Senators Murman, Riepe, and Ibach, please return to the Chamber and record your presence. The house is under call. Senator Jacobson, one senator-- Senator Murman-- is missing. How do you wish to proceed? Senator Holdcroft. I'm sorry. Members, the question was called. There were five hands. The question is, shall debate cease? All those in favor vote aye; all those opposed-- request for a roll call vote. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar. Senator Brandt voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting no. Senator DeBoer voting no. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting no. Senator Fredrickson voting no. Senator Guereca voting no. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting no. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser voting

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yes. Senator Murman. Senator Prokop voting yes. Senator Quick voting no. Senator Raybould voting no. Senator Riepe voting yes. Senator Rountree voting no. Senator Sanders. Senator Sorrentino voting yes. Senator Spivey voting no. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is-- Senator Machaela Cavanaugh voting no. Vote is 31 ayes, 14 nays, Mr. President, to cease debate.

KELLY: Debate does cease. Senator Jacobson, you're recognized to close.

JACOBSON: Thank you, Mr. President. This is really just additions that were friendly to the bill. I made some adjustments that Senator Bosn looked at, took some industry input and made this change. So I would just encourage green vote on AM169. Thank you.

KELLY: Thank you, Senator Jacobson. Members, the question is the adoption of AM169. All those in favor vote aye; all those opposed vote nay. There was a request for a roll call. Mr. Clerk.

CLERK: Senator Andersen voting yes. Senator Arch voting yes. Senator Armendariz voting yes. Senator Ballard voting yes. Senator Bosn voting yes. Senator Bostar. Senator Brandt voting yes. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements voting yes. Senator Clouse voting yes. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover voting yes. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting yes. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Juarez voting yes. Senator Kauth voting yes. Senator Lippincott voting yes. Senator Lonowski voting yes. Senator McKeon voting yes. Senator McKinney voting yes. Senator Meyer voting yes. Senator Moser voting yes. Senator Murman. Senator Prokop voting yes. Senator Quick voting yes. Senator Raybould voting yes. Senator Riepe voting yes. Senator Rountree voting yes. Senator Sorrentino voting yes. Senator Spivey not voting. Senator Storer voting yes. Senator Storm voting yes. Senator Strommen voting yes. Senator von Gillern voting yes. Senator Wordekemper voting yes. Vote is 44 ayes, 0 nays, Mr. President, on adoption of the committee amendment.

KELLY: AM169 is adopted. I raise the call. Mr. Clerk.

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CLERK: Mr. President, Senator Dungan would move to reconsider the vote taken on AM169.

KELLY: Senator Dungan, you're recognized to open.

DUNGAN: Thank you, Mr. President. Colleagues, it's a good reminder always of the rules. If you are in the prevailing party of a question or a not voting, then you can file a motion to reconsider. I did vote for the amendment, and that wasn't just procedural. Again, I, I definitely think that AM169 makes the language in LB504 better in the event that LB504 were to pass as is. But colleagues, I do still encourage your red vote on LB504. Part of the reason that I wanted the motion to reconsider and this opportunity was to, I guess, talk about a couple of things that I haven't had a chance to speak about yet. And I, I know it's kind of funny. I've already talked on the mic a number of times. But on an issue that's this important and this broad, I think there's any number of conversations we can have about the implica-- implications of the bill, the logistics of the bill. And I think it's good that we continue this conversation. So I wanted to make sure that I could start back into that conversation and keep talking, possibly today until noon. And then we can continue to talk off mic about how we're going to proceed and, and what amendments, if any, might or might not be made. So colleagues, as I said earlier, there's three major buckets, I guess, that you could place my general objections to this bill in, the caveat being I think the purpose of the bill is incredibly important. I think it's really vital that we continue to support our children, but I think we can do so in a way that is somewhat more tailored to the underlying problems and not run afoul of some of the constitutional concerns that have been raised by any number of people. The first bucket that I think I kind of have an objection to is just whether or not the state should be involved in these kind of things in the first place. Absolutely there is a role for the government to step in and ensure that companies are not abusing their power over families or children or any individual. And I think that we always have a, a moral obligation as a Legislature to stand up when we see those things happening. But when we start to see a creep sometimes too far into the potential for government or politics to dictate how parents should parent, I think it gets a little bit complicated. There's any number of other issues we've debated in my time in the Legislature over the last couple of years where the conversation has centered on whether or not it's our job in the Legislature to step in and, and tell parents what they should or shouldn't be doing with their kids. And I've stood right here for a number of years and I've ad-- advocated a number of times saying that

we should leave many decisions up to families. And I understand that this issue before us here today is a slightly different issue than some of the other times that we've stood up and said that, but I think that we need to be very careful as a Legislature when we start to encroach on those parental rights, those parental sensibilities, and those parental duties. Part of this bill obviously permits for a lot of parental oversight into the use of social media apps, and I think that that is generally, again, a laudable goal. But I think we have to balance that with what happens if you have, for example, a youth that maybe has a lifestyle or political beliefs that are different from their parents and the way that they connect with a particular community is through a social media app. Whether you're in a rural area and you don't have anybody else around you that shares your views or an urban area and you don't have anyone around you that shares your views, these social media apps oftentimes prevent-- or, present a, a real opportunity for community. And I just think we have to be very cautious when we as a government start to step into the, the role of the parent. And I've had a couple of conversations with some colleagues about that. And it's not a left or a right issue. It really is, I think, a broader conversation to be had about the rights of people versus corporations versus companies. But that's why I think this debate is important and why I filed the motion to reconsider. There were a number of people in the queue who still had not yet spoken. And I actually appreciated them punching in to talk here. I know Senator Raybould hadn't talked yet. Senator Worde-- Wordekemper hadn't talked yet. I think Senator Conrad was going to get involved in this issue. So I just-- I thought that it was important we continue this debate here today, and then moving forward, we can, I guess, address any of the concerns we have. The second bucket that I would place some of my concerns in would be a lot of the constitutional problems, which don't need to be rehashed by me at this point in time. We may go back to a conversation of the First Amendment, but I focused most of my comments on that thus far. The third bucket, I guess, is frankly just logistics. I have a lot of concerns and questions about the implementation of this bill and, frankly, the enforcement of this bill. So in the committee hearing, one of the questions I asked was whether or not social media applications, for example-- but let's not forget this applies to any number of other broader websites. But whether or not social media applications are going to tailor their app-- the way it is presented to you, the way that data is aggregated, the way that it's curated, the way that it's presented, are, are, are these multinational corporations going to tailor their app to our law in Nebraska? And that then begs a couple of other questions. One, if

they are open to that concept, are they able to tailor the app to the specific requirements of a geofenced area, like a state? So let's say you're in Nebraska. Do I download a different Twitter than if I'm in Kansas? And then that begs the question, if we assume that they can-- which I'm not even entirely sure they can or they will-- but if they can, what happens if I'm in Kansas City and I download a particular version of an app and then I drive from Kansas City to Nebraska? Now suddenly the app that I've downloaded in Kansas City-- which was legal where I downloaded it-- I am now using in Nebraska. And suddenly that company who let me download it legally is now liable for each and every single violation of LB504 once you've crossed that state line. That would be a concern that I would have. In addition to that, in order to determine whether or not I've actually crossed from Kansas City to Nebraska, there's going to have to be some geographical information shared with these companies. So if the entire intent of LB504 is to protect my data and to prevent these corporations from seeing where I am and what I am doing, that seems contradictory to the idea of the bill if they're going to have to track me and see where I am and what I'm doing and how I'm using the app in order to enforce LB504. Now, in the event that these apps actually can't geofence their particular download or they choose not to, let's say. They say, cool. Nebraska passed LB504. We don't care. We're not changing anything. We're going to go dark in that state. If that's an option, that leads to any other number of concerns. As I've already stated, and as I think Senator Bosn actually talked about in her closing at the committee hearing, these apps and communities are very important for a number of people politically, socially, on the left, on the right, a lot of marginalized communities. They provide for a lot of folks in the DD community a large sense of, of friendship and opportunity. If somebody's, for example, not mobile and not able to leave their home, oftentimes they can connect with individuals through online platforms, whether it's social media apps or even video games. Maybe somebody's nonverbal and they have a difficulty communicating with individuals verbally but the way that they can see their friends and hang out with their community is through one of these affected online platforms. And then let's pretend that platform decides they're not going to adhere to LB504 and in fact it's easier, cheaper, and legally safer for them to simply not operate in our state. I think that presents a real problem. And maybe that's what was being talked about earlier in the opening when they said that opponents of this bill are going to say the sky is falling. I'm not saying the sky is falling at all. I'm just contemplating the potential negative consequences of LB504. And to harken back to Senator Jacobson's comments earlier regarding the fact

that we need to do something about this and act sooner than later instead of demagoguing and wringing our hands, I would just respectfully push back and say that what we're doing is our job. And as I've said time and time again, we were sent here to make really tough choices. And we were sent here to make really hard decisions about what is or what isn't good law. I think it is our duty and our obligation to contemplate the potential ramifications before a bill comes out. Certainly, we pass bills-- unfortunately all the time-- that have negative and maybe unintended consequences that we as a Legislature have to come back and fix. That is absolutely true. But I don't think we should embrace that. And I don't think it should be part of our general ethos that we are fine or comfortable advocating for, pushing out, and ultimately passing legislation that is problematic. So again, three overarching concerns that I've had. What is the role of the state? I think that's a legitimate conversation to have. And I see both sides of that issue, but it's something to contemplate. First Amendment concerns, which I know are going to continue to be discussed as we debate this bill. And then, third, just how in the world is this going to work and what are the consequences going to be of a very broad, sweeping legislation being passed at a state level that is aimed to curb or otherwise alter the actions of international corporations? So colleagues, I would encourage folks to get in and, and talk a little bit more about this if you see fit. And I would urge you to vote no on LB504. Thank you, Mr. President.

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

RAYBOULD: Thank you, Mr. President. Good morning, colleagues and fellow Nebraskans watching on TV. I want to say thank you to Senator Dungan for the motion to reconsider to give me an opportunity to speak on the mic for the very first time. So thank you, Senator Dungan. You know, I'm not sure how I feel about the reconsider motion. I think what Senator Bosn has done is, is terrific. I think it's important that we take on this very important issue. The concerns I have-- and I, like many of my colleagues here today, I had to really rush and get myself educated on this topic. And so, of course, I go online and I look at the Age Verification Providers Association, and I wanted to get a, a sense of what other states have been doing. And, and I know Senator Bosn probably has done this similar research but in much greater detail. So it lists a number of the states that have passed similar pieces of legislation. So Connecticut has passed something in July of 2023, Louisiana in July of 2024, Texas in September of 2024, Maryland in their House and Senate in October of 2024. Utah. Tennessee

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in 2025. Florida, Georgia, Minnesota. And then they talk about the three states which are currently injuncted, and that's Arkansas, Ohio, and California. And-- so-- unfortunately, I haven't had a chance to dig into what the court found problematic or in violation of one's First Amendment rights, but I'm hoping-- Senator Bosn, would you be able to yield to a few questions?

KELLY: Senator Bosn, would you yield to a question?

BOSN: Yes.

RAYBOULD: Thank you, Senator Bosn. I know that you and I talked briefly. And you had mentioned-- I had asked, like, what are those states that-- like Arkansas, Ohio, and California that are currently injuncted-- you said you had reviewed those states and you had made changes. Could you tell us in a little bit more detail what the changes that you made that were their pitfalls, that required the court to not proceed forward?

BOSN: Yeah. I don't have the exact changes. I wasn't prepared to answer that question, but I-- the changes that were made tightened up the First Amendment concerns that I think were the precipitous to your question as to whether or not this was content moderation-- which does fall squarely under First Amendment concerns-- versus design features-- which does not. And so those-- that's what those amendments did. But I can tell you the amendment that's AM169 is an example of that modified language that was-- this is not-- this language that's AM169 starting with 2, number 2 on the bullet point there, page 7, lines 1 through line-- I'm sorry-- line 18 through line 31 if you look at-- if you're looking at the amendment. That modified language has not been challenged in court. So that is an example of the updated language that addresses some of the concerns for the First Amendment protections.

RAYBOULD: Thank you, Senator. I have one-- another question to ask you, if I may. So I pulled up the state of Maryland-- and I, I was trying to figure out how could they get theirs passed-- and, and there were no legal challenges yet to it. But, you know, what struck me as incredibly interesting is that they require the software entities that we're talking about to do a data protection impact assessment. Is that something in your bill that would be an additional, I guess, document substantiating the protections that they-- that entity in-- intends to implement to make sure that all the data that is required is protected?

BOSN: So I, I think we have addressed that, and certainly our language is, you know, tweaked to look and be consistent with Nebraska state statute. But I would direct you to Sections 10 and 11 that talk about those very protections to make sure that we are tracking a consistent amount of data like they are, how these harms are being reported, how we're implementing this bill consistently so that those-- I, I think that's exactly what those sections address. But I am happy to have further conversation with you about their language if you think that that's an improvement upon what I've proposed.

RAYBOULD: Thank you, Senator. Darn. I had one more question. I'll ask senator offline. Thank you.

KELLY: Thank you, Senators Raybould and Bosn. Senator Wordekemper, you're recognized to speak.

WORDEKEMPER: Thank you, Mr. President. I'm a member of the Banking, Commerce and Insurance Committee and listened to a lot of testifiers that day. And I believe we had over 50 proponents for this bill, maybe less than 10 that were opposed to it. And so I voted to support AM169. And I'm in support of LB504. And one of the testifiers that we saw that day-- and I don't know if anybody really spoke to that today-- was from a state patrolman, Lieutenant Monty Lovelace, and, and he works with the Internet Crimes for Children with the State Patrol. And, and some of his testify-- remarks I just highlighted here, and I'd like to bring them out. And I think back of when I was a kid-- and probably many of you-- all we were worried about was safety that our parents told me when we were, you know, going down the street, going to a playground, at the mall or whatever-- nothing on the internet. It, it, it wasn't even a concern. So I think we're in a new, new time space here that-- we have to be aware of that. So just a couple of his thoughts here. Child predators lurking around playgrounds or shopping malls has given way to anonymous figure hidden behind a computer screen. Offenders no longer need to venture outside their own homes. And he, he, he went on to state that he's been working with the Internet Crimes Against Children since 2011. The way in which kids communicate with others online and the information they are exposed to has greatly evolved, and in some instances has become unmanageable for parents and law enforcement. So at the rate that the kids are being targeted, we can't keep up. Not every parent is involved with their, with their kids as much as they maybe can be because of jobs. And, and law enforcement is, is overwhelmed. So I believe we need to do what we can to keep our citizens safe. It, it was brought up, you know, what's our goal here as a Legislature, as a government? And I, and I believe

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it's public safety, and, and this falls into it. And many of you know that's, that's my background. So. Within the last two years, the Nebraska Internet Crimes Against Children Task Force has seen a sharp increase in the amount of sexually explicit images and videos produced by minors, with some of the-- as young as seven years old. That's unfathomable. And, and we have sites and websites that these kids can go on. And, and I think we need to somehow figure out a way we can monitor it. And one of the last things that Lieutenant Lovelace said was, the bill is a step in the right direction in assuring that online platforms are taking substantive measures to reduce harmful content or offenders kids may encounter. This is a first step, and I think that's what we need. We need to pass this bill. And this is his job, to, to seek out these predators and keep our kids safe. And if he's just saying this is a first step, that should tell us all we have a lot farther to go to, to keep our kids safe. Thank you, Mr. President. I'll yield the rest of my time to Senator Bosn if she wants it.

KELLY: Thank you, Senator Wordekemper. And Senator Bosn, you have 1 minute and 13 seconds.

BOSN: Thank you, Mr. President. I appreciate the comments from Senator Wordekemper. And I think that highlights some of the concerns that were raised. It also points out-- there were a number of testifiers on this bill, and I haven't really spent a lot of time raising them up and thanking them for their time. We had pediatricians come in. We had the individual who was a whistleblower from Facebook and was featured in The Social Dilemma come in and testify. State Patrolman Monty Lovelace; Kyle Langvardt, who was the UNL professor; Jill Edmundson, who was the mother of a daughter who experienced significant eating disorder ramifications from her online addiction. And her mother did a really nice job of articulating how she went into this with a, a plan of wait till eight, and it was a plan to wait till eighth grade to let children on social media. And then COVID happened and life changed. And I, I think that kind of segues into my frustration with the--

KELLY: That's your time, Senator.

BOSN: Thank you.

KELLY: Thank you, Senator Bosn. Mr. Clerk for items.

CLERK: Mr. President-- Mr. President: amendments to be printed from Senator Raybould to LB22; and a committee report from the Transportation and Telecommunications Committee concerning

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gubernatorial appointment to the Underground Excavation Safety Committee. Finally, Mr. President, a priority motion: Senator Hardin would move to adjourn the writing to Wednesday, February 25 at 9:00 a.m.

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