

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT**  
**LB88**

---

**Hearing Date:** Friday January 29, 2021  
**Committee On:** Judiciary  
**Introducer:** Morfeld  
**One Liner:** Protect free speech rights of student journalists and student media advisers

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File

---

**Vote Results:**

**Aye:** 8 Senators Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing  
Brooks, Slama

**Nay:**

**Absent:**

**Present Not Voting:**

---

**Oral Testimony:**

**Proponents:**

Senator Adam Morfeld  
Michael Kennedy  
Aubrie Lawrence  
Angela Wolfe  
Ramya Iyer  
Will Eikenbary  
Luke Steiner  
Zane Mrozla-Mindrup  
Abigail Schreiber  
Elliot Evans

**Representing:**

Introducer  
Northern Plains Collegiate Media Association  
Self  
Nebraska High School Press Association  
Westside Journalism  
Westside Journalism  
Westside Journalism  
Gretna High School  
Westside High School Journalism  
Westside Journalism

**Opponents:**

Mary Hamilton  
Brad Jacobsen

**Representing:**

Self  
Nebraska Council of School Administrators

**Neutral:**

**Representing:**

---

**Submitted Written Testimony:**

**Proponents:**

Dennis Derossett  
Jason Hayes  
Spike Eickholt  
Korby Gilbertson  
Shari Veil

**Representing:**

Nebraska Press Association  
Nebraska State Education Association  
ACLU of Nebraska  
Media of Nebraska, Inc.  
Self

---

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

LB 88 seeks to establish protections for student journalists at both the high school and postsecondary level. The bill provides protections from discipline for exercising free speech and press rights. Student media advisors are protected from dismissal or retaliated against for protecting the student or refusing to infringe on protected content.

Section by Section

Section 1 Definitions:

Postsecondary education institution: Univ of Nebraska, state colleges, community colleges.

School sponsored media: Material written published or broadcast by students at postsecondary institution, made available to student body and under direction of student advisor. Does not include class related media

Student journalist: Student at a postsecondary institution who gathers, writes, records etc. information of a journalistic nature.

Student media advisor: Individual employed or designated to supervise or provide instruction for school sponsored media. School sponsored media is deemed to be a public forum. Student journalists have free speech and press rights regardless of how media is supported. Student journalists are responsible for the content they produce for school sponsored media. Media advisors con teach standards of English and journalism.

Provisions do not protect expression that is: libelous or slanderous, invasion of privacy, violates law, incites a danger of unlawful act, policy violation or disruption of operation.

Student journalist cannot be disciplined for acting under subsection (2) and a media advisor cannot be dismissed or retaliated against for protecting a student journalist acting under subsection (2) or refusing to infringe on the protected content.

Publication or expression by a student journalist is not an expression of the institution.

Section 2 Definitions:

Public high school: Any school district high school.

School sponsored media: Material written published or broadcast by students at a public high school made available to student body and under direction of student advisor. Does not include class related media.

Student journalist: Student at a public high school who gathers, writes, records etc. information of a journalistic nature.

Student media advisor: Individual employed or designated to supervise or provide instruction for school sponsored media. School sponsored media is deemed to be a public forum. Student journalists have free speech and press rights regardless of how media is supported. Student journalists are responsible for the content they produce for school sponsored media. Media advisors con teach standards of English and journalism.

Provisions do not protect expression that is: libelous or slanderous, invasion of privacy, violates law, incites a danger of unlawful act, policy violation or disruption of operation.

Student journalist cannot be disciplined for acting under subsection (2) and a media advisor cannot be dismissed or retaliated against for protecting a student journalist acting under subsection (2) or refusing to infringe on the protected content.

Publication or expression by a student journalist is not an expression of the public high school.

High schools and media advisors shall make efforts to utilize resources of public and private universities and professional organizations for training on media law and ethics.

Section is not to be construed to limit a school administrator's ability to provide feedback to the media advisor consistent with Dept of Education rules and regulations.

---

Steve Lathrop, Chairperson