

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB975**

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**Hearing Date:** Wednesday February 17, 2016  
**Committee On:** Judiciary  
**Introducer:** Kolterman  
**One Liner:** Adopt the Child Welfare Services Preservation Act

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

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**Vote Results:**

<b>Aye:</b>	5	Senators Coash, Ebke, Krist, Seiler, Williams
<b>Nay:</b>	3	Senators Chambers, Morfeld, Pansing Brooks
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Verbal Testimony:**

**Proponents:**

SEN. MARK KOLTERMAN  
DOUG WEINBERG  
BRAD BROWN  
BRIAN BRADLEY  
BILL WILLIAMS  
SCOTT MURRISH  
KATHY ALONS  
ANNE HOBBS  
SUE MALLOY  
  
JEFF DOWNING  
GAIL STEEN

**Representing:**

INTRODUCER  
DHHS  
CHRISTIAN HERITAGE  
SELF  
COMPASS  
ROYAL FAMILY KIDS, INC.  
BETHANY CHRISTIAN SERVICES  
SELF  
CATHOLIC CHARITIES OF HTE ARCHIOCESE OF  
OMAAH  
SELF  
SELF

**Opponents:**

GWENDOLYN HINES  
MARVIN BINNICK  
ROBERT MCEWEN  
NICKOLAS KRAMER  
BARBARA BAEIER  
LINDA QUENZER  
TYLER RICHARD  
JOEL BUSCH  
AMY MILLER  
SUSAN ANN KOENIG  
ELLEN HANSEN

**Representing:**

UNITARIAN CHURCH OF LINCOLN  
SELF  
NEBRASKA APPLESEED  
SELF  
SELF  
SELF  
OUTLINC  
ACLU  
ACLU  
KOENIG/DUNNE LAW FIRM  
SELF

**Neutral:**

TRACEY LATTURE

**Representing:**

SELF

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

LB975 would prohibit the State of Nebraska from taking any action that would materially alter the terms or conditions of a child placing agency's funding, contract or license as a result of the agency's refusal to provide or facilitate child welfare services based on the agency's sincerely held religious beliefs.

Section 2 includes legislative findings.

Section 3 defines adverse action, child welfare service and child-placing agency. Adverse action includes any action that materially alters the terms or conditions of an agency's funding, contract or license. Child welfare service includes any social service provided to or on behalf of children. Child-placing agency is defined by reference to section 71-1926 as any person other than the parent or legal guardian of a child that receives the child for placement and places or arranges for the placement of a child in a foster family home, adoptive home, residential child caring agency or independent living.

Section 4 would prohibit the state from taking adverse action against a child-placing agency for declining to act in conflict with the agency's sincerely held religious beliefs.

Section 5 would authorize an agency to allege a violation of Section 4 as a claim or defense in any administrative or judicial proceeding and seek equitable relief, declaratory relief and money damages in state or federal court.

Section 6 states that LB975 shall be construed liberally so as to effectuate its purposes.

Section 7 is a severability clause.

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**Explanation of amendments:**

AM2667 replaces the original bill.

Section 1 changes the name of the Act to the Child Placement Services Preservation Act.

Section 2 includes four legislative findings.

Section 3 replaces the definition of the term child welfare service with a definition of the term child placement service. The new term is narrower and focuses on foster care and adoption. This section also adds a definition of department as the Department of Health and Human Services.

Section 4 is a new section. Under this section, a child-placing agency could not be required, to the fullest extent permitted by law, to provide or facilitate any child placement service that conflicts with the agency's sincerely held religious beliefs. An agency that declines to provide or facilitate a service would be required provide information to the person seeking the service with contact information for other child-placing agencies capable of providing the service.

Section 5 is similar to Section 4 of the original bill, but adds that the restriction on the state taking adverse action against a child-placing agency is only to the fullest extent permitted by state and federal law.

Section 6 would provide a defense for an agency in an administrative or judicial proceeding based on a violation of Section 5. The original bill would have also allowed an agency to bring a claim to assert a violation and obtain relief, including money damages.

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Les Seiler, Chairperson