

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 818

Introduced by Kolowski, 31.

Read first time January 08, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Children's Residential Facilities and
- 2 Placing Licensure Act; to amend section 71-1936, Revised Statutes
- 3 Cumulative Supplement, 2014; to change provisions relating to
- 4 immunity when submitting a complaint; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1936, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-1936 (1) Any person may submit a complaint to the department and
4 request investigation of an alleged violation of the Children's
5 Residential Facilities and Placing Licensure Act or rules and regulations
6 adopted and promulgated under the act. The department shall review all
7 complaints and determine whether to conduct an investigation. In making
8 such determination, the department may consider factors such as:

9 (a) Whether the complaint pertains to a matter within the authority
10 of the department to enforce;

11 (b) Whether the circumstances indicate that a complaint is made in
12 good faith;

13 (c) Whether the complaint is timely or has been delayed too long to
14 justify present evaluation of its merit;

15 (d) Whether the complainant may be a necessary witness if action is
16 taken and is willing to identify himself or herself and come forward to
17 testify if action is taken; or

18 (e) Whether the information provided or within the knowledge of the
19 complainant is sufficient to provide a reasonable basis to believe that a
20 violation has occurred or to secure necessary evidence from other
21 sources.

22 (2) A complaint submitted to the department shall be confidential.
23 An individual submitting a complaint shall be immune from criminal or
24 civil liability ~~of any nature~~, whether direct or derivative, for
25 submitting a complaint or for disclosure of documents, records, or other
26 information to the department, except for maliciously false statements.

27 Sec. 2. Original section 71-1936, Revised Statutes Cumulative
28 Supplement, 2014, is repealed.