

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1079

Introduced by Howard, 9.

Read first time January 17, 2018

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, 2016; to add and change provisions relating
- 4 to reports; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1936, Revised Statutes Cumulative Supplement,
2 2016, 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 within five
8 working days after receiving the report, including any report after
9 receipt pursuant to section 28-711. In making such determination, the
10 department may consider factors such as:

11 (a) Whether the complaint pertains to a matter within the authority
12 of the department to enforce;

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

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

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

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

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

29 (3) If an investigation is conducted under this section, a report
30 shall be issued within thirty days after the decision is made to conduct
31 the investigation.

1 Sec. 2. Original section 71-1936, Revised Statutes Cumulative
2 Supplement, 2016, is repealed.