

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 59

FINAL READING

Introduced by Cavanaugh, 6; Howard, 9; Blood, 3.

Read first time January 10, 2019

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, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 investigations; to require reports; 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, Reissue Revised Statutes of Nebraska, is
2 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, including complaints of such violations received pursuant to
8 section 28-711, and determine whether to conduct an investigation within
9 five working days after receiving the complaint. In making such
10 determination, the 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, an
30 investigation report shall be issued within sixty days after the
31 determination is made to conduct the investigation, except that the final

1 investigation report may be issued within ninety days after such
2 determination if an interim report is issued within sixty days after such
3 determination.

4 Sec. 2. Original section 71-1936, Reissue Revised Statutes of
5 Nebraska, is repealed.