

May 27, 1981

LB 95

PRESIDENT: Yes, Senator Carsten has one on LB 352.

SENATOR DWORAK: Thank you very much.

PRESIDENT: Any other questions? Okay, Mr. Clerk, we will commence then. Senator Higgins, did you have a question? On which one? On Senator Nichol's? Senator Nichol's was 548. Any further questions? Okay, we will commence then with LB 95, motion by Senator Cullan.

CLERK: Mr. President, Senator Cullan moves to return LB 95 to Select File for a specific amendment. The amendment is on page 2269 of the Journal.

SENATOR CULLAN: Mr. President, members of the Legislature, I have decided to return LB 95 for these amendments and I would ask you to do that. The amendments do four things. First, is technical bill drafting change, changing the word "regional center" to "treatment facility" so that is using the correct terminology in that regard. Secondly, the amendment provides that a period of time, the total period of time from the date that an individual is held as a result in an emergency admission certificate until the final hearing for that individual, total period of time that that individual can be held is seven days in lieu of ten days which was in the original draft of the bill. I still think ten days is reasonable but this does respond to an Attorney General's opinion on this matter and so I think that is an appropriate approach. The third portion of these amendments reduces from two to one the number of mental health professionals who must examine an individual within thirty-six hours after an emergency admission certificate has been executed so that this individual's freedom is denied and he is detained. Under the current draft of the bill two mental health professionals would have to examine the individual in that period and I am proposing to take that back to one. The reason I am making this change is that the Department of Institutions has given me a revised information so far as the number of mental health professionals they have available to make these examinations. I had consented to the amendment that Senator Fowler made on Select File to raise it from one to two. I believe that this is more appropriate. I still think there is adequate protections for the individual's liberty involved so I do ask you to reduce that number from two to one and I believe I have explained...oh, yes, and the last and final amendment I am making is to strike the last section of the bill which deals with MDSOs on conditional release. Now I still believe that the provisions of this bill are constitutional but I also recognize that if we have conditional release programs for civil committees, MDSO committees, and those who are committed