

SENATOR R. LEWIS: Mr. President, members of the Legislature, as the Clerk explained, this bill was introduced by the Public Health Committee at the request generally, of the Mental Health Boards throughout the state. As you recall, a couple of years ago, more than that, in the 1976 Legislature, we passed LB 806 which changed many parts of the Commitment Act in the State of Nebraska and there was a real definite need at that time for some changes. But we have actual proceedings pursuant to LB 806 as indicated, that there are still some flaws in the bill and it was with this in mind that the bill was introduced and the Act now provides that peace...what peace officers may do and LB 501 would in addition authorize two physicians, two clinical psychologists or one physician and one clinical psychologist to take such individuals into immediate custody as prescribed. In the Committee hearings there was quite a lot of comment that those people who were dangerous to themselves or to others, under the present Commitment Act, could not be committed involuntarily. If they voluntarily committed themselves, that was alright, but it was a matter of definition so many times as to when they were dangerous to themselves or others. We have tried to provide a means here whereby that they can be committed, not by just peace officers, but by a physician or by a physician and a psychologist or two physicians. A second proposed change would extend from twenty four to forty eight hours, a time within which a person voluntarily admitted to the treatment facility would be entitled to immediate discharge after making written request for release and again this has been a problem, that on a twenty four hour hold, if they made a written application for a release, this is on a voluntary admittance, then they must be released and if they sometimes if a holiday intervened or a week end, it did not permit to hold those people who were deemed dangerous. Another provision in 501 proposes some changes in time limitations regarding commitment proceedings that would bring certain sections of the original act in conformity with others and would alter notification procedures. The changes proposed in the bill are intended to address problems which have surfaced after several months experience under the original act. I think Douglas County has had more problems perhaps, than probably all the other counties together because I expect the commitments in that county would equal, because of the population, would equal most of the other counties combined and Dr. Wengert and the County Attorney, various probation officers from Douglas County testified as to the extreme need of these changes in the bill. I would move that this be advanced to E & R Initial.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: Well, this bill came up quicker than I expected. I guess I have concerns about the bill. I was on the Health and Welfare Committee when the court decision came down that threw out the old law and worked on the drafting of the new law. There were in the first year, numerous complaints as people adjusted to a new system. I'm not sure that those complaints still exist and with another year of work under the law. My feeling is that we may be going too far back the other way in the area of mental health commitment with this bill, particularly with the time limits of commitment and also on the who is allowed to commit. We may end it back into the situation where the court will once again throw out our state mental health commitment law and we'll be back to having no law. That is what concerns me the most about this is that we may end up back in