

April 16, 1981

LB 95

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Cullan, you may go ahead and discuss the bill now.

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate your attention through the amendments and now I would like to briefly explain the bill. LB 95 is the product of a two year interim study conducted by the Public Health and Welfare Committee. The committee did an extensive survey of the mental health commitment boards in the State of Nebraska, all the county attorneys in the State of Nebraska, district judges in the State of Nebraska. We collected extensive data from the county...excuse me, from the district courts in the State of Nebraska as far as the operation of the current Mental Health Commitment Act is concerned. We identified a number of issues and we did several drafts of the bill. The draft that is before you now with the committee amendments is probably the sixth or seventh draft of the bill. The bill was circulated to mental health groups and individuals interested in mental health several times and there were two public hearings held on it and so I think it is probably one of the most carefully prepared pieces of legislation that I have had the opportunity to present to the Legislature as a result of the interim study work. The major changes are identified in the bill book on the back of the committee statement. All of the changes are apropos with the exception of #11 and that has been deleted from the bill. The main change, one of the major changes in the bill is that mental health commitment boards will be appointed on the basis of judicial districts rather than counties. We have discussed that with Senator Stoney a minute ago. The bill also clarifies that a jailer has the statutory authority to initiate an emergency admission certificate. We had felt that the jailer had that authority previously but it was not spelled out in statute so we simply clarified that. The Department of Public Institutions would be mandated to provide training for mental health board members. This should insure that due process procedures are followed consistently throughout the State of Nebraska and that all of these individuals who make these decisions are operating under the same similar knowledge and information so that our procedures will be more consistent from one part of the state to another. Under the present law, the county attorney may initiate mental health commitment proceedings against a person whom he or she believes is mentally ill and dangerous and in need of treatment. The draft legislation provides that the county attorney shall initiate these procedures. The treatment facility would inform