

May 7, 1981

LB 95

SPEAKER MARVEL: Okay, the motion is on the Fowler amendment as discussed. Okay, Senator Fowler, do you want to...do you have any more background information you want to give?

SENATOR FOWLER: Sure, if people want it. The bill... on page 1706 of the Journal are the amendments. The first amendment, I am not moving, the rest I am. Now this is the mental health commitment act. It deals with the placement of people in mental institutions. The primary concern that I have with the bill is the length of time that someone can be in an institution before there is an actual formal hearing as to whether or not they should be committed. Now originally I suggested shortening the time from ten days to seven days. Senator Cullan felt that ten days between the initial commitment and the final hearing was necessary. So I am dropping that change, but I do think that maybe some protection should be provided with regards to that. One is that a second opinion...the amendments call basically for a second opinion with regards to commitment, rather than just one mental health professional reviewing someone, that there should be two professionals review the person after they are placed in the institution. So that is one of the first things. That is amendment number two and three. The third amendment clarifies... or the next amendment clarifies language with regards to access to legal counsel and it's not really any sort of major change from the intent of the legislation but just indicates that there will be legal counsel granted as soon as possible when a person is put in a mental institution. And the fourth deals with the new language that Senator Cullan has with regards to recommitment, and that indicates that to be recommitted a person must demonstrate dangerous behavior, which I think was Senator Cullan's intent anyway when I asked him on General File. This just spells it out more specifically. So I think Senator Cullan is willing to go along with the amendments that I am offering. There were some other changes that I wanted to make, but in interest of expediting the process, I am dropping those suggestions and going with the four that are rather minor changes, I believe, in the bill.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I support the Fowler amendments. I think that they clarify for the purpose of interpreting LB 95 what was previous the intent with the exception of the

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