

patients, but also for those found not guilty by reason of insanity and other civil committees. If we pass that bill in one step we eliminate any potential of an equal protection problem and so that is why I am striking that section, not because I believe it is unconstitutional, but because we will be in a stronger position next year if we do it that way. Secondly, we reduce from ten to seven the number of days that an individual may be held without a hearing. Right now it is...well I guess that explains that sufficiently. The third portion of the amendment reduces from two to one the number of medical examinations which must be performed, psychiatric examinations which must be conducted in the thirty-six hour period following the execution of an emergency admission certificate and I think that is it. Oh, yes, then there is one technical change in the bill that corrects a bill-drafting change. That is it.

PRESIDENT: Okay, the Chair recognizes Senator Fowler for clarification of what you said.

SENATOR FOWLER: Right. Again, I would say that the point of disagreement is the second psychiatric or mental health professional opinion. Senator Cullan had agreed to that concept initially and then the psychiatrists at our regional center said, gosh, we don't want to do that. I mean we just want to have one psychiatrist look at this and they say things like, I mean, suppose we get a second mental health professional in and they disagree? Suppose that, in fact, one of our people says this person should be put in the regional center and the other says they should not. That would be pretty embarrassing, wouldn't it, and that is exactly why we need the second opinion. Senator Cullan is changing it so that someone can be in a regional center for a week without a hearing. His original bill went ten days and the Attorney General, looking at the court decisions that threw out the previous Mental Health Commitment Act, said ten days is excessive so Senator Cullan drops back a couple of days but even to spend one week without a preliminary hearing with only one psychiatric evaluation and the word of a county attorney, which is in no way any sort of medical judgement, I think is excessive. The history on the Mental Health Commitment Act in Nebraska is that a few years ago the court threw it out for exactly the problems that Senator Cullan is recreating, the lack of a preliminary hearing, the lack of some early action when someone is committed and to go back to keeping someone in our state institutions for a week without a formal hearing, without evidence, is going to seriously endanger the keeping of the whole act. Now I suggested to Senator Cullan that maybe a second psychiatric opinion could help undo those