

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this has been distributed to your desk before but unfortunately it has been a couple of days since that time and you may have misplaced it. The page in the Journal again is page 731 and it runs over to 732. Because it makes reference to the bill and to the previous Marsh amendment, it is significant that I go through with you what those provisions do. If you have read LB 335, you know that the committee collapsed the child abuse section and the adult protective services into the same set of language. They grafted the adult protective services idea onto the child abuse language that has been on the books for six to eight years. The problem with that is that the child abuse language is not uniformly applicable to the needs for adult protective services. For example, there is a provision that says that you shouldn't leave a child of under five in a car unattended, and because we simply just wrote in adults over sixty into that provision, if you were to pass 335 in its present position, it would be illegal to leave somebody over sixty years of age in a car unattended. That was one of the bill drafting problems of putting two ideas together at the same time, so what I have done is I have taken most of the child abuse language that does apply, dropped it out and applied it specifically to those who are over sixty and those who are disabled. And that is what these first several lines are all about. They talk about the kinds of situations that constitute abuse of the elderly, and in one part we, to compare with child abuse, we take mental health and define it a little more clearly. In the child abuse section it is not defined, in this section it is. It says, "or through a course of conduct involving duress or intimidation, causes him or her mental distress." That language parallels by the way the tort of intentional causing of emotional distress. So that is where that language comes from. Secondly, we took the phrase, "or other care", as it appears in the child abuse section and extended that definition to make that care necessary to maintain physical health. Again trying to further define those terms. Section 2 strikes that language about leaving somebody unattended in a car. Now, what are Section 3 and then page 2 of the amendments all about? On the floor the other day we adopted an amendment which applies to privileged communications standards to the adult protective services area, and in so doing we went back because of the way the bill was drafted and put them into the child abuse areas. The child