TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

March 15, 2005 LB 206

evidence that the custody order should be modified or vacated. presented this piece of legislation, we had representatives of individuals with developmental disabilities. of the advocacy community, of advocacy services, who came to the hearing. Senator Chambers raised some points that we needed to deal with. I think those effectively have brought all of the individuals together, in addition to the attorneys for the Department of Health and Human Services, and I think the amendments that will be offered by the committee will deal with those issues that were raised at that time. What one of the fears has been of the disabilities community is that this, once again, opens up the door to wholesale...to a wholesale ability of the state to put individuals with developmental disabilities back into an institutional-type setting. This is totally as far away from that as we can possibly get. But what it does do is give us statutory authority simply to do what we do in a mental health situation, to have a commitment act specifically with individuals with developmental disabilities. I think it's reasonable with the committee amendments. I think protects society, and I think at the same time it protects and affords the treatments that need to be available for individuals with developmental disabilities. And I know the committee amendments are extensive so I would yield my time back to the Chair, Mr. President, and allow the committee amendments to be presented.

SENATOR CUDABACK: Thank you, Senator Byars. (Doctor of the day introduced.) As Chairman of the Judiciary Committee, Senator Bourne, you're recognized to open on AM0633.

SENATOR BOURNE: Thank you, Mr. President and members. I want to thank Senator Byars for his work on this bill. I think it's a good piece of legislation. The Judiciary Committee heard this bill earlier in the session. And the committee amendment does several things. The first thing it does is allows any party to file a motion for a review hearing to be held as soon as practicable if it appears that a subject no longer poses a threat of harm to others, or if the circumstances upon which a plan submitted change. The next thing it does, it grants immunity for acts taken in good faith to comply with the act, except gross negligence, recklessness, or willful or wanton acts