

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

March 15, 2005      LB 206

SENATOR CUDABACK: Anything further on the bill, Mr. Clerk?

CLERK: Nothing further on the bill, Mr. President.

SENATOR CUDABACK: Open for discussion on the advancement itself. Senator Beutler, followed by Senator Jensen.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature; Senator Byars, I'd like to have a dialogue with you, if we may, on a couple of issues.

SENATOR CUDABACK: Senator Byars.

SENATOR BEUTLER: And I want to explore a couple of dimensions of this bill that you, of course, are already familiar with, I think everybody in the body should be familiar with, in terms of being able to defend and talk about to their constituents exactly what we did here. And let me explain to you by way of reference. I look back at the mental health act. There is a separate elaborate mental health act, as you're well aware. It appears that some of this was modeled after that. But you and your people have rightfully made a whole myriad of changes so that it applies more appropriately to the developmental disability definition that is in the bill. And as we all know, mental disability is defined...mental illness is defined as different from developmental disability. Nonetheless, there were a couple of provisions in the mental health act that caught my attention, and I think it would be a helpful discussion for you to explain why there is a different treatment here in this bill. In the...and one of the big deal...one of the big items is the language in the bill that kicks in this particular procedure. If there...if the person with the developmental disabilities poses a threat of harm to others...now over in the mental health side, as you may be aware, it is a twofold kind of test, whether they pose a threat of harm to others or whether...or if...and the mental health bill would also apply if they were a threat of serious harm to themselves. Now I've always interpreted that in the mental health act as a benign kind of provision indicating that the state is willing to accept a responsibility with regard to people who may be a danger to themselves, not to allow them to harm themselves, to provide