

SENATOR SCHMIT: Yes, I have, Senator.

SENATOR CHAMBERS: If you owned a dog and somebody stole that dog and you reported the dog stolen and it is a dog which will bite and they took this dog from David City to Lincoln and released that dog upon an individual and it bit that individual, who do you think should be liable, you or the person who stole the dog?

SENATOR SCHMIT: Senator Chambers, I doubt that I would recognize that dog under those conditions.

(LAUGHTER)

SENATOR CHAMBERS: Well, the problem...

SENATOR SCHMIT: He never looked like my dog, Senator.

SENATOR CHAMBERS: ..the problem is that because you're so careful, the dog has a license tag, it has the evidence of the rabies shots, it has your name on it as the owner and you, the only way out is to say, well, they stole this material from your dog and attached it to this other one. But if they could trace the ownership to you and the dog had been taken from you by somebody else and deliberately misused in this way to bite somebody else, should the owner be responsible under these circumstances?

SENATOR SCHMIT: Well, Senator, under those kind of conditions which you've outlined, I would hope that I wasn't responsible.

SENATOR CHAMBERS: Thank you. And, members of the Legislature, I discussed these issues when the bill was in committee. Some amendments were drafted to deal with these types of circumstances. Then those pushing for the bill decided they would not add any amendments and one of the lobbyists told me that they wanted the absolute liability on the owner, even under the circumstances that I have described. This bill, if it does not pass, will not change the present law. The owners will still be liable. But if we pass this bill knowing that, it would be, in my opinion, an unwise vote to take. The case for which this bill was introduced is past history. It is not going to be of any benefit to the person who was not allowed to recover because this new word did not exist in the law. The reason I wish we would strike the enacting clause is so that