

there will be nothing in the way of an affirmative vote by the Legislature after this discussion which would indicate to a court that, yes, we do, in fact, want the owners to be liable under all circumstances. If we don't give that vote after this discussion, a person's lawyer perhaps could make the argument, even with the law stating as it does without exception, the person's lawyer could argue that the intent is not to make the owner liable when the owner did not have charge or custody of the dog, or it was legitimately in the custody of an individual who was paid to have that dog, not only veterinarians, but there are people who operate kennels. If you go for a trip or whatever, you can leave these dogs there and those people, if there's liability, should have it. Under this law, such is not the case. If the Legislature does not enact this bill, next session, if I don't get knocked off in the election, and that can happen, if I happen to come back next time, this is a piece of legislation that I would offer because having become aware of this absolute liability on the owner I don't think that it's fair to have this in the law and for that reason I'm asking that you return this bill to strike the enacting clause.

PRESIDENT MOUL: Thank you, Senator Chambers. Senator Schrock.

SENATOR SCHROCK: Madam President and members of the Legislature, Senator Chambers is right on the fact. He's talking about a statute that this bill does not address. It's part of the overall law, I'll give him credit for that, but I would remind you why this bill was brought to me, why this legislation was brought to me. An 87-year-old woman in Gothenburg was knocked down by two dogs and she broke her pelvis and she was unable to recover because of the fact that in the statute it now states that you have to be killed, wounded, or you have to be worried. Now I know that work worried bothers Senator Morrissey, but I'm trying to add the word "injure". She broke her hip, but because she had no external injuries the insurance company would not pay and it was brought to the State Supreme Court. I'm trying to insert the word injury in our statutes and I would commend, Senator Chambers, if he wants to come back next year and do a complete overhaul of that statute, but right now I am trying to correct a small injustice in our current statutes and I see nothing wrong with that. It's not a big deal, but on the other hand I think it's appropriate. To me, it makes no difference whether you are bitten by a dog or knocked down by a dog, if you have injuries you should be able to recover, and I'm trying to add the word "injury". The word