

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

April 1, 1999

LB 573

sections I want to respond to Senator Hilgert on. They are in Section 5 of the committee amendments. One of them states this: "The animal welfare organization is liable under the Uniform Controlled Substances Act for acts or omissions on the part of its staff members." So it's saying we're liable for our staff. Section 5 also says: "If a veterinarian assists an animal welfare organization in obtaining euthanizing drugs pursuant to a collaborating veterinarian agreement authorized by the Controlled Substances Animal Welfare Act, such veterinarian is not liable for any acts or omissions on the part of the animal welfare organization". So, if the veterinarian commits an act that is negligent, they remain liable. They...the veterinarian does not assume responsibility for the agency. The agency is given that responsibility. However, it does say except that the dis..."except that disciplinary action may be taken against the separate registration pursuant to section 28-409." Which means you could go after the veterinarian's permit under 28-409 for being negligent, if you will, on a disciplinary action. It's a...it's not a deep-pocket civil liability.

SPEAKER KRISTENSEN: Further debate on advancement? Senator Landis, you're recognized to close.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I think Senator Hilgert raises a fair and reasonable question. All I can tell you is this was the best I could do at drawing the system that we have to, I think, what is a higher and more humane plane. It may run afoul of our thoughts as to what liability is, but there is an organization who assumes responsibility. They asked for it. In fact, they said, look, if we...if we're going to be responsible for this, we will take liability. The language, "The animal welfare organization is liable under the Uniform Controlled Substances Act for acts or omissions on the part of its staff members", was their suggestion saying we'll take this. There is somebody to answer if things go wrong. In the case of obtaining the drugs it would be the veterinarian and, of course, they have a permit that's also at risk. In other matters it would be the animal welfare organization, and I think those rules are sufficient to allow the bill to advance. Thank you.

SPEAKER KRISTENSEN: You've heard the closing. The question