

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

April 26, 2005 LB 114

SENATOR CHAMBERS: But suppose the optometrist for which this person works is very busy, or these are poor children, and they roll the dice and say, well, I think you can probably handle this one, go on and do it. How do we know that won't happen?

SENATOR BYARS: We don't.

SENATOR CHAMBERS: How about putting in a liability provision here, an explicit liability on the part of anybody who, in conducting this evaluation, fails to detect a condition which was there to be...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...detected by somebody with the qualification of an optometrist or ophthalmologist? In other words, if they're going to do the work of this person, hold him to the same standard of professionalism. Would you be in favor of an amendment such as that?

SENATOR BYARS: I think I'd have to talk to the professionals first to see what type of insurance they have at this point, to see what type...

SENATOR CHAMBERS: I don't care about their insurance.

SENATOR BYARS: Excuse me.

SENATOR CHAMBERS: I'm talking about the welfare of the child.

SENATOR BYARS: ...see what type of liability exposure that they have. I'm not sure...

SENATOR CHAMBERS: I don't want to leave...

SENATOR BYARS: ...it's necessary, Senator.

SENATOR CHAMBERS: Senator Byars, if I were involved in some kind of activity that involves the public and I was the one to determine whether I will face liability, I'm going to say no. We have to put it in the statute. You are creating a scheme to