

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB407

Hearing Date: Friday February 20, 2009
Committee On: Health and Human Services
Introducer: Dierks
One Liner: Provide civil penalties for engaging in veterinary medicine and surgery without authorization

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Dierks
Henry Cerny
David Ylander

Representing:

Introducer
Nebraska Veterinary Medical Association
Nebraska Board of Veterinary Medicine and Surgery

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 407 adds provisions to the Veterinary Medicine and Surgery Practice Act (act). The bill requires the assessment of civil penalties against persons who engage in the practice of veterinary medicine and surgery without being licensed or otherwise authorized to do so under the act. The penalty must be not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for the first offense and not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) for the second or subsequent offense. Each violation after notification constitutes a separate offense. The civil action to assess such penalties must be brought by the Attorney General in the district court of the county in which the violation occurred.

Any civil penalty assessed and unpaid constitutes a debt to the State of Nebraska and may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property.

The Department of Health and Human Services may also collect attorney's fees and costs incurred in the collection of the civil penalty. The department is required to transmit any civil penalties collected to the State Treasurer within thirty days of receipt, to be disposed of in accordance with Article VII, section 5, of the Constitution of Nebraska.

Tim Gay, Chairperson