

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB71

Hearing Date: Tuesday January 27, 2009
Committee On: Agriculture
Introducer: Cornett
One Liner: Require animal care professionals to report cases of animal abandonment, cruel neglect, or cruel mistreatment

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Carlson, Council, Dierks, Dubas, Karpisek, Price, Schilz, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Abbie Cornett
Dr. Aaron Truax
Mark Langan
Robert A. Downey

Representing:
Introducer
Bellevue Animal Hospital
Nebraska Humane Society
Capital Humane Society

Opponents:

Representing:

Neutral:
Hank Cerny

Representing:
Nebraska Veterinary Medical Association

Summary of purpose and/or changes:

LB 71 amends Section 28-1017 to expand to animal care professionals an affirmative duty to report suspected cases of animal abuse, neglect or mistreatment to appropriate investigative entities. Section 28-1017 currently confines this duty to employees of agencies that deal with child and adult protective services and animal control and animal abuse. Specifically, the following changes would be made:

*Inserts a new defined term "animal care professional" to mean a veterinarian or veterinary technician.

*Adds animal care professionals to persons required to report incidences observed while acting in the course of professional capacity or employment causing the person to reasonably suspect abuse of an animal is occurring.

*An animal care professional's duty to report would also come within the liability immunity provided to reporters under subsection (4) of Section 28-1017. Revisions are made elsewhere in this section to confine provisions pertaining to the timeliness and manner in which reporting is performed only to employees of child and adult protective services and animal control and abuse agencies.

*A clarification is made to the existing definition of "employees" that are currently subject to the duty to report and those provisions pertaining to timeliness of reporting, the information to be included, and the manner of accomplishing

reporting to investigative entities. The clarification makes more certain that the persons subject to "the duty to report" are government employees.

*Section 2 of the bill corrects an internal reference within Section 28-1013.

Explanation of amendments:

The Committee amendment (AM 541) strikes the original provisions and becomes the bill. The primary purpose of the bill is to expand to veterinary professionals a duty to report incidences relating to animal abuse, neglect or mistreatment and is replaced by what becomes the new Section 7 of the bill. This section does not impose a duty of animal health care professionals to report but provides immunity for liability similar to the immunity that would be extended to reporting veterinarians under subsection (4) of Section 28-1017 of the bill as introduced.

Sections 1 and 3-5 of the amendment, that also becomes sections 1 and 3-5 of the bill as revised, conform internal references in various sections of the animal cruelty statutes to incorporate new section 7. The amendment carries over other revisions to the definition of "employee" in Section 28-1017 contained in Section 1 of LB 71 as introduced. These revisions to Section 28-1017 are found in Section 6 of the amendment which also becomes Section 6 of the bill as amended.

Section 2 of AM 541 also amends Section 28-1013 to expand an existing express exclusion of treatment provided by a veterinarian from acts defined as "crimes against animals" under referenced sections. The revision would extend the exclusion to treatment or conduct by both veterinarians that occur while acting within the scope of their professional practice, or that conforms to accepted veterinary practice. The amendment omits the internal reference change to Section 28-1013 contained in the original bill which becomes obsolete with changes elsewhere in the bill.

Tom Carlson, Chairperson