

March 26, 1984

LB 112, 807, 1093, 1093A, 852

CLERK: Senator DeCamp voting yes.

SPEAKER NICHOL: Okay, Senator Kilgarin and Senator Rod Johnson are here now. We are voting on the advancement of the bill.

CLERK: Senator Kilgarin voting yes. Senator Rod Johnson voting yes.

SPEAKER NICHOL: Record, Mr. Clerk.

CLERK: 25 ayes, 17 nays, Mr. President, on the motion to advance the bill.

SPEAKER NICHOL: The bill is advanced. LB 1093 and 1093A are not ready to move. LB 852.

CLERK: Mr. President, 852...first of all, Mr. President, Senator Barrett has amendments to LB 807 to be printed in the Journal. Mr. President, 852 was a bill introduced by Senator Hefner, Senator Richard Peterson. (Read title of bill.) The bill was first read on January 6th of this year, referred to the Public Works Committee. The bill was advanced to General File.

SPEAKER NICHOL: Senator Hefner, do you want to talk about the bill for awhile?

SENATOR HEFNER: Yes. Mr. President and members of the body, I'll explain the bill to you. The Nebraska statutes now state that an upper landowner who installs drainage tile or digs a drainage ditch on his own land to drain water into any natural waterways is not liable for the damages from the drainage. This bill proposes that the upper landowner that installs drainage tile or digs a drainage ditch shall be liable if the lower landowner sustains substantial damage as a result of this action. Courts have defined substantial damages as a sum assessed by the way of damages as something that is worth having as opposed to nominal damages which are assessed to satisfy the bare legal right. Another definition of substantial damage is considerable in amount