

April 3, 1984

LB 852

to close those doors. I would point your attention to the amendment in Section 4 where it deals with where there is a reasonable likelihood that such construction may result in substantial damage to another person's land. I would submit that that, as an attorney, would just be opening the door what is reasonable, what does that sentence mean and how would you ever define something like that. In doing so they are shifting liability from the...completely reversing the situation from the...away from the landowner back to the landowner. While I understand that is a problem I am concerned that we would just be opening the doors for more litigation, more confusion, more problems, than what we would have as it is right now. What we do have right now is a bill that has been amended that will allow for notification of tile draining and it does provide a penalty for that kind of notification. It does allow landowners to get together to have some objections voiced, to be able to try to work out their problems, their differences and I think that what we have right now without this amendment will do something towards reducing litigation and could do something toward reducing the problems that Senator Hefner and his area have brought forth, but to add this amendment would do, in my estimation, only do things that would increase problems, increase litigation and not do anything to help this bill or help this problem. I would urge opposition to the amendment and allow the bill to go without the amendment.

SPEAKER NICHOL: Senator Wagner.

SENATOR WAGNER: (No response).

SPEAKER NICHOL: Senator Haberman.

SENATOR HABERMAN: (No response).

SPEAKER NICHOL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I would also have to oppose the amendment by Senator Vickers and Senator Hoagland. I think that the amendment might have some merit, but I would suggest that it