

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

March 28, 2001 LB 215

CLERK: Senator Landis would move to amend the committee amendments. (AM0871, Legislative Journal page 956.)

PRESIDENT MAURSTAD: Senator Landis, recognized to open on your amendment.

SENATOR LANDIS: Thank you. Mr. Speaker, members of the Legislature, there was a place where we did originally, along with the Real Estate Commission, identify a change that we wanted to make to existing language. It has to do...it had to do, rather, with the 76-2417 agency relationship statutes, and we had originally put in two pieces of new language, one of which was that agents were not responsible for the declarations of third parties as far as misrepresentation went. And then there was a second provision that was...that we suggested putting in that's saying that this would not limit the responsibility under the duties and obligations of the relation (inaudible) agency; couldn't be used as a defense. Well, we thought that that would try to get at the issue that was being raised. Truth of the matter was that we were sort of lapping ourselves and...and creating some difficulty between the matches of these two ideas. Everybody agreed existing rules would be clearer than what we'd achieved, so the Landis amendment in this case strikes the changes to 76-2417 and 76-2418, and simply returns us to existing law with respect to the agency relationship statutes and the obligations that agents have with respect to the statements of third parties. We go back to existing law. So this amendment to the committee amendments strikes all new language that changed existing law and thereby returns to existing law with respect to that issue, and I would ask for the adoption of the amendment to the amendment to return to existing law, and then the rest of the committee amendments.

PRESIDENT MAURSTAD: Thank you, Senator Landis. On the Landis amendment, Senator Beutler.

SENATOR BEUTLER: Mr. Lieutenant Governor, Senator Landis, if I might ask you a question or two.

PRESIDENT MAURSTAD: Senator Landis.