

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

April 30, 2001 LB 435

amendments, the lease arbitration and right of first refusal applies to properties where the tenant maintains substantial improvements. The amendment refines the definition of "substantial improvements" from the committee amendments by defining substantial improvements as structures or fixtures to structures and equipment affixed to real property. The intent of the definition is to avoid imposing the restraints of the bill on properties where the tenant's investment is insignificant or easily removed. The original definition was objected to by the railroads as including properties where perhaps small improvements such as fence lines might be. This revised addition or definition is acceptable to all parties. The amendment also strikes the qualification that an appraiser chosen by the department have an MAI or an ARA designation. We are advised by the Real Estate Appraisal Board that state law cannot discriminate against real estate appraisers based on membership or lack of membership in certain appraisal organizations. This can be a factor in the department's review of credentials of potential appraisers to assign to a controversy under the bill but may not be an explicit qualification. The amendment strikes this requirement and simply provides that the department may appoint an appraiser after consultation with the parties. This accomplishes the purpose of selecting an appraiser meeting certain certifications, which is to appoint an appraiser with competence and lack of bias for the task contemplated by the bill that is acceptable to both sides. It is contemplated that after passage of this bill and even before any controversy would arise the grain and feed dealers and the railroads would agree to a list of mutually acceptable appraisers that they will submit to the department to call upon if controversy arises. Now then I would urge your adoption of the amendments and advance LB 435 to Select. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Debate on the Dierks amendment to the committee amendments? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. I rise to support the Dierks amendment as well as the committee amendments, and also my amendment to the amendment which will follow the Dierks amendment. The issue, while it may