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FLOOR DEBATE

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of those being what it's going to cost him to pay the limited seller's agent in the form of a commission. So this very specifically refers to those two individuals, the builder and the limited seller's agent. Currently, the statute requires a written agency agreement between those two, and including the terms of compensation, before a specific parcel of real property might be identified. And this is somewhat cumbersome, obviously, and has created some problems, and the real estate commission feels that this is an appropriate change. Not that many years ago that it used to be that a real estate agent was solely responsible to the seller, and now the agent can make a declaration if he is for buyer or seller or both, and the limited seller's agent falls into another category. So I would ask that you would advance LB 88 to General File.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on the advancement of LB 88. Open for discussion on that motion. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. Would Senator Byars yield to a question or two?

SENATOR CUDABACK: Senator Byars, will you yield to a question of Senator Smith?

SENATOR BYARS: Yes, I will.

SENATOR SMITH: Thank you, Senator Byars. I'm trying to, I guess, pose a scenario here, or at least realize one that, now you're saying that a listing contract would not be necessary then at all, or just the compensation established therein?

SENATOR BYARS: The listing contract would still be necessary, but the compensation would not have to be determined until after a specific new construction property had been accepted, a contract had been accepted by the builder.

SENATOR SMITH: Okay. So the disclosures or the estimated closing statements would not reflect any compensation whatsoever, or would there be a benchmark of compensation that could change? What would typically be the case there?