

vigorously with affection, but oppose throughout the amendment process and throughout the advancement of the bill process, so I again say that I am opposed to the amendments that have been offered.

SPEAKER NICHOL PRESIDING

SPEAKER NICHOL: Senator Vard Johnson, please.

SENATOR V. JOHNSON: Mr. Speaker, members of the Legislature, I rise in opposition to this particular amendment. I've kind of followed this bill fairly closely and have been concerned about its content and its effect and its application and so forth. The problem I have with this amendment is as follows. Senator Higgins would have the disclosure statement given to the prospective buyer indicate that commissions are negotiable, which is the case. Commissions are negotiable, but the commission negotiation inevitably has been conducted before there is a prospective buyer on the scene. In other words, it's the seller that pays the realtor's commission and what happens when the seller decides he or she wants to sell his house they go to a real estate agent and the real estate agent by and by takes a listing agreement. It's at the time that listing agreement is affected that the commission is negotiated. So the disclosure statement which is intended to be given to prospective buyers will be given substantially after the commission itself has been negotiated. And that particular disclosure on the...that particular fact on the disclosure statement is an irrelevancy because, in a sense, the commission has already, the rates have already been fixed, so why put that fact on the disclosure statement? And the other item that deals with the nonconfidentiality of communications to a real estate agent, I really regard...that's an offensive item, that's an offensive item. We really don't expect our communications to other people to be confidential. We don't expect it. We go to a shop clerk and we tell a shop clerk a fact and we never once expect that that particular fact we have mentioned to a shop clerk is going to be confidential. We go to a party and we tell things to people at a party, unless we say we expect it to be confidential, we don't expect it to be confidential. Even when we go to a lawyer, even when we go to a lawyer we have some privileges of confidentiality, but under a number of circumstances where other people are present during the course of the conversation, confidentiality rules don't