

May 1, 1979

LB 390

Senator Fowler.

SPEAKER MARVEL: Five seconds. The question is, shall debate cease? All those in favor vote aye, opposed no.

CLERK: 25 ayes, 7 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Johnson, do you wish to close on your amendment?

SENATOR JOHNSON: Mr. Speaker, in light of the time, I'm going to waive closing.

SPEAKER MARVEL: Senator Duis, do you want to move the bill?

SENATOR DUIS: We have to have a vote on Senator Johnson's amendment.

SPEAKER MARVEL: Oh, I'm sorry. All those in favor of the Johnson amendment vote aye, opposed vote no. Okay, record.

CLERK: 27 ayes, 6 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The Johnson amendment is adopted. Now the Chair recognizes Senator Duis. I thought you told me you were through. Okay, go ahead.

CLERK: Mr. President, Senator Burrows moves to amend. (Read Burrows' amendment as found on Page 179⁴ of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the body, the language on lines 11 through 14 means that the lender can write a contract...means the lender can write a contract where the interest is figured monthly or whatever the period of time involved desired by the lender. That turns a 12 1/2 percent usury limit into an excess of 13 percent usury limit if the contracts so stipulate that that interest would be figured even monthly. It allows for the compounding of interest and changes not our usury rate from 11 to 12 1/2 but in actual effect from 11 to over 13 percent. This was not discussed and to my knowledge I have not found that it was discussed in committee. I have not found anyone legally that challenges what I am saying that