

March 10, 1980

LB 276

SENATOR CHAMBERS: ...and I will have to get another shot if I can, that either there will have to be a special session or doom to the state. There was not a special session. There has not been doom. I think there is not a proper discussion or consideration of this issue but rather the Legislature is being herded and stampeded. If I get another chance to speak before somebody calls the question I will have a chance to complete what I wanted to say.

SENATOR CLARK: Senator Kelly. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on ceasing debate? Record.

CLERK: 26 ayes, 4 nays, Mr. President.

SENATOR CLARK: Senator Johnson, the Chair recognizes you for closing.

SENATOR JOHNSON: Thank you, Senator Clark. My amendment strikes the word "aggregate" from the statement that usury shall apply only to loans when the aggregate principle is \$25,000 or less. Senator DeCamp spent quite a bit of time talking about how over the years we have created exceptions to general usury law for licensed lenders such as small loan companies, for personal loans from banks, for industrial savings and loans and the like and Senator DeCamp has said that if he had his way he would eliminate all usury ceilings whatsoever. But one reason why he can't have his way is because to do so totally vitiates any concepts that we have had over the years with respect to licensed consumer loans. Senator DeCamp is absolutely right. The reason that I would like to strike the word "aggregate" from this statement is because it more clearly conforms to the present situation with respect to licensed lenders. While Senators Chambers and DeCamp were speaking I took the time to look up some of the provisions concerning licensed lenders. Right now we say this with respect to a licensed small loan lender. "No licensee shall induce or permit any person to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section." That is for the licensed small loan lender. Then I looked up the industrial loan licensing act. Under the industrial loan licensing act we have a similar provision. "No industrial loan and investment company