

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

April 8, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on April 8, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Reps. Grady, Hannah, and Strizich who were excused and Rep. Cobb who was absent.

EXECUTIVE SESSION:

SENATE BILL NO 48: Rep. Mercer moved that SB 48 be taken off the table. Rep. Miles opposed the bill and the motion because she felt that the bill should have been put back into the original subcommittee. Question was called and voice vote was taken. The motion CARRIED 10-3. Discussion continued on the amendments. Rep. Miles requested that Mr. MacMaster explain Section 7 in regards to the first set of amendments had Section 7 written differently than this proposed set of amendments. Mr. MacMaster explained this section by stating that section 7 was deleted and the wording was put into amendment number 4. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Gould moved that SB 48 BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 12-1 with Rep. Brown dissenting. SB 48 BE CONCURRED IN AS AMENDED.

SENATE BILL NO. 190: Rep. Gould moved that SB 190 be taken off the table. Question was called and a voice vote was taken. The motion CARRIED 13-1 with Rep. Brown dissenting. Rep. Mercer moved the amendments. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Rapp-Svrček moved that SB 190 BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously. SB 190 BE CONCURRED IN AS AMENDED.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 9:40 a.m.



EARL LORY, Chairman

DAILY ROLL CALL
 JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date April 8, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)		✓	
ED GRADY (R)			✓
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)			✓
TOM HANNAH (R)			✓
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

APRIL 3, 1987

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Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 190

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Title, line 4.

Strike: "PROPERTY"
Insert: "EQUIPMENT"

2. Title, line 5.

Strike: "PROPERTY"
Insert: "EQUIPMENT ENCLOSED"

3. Page 1, lines 11 through 18.

Strike: lines 11 through 18 in their entirety
Insert: "Certain equipment -- separate acknowledgment required.
(1) If a borrower borrowing money from a bank as defined in 31-1-102, a building and loan association as defined in 31-1-161, or a credit union as defined in 31-3-102, or a member bank provides that otherwise would qualify as a financial institution under Title 30, Chapter 3 of the financial institutions shall require the borrower to sign a written acknowledgment stating that the real property is not exempt from execution or attachment because under 30-37-202 it is subject to execution or forced sale as defined in judgment obtained in a debt secured by a mortgage or other lien on the premises. The written acknowledgment shall be a document separate from and not be included in, the loan agreement or loan documents and shall be printed in boldface letters on the last page 10-by-14 millimeter paper and signed manually by the borrower."

4. Page 1, line 19.

Strike: "document"
Insert: "financial institution"
Strike: "document"
Insert: "acknowledgment"

5. Page 1, line 20.

Strike: "document"

Section 1. "and other amendments"

6. Page 1, line 21.

Strike "and other amendments"

Insert "and other amendments" in the same position as the text currently appears in the bill.

7. Page 1, lines 14 through 15.

Strike "and other amendments" in the Bill in the following

language to be subsequently inserted:

6. Page 1, line 21.

Strike "and other amendments"

Insert "and other amendments"

Amendments: Frequent sections

7. Page 3, line 25.

Strike "and" and insert "or" after "and" and "or" after "or".

8. Page 4, line 10.

Strike "and" and insert "or" after "and" and "or" after "or".

9. Page 4, line 10.

Strike "and" and insert "or" after "and" and "or" after "or".

10. Page 4, line 10.

Strike "and" and insert "or" after "and" and "or" after "or".

11. Page 4, line 10.

Strike "and" and insert "or" after "and" and "or" after "or".

12. Page 4, lines 10 through 12 and page 5.

Strike page 4, lines 10 through 12 and page 5 and insert "and" after "and" and "or" after "or".

Amendments: Frequent sections