

Législative History for Connecticut Act

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

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PART 5

1567-1829

(Upon motion of Senator Longo of the 19th district for acceptance of the committee's favorable report and passage of the bill, the bill was passed)

SENATOR LONGO: Mr. President, this provides a limitation period prescribed under any provision of chap. 413 or 414 of the general statutes and applicable to the claim of any such creditor, which limitation period would otherwise expire within the period allowed by the court for the presentation of claims against such estate, shall be suspended from the time of presentation of such claim until written notice of a total or partial disallowance of such claim shall have been given by the executor or administrator or until the expiration of the period allowed by the court for presentation of claims, whichever is sooner.

THE CLERK: Cal. 1486. HB 477. ^{Should be HB 474} /An Act concerning financial responsibility of owners and operators of motor vehicles. Favorable report of the Committee on Motor Vehicles. File 559 (Upon motion of Senator Murphy of the 10th district, this was passed retaining its place on the Calendar)

THE CLERK: Cal. 1489. HB 665. An Act concerning limitation of action for the recovery of a debt for which judgment has been rendered.

(Upon motion of Senator Jewett of the 20th district for acceptance of the committee's favorable report and passage of the bill, the bill was passed)

SENATOR JEWETT: Mr. President, there has been a great amount of argument in legal circles as to when a judgment, based on recovery, is outlawed. Some hold for 17 years, some for 21 years, and the Judiciary Committee decided to resolve this and use the 21 years.

(Upon motion of Senator Watson of the 4th district for acceptance of the committee's favorable report and passage of the bill, the bill was passed)

SENATOR WATSON: The purpose of this bill is to prohibit membership in both the state employees' retirement system and the teachers' retirement association at the same time and preserves the rights of present members.

THE CLERK: Cal. 1488. HB 510. An Act concerning membership in the state teachers retirement system of persons employed in state institutions. Favorable report of the Committee on Public Personnel. File 943.

(Upon motion of Senator Watson of the 4th district for acceptance of the committee's favorable report and passage of the bill, the bill was passed)

SENATOR WATSON: This bill would permit any state employee required as a condition of his employment to hold an appropriate certification of qualification issued by the State Board of Education, shall be eligible to belong to either the State Teachers' Retirement System or the State Employees Retirement Plan. This would benefit certified teachers in the Conn. School for Boys, the Mystic Oral School, Seaside Sanitorium and Southbury Training School.

THE CLERK: Cal. 1489. HB 665. An Act concerning limitation of action for the recovery of a debt for which judgment has been rendered. Favorable report of the Committee on Judiciary File 942.

(Upon motion of Senator Jewett, an amendment offered by him, was adopted - The bill was then passed as amended, without discussion

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School. It is a desirable bill. I hope it passes.

THE SPEAKER:

All those in favor of acceptance of the committee's favorable report and passage of the bill signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Favorable report of the committee on Judiciary on House Bill No. 665, "An Act concerning Limitation of Action for the Recovery of a Debt for which Judgment Has Been Rendered", Calendar No. 1544, File No. 942.

MR. PRUYN (Colebrook):

This bill clarifies the law in regard to the statute of limitations on judgments. I move that the committee's report be accepted and the bill passed.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill. Those in favor say aye. Opposed? The bill is passed.

THE CLERK:

Favorable report of the committee on Finance on Substitute for House Bill No. 830, "An Act concerning Vocational School Building Construction Bonds", Calendar No. 1548, File No. 947.

MR. BREVILLIER (Lyme):

I move acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Motion is upon acceptance of the committee's favorable re-

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CONNECTICUT GENERAL ASSEMBLY

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 26, 1953

The House was called to order at 11:30 o'clock A.M., D.S.T. by the Speaker, Arthur Tanner of Woodbury.

The Speaker introduced the guest Chaplain, the Reverend Harold G. S. King of the First Congregational Church of Farmington who offered the following prayer:

O God of peace, who hast taught us that in returning and rest we shall be saved, in quietness and confidence shall be our strength, by the might of Thy spirit lift us, we pray Thee, to Thy presence, where we may be still and know that Thou art God.

We thank Thee, O God, for this State in which we are privileged to live -- for its gentle hills and friendly valleys, for its productive factories and sound institutions of commerce, for its reliable schools and devout churches, and especially for the great reservoir of common sense and sound judgment of its citizens. May we who have been lifted up to positions of leadership and responsibility be filled with that same good sense, and show it by our deeds and actions in all that we do. Amen.

(In addition to the business conducted by the House, without discussion, which is reported in the House Journal of this date, Tuesday, May 26, 1953, the following business occurred:)

THE CLERK:

Business from the Senate. Disagreeing Action. Favorable report of the Committee on Judiciary on House Bill No. 665,

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"An Act concerning Limitation of Action for the Recovery of a Debt for Which Judgment Has Been Rendered". Passed in the House May 21, passed in the Senate as amended by Senate Amendment Schedule A, May 25, transmitted to the House. File No. 942.

MR. PRUYN (COLEBROOK):

Mr. Speaker, I move we reconsider our former action.

THE SPEAKER:

Question is on reconsideration. Those in favor will signify by saying "aye"; opposed? The bill is reconsidered.

MR. PRUYN (COLEBROOK):

Will the Clerk read the Senate Amendment?

THE CLERK:

To House Bill 665, file 942: "In section 1, lines 1 and 2, strike out the words "the recovery of the payment of a debt, for which"; in line 2 after the word "judgment" insert for the words "for money damages which"; in line 3, strike out the comma between the words "state" and "shall"."

MR. PRUYN (COLEBROOK):

This is a clarifying amendment. I move its adoption.

THE SPEAKER:

Question is on adoption of the amendment. Those in favor will signify by saying "aye"; opposed? The amendment is adopted.

MR. PRUYN (COLEBROOK):

I now move suspension of the rules to act on the bill as amended.

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Judiciary - 11

March 25, 1953

H.B. No. 665 ✓ (Mr. Burkitt) AN ACT CONCERNING DURATION OF JUDGMENT.

Chm. Fawcett: Is there anyone in favor of this bill?

Rep. Garrett Burkitt, Ansonia: I am in favor of this bill. In the case of Boardman vs. DeForest in Vol. 5 - pages 1-8, sets forth that a lapse of either 17 or 20 years raises a presumption that a domestic judgment is paid. The 17 year limitation being for the recovery of debts on non-negotiable bonds and non-negotiable notes.

And, further states that forbearance of action on a judgment debt for 20 years, unexplained raises a presumption of payment and the same ruling is in Vol. 74, page 656, in which it states "the ruling of the Common Law, by which a Prima facie presumption of payment arises after 20 years, presents the only limitation of time to the collection of a domestic judgment, which is recognized in this State." In other words, in Boardman vs. DeForest case and the Barber vs. International Company, recorded in Vol. 74, page 652, are the two most recent cases that touches on this Statute of Limitations and it amounts to nothing but a presumption of payment after the expiration of 20 years.

In order to clarify a presumption, it should be made definite on the part of our Statutory Law and do away with any doubt and questions as to payment of judgment on a debt and make the Statute of Limitations at least 20 or 21 years.

A presumption of payment after 20 years will never bar the person who holds the judgment to collect if the Debtor has assets. Therefore, a Statute of Limitations, setting the number of years should be passed, in order to clarify this and this should be made definite on our statutory laws.

I have done some research and it seems the State of Connecticut does not have a limitation. It is always a presumption and I think they should have a limitation. If a man can never pay a debt, he goes on forever in fear and in hopes that he will be able to pay.

I hope this committee gives it serious consideration.

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Attorney Ferdinand D'Esopo, Hartford: I heartily agree with Representative Burkitt. I have had cases where judgment has been paid and my clients did not keep the receipts and no entry of the satisfactory judgment was made with the clerk of the court and the bill or judgment had to be paid twice. We do know that receipts and evidence of payments, etc., should be kept for six years; after that it is the end of it. They did not say to keep your receipts for over 20 years. By passing this law, the domestic judgment is only good for 20 or 21 years and then we know where we stand.

We have several Supreme Court decisions that say that there is a presumption that the judgment is paid after 20 years or 17 -- but just a presumption, there is nothing definite saying that it is so. I cannot understand why a Statute of Limitation should not be made on a domestic judgment. It should not go on forever.

I believe if we would clarify this law and make it absolute for the period of 20 or 21 years, then there will be no doubt as to how long a judgment is good for.

Chm. Jewett: Anyone else in favor of this bill? Anyone opposed? The hearing is closed on H.B. No. 665.

H.B. No. 895 (Mr. Keeler) AN ACT AMENDING THE ZONING ENABLING LAW.

Chm. Jewett: Is there anyone in favor of this bill?

Rep. Keeler, Ridgefield: I would like to talk on this bill and H.B. No. 913 which are alike in substance.

Chm. Jewett: We shall also hear H.B. No. 913 now.

H.B. No. 913 (Mr. Keeler) AN ACT AMENDING THE MUNICIPAL PLAN NING LAW.

Rep. Keeler: These two bills are in my name. They are in substance almost alike. I would like, if possible, to talk on the two bills.