

Legislative History for Connecticut Act

HB 7568 PA 574 1971

Judiciary

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1971

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2436-2873

June 3, 1971

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THE CLERK:

CAL. NO. 479. File No. 666. Favorable report of the joint Committee on Judiciary, House Bill 7568, An Act To Increase Interest on Judgments Rendered by Courts.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committees favorable report and passage of the bill. Clerk has an amendment. Mr. President, I would waive the reading of the amendment and just tell the circle what it does. It rejects House Amendment Schedule A.

THE CHAIR:

Will you remark further?

SENATOR JACKSON:

I move passage of the amendment.

THE CHAIR:

The amendment rejects House Amendment Schedule A. So the bill will be before us without House Amendment A, if the amendment is adopted. All those in favor of adoption of the amendment signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is adopted. House Amendment Schedule A is defeated.

SENATOR JACKSON:

Mr. President, the bill which is before us increases the amount of interest paid on judgments that are rendered in any of our courts. The House Amendment which was just passed, would have changed the date that interest would have started coming acrued to the date of an accident. We tried to work out an acceptable amendment. Time being what it was, it was impossible to succeed and we feel that this would be a good study for the so-called no-

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Insurance Commission. This is just one small aspect of the entire problem.

Mr. President, I move adoption and passage of the bill, as amended.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 570. File No. 747. Favorable report of the joint committee on Labor and Industrial Relations. Senate Bill No. 218. An Act Increasing the Maximum Unemployment Benefit Rate.

SENATOR SMITH:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill. Clerk has an amendment.

THE CLERK:

SENATE AMENDMENT A, offered by Senator Smith:

In line, 7 delete, twentieth, and substitute Twenty-second.

In line 11 and 12, remove the brackets before and after the word, sixty, delete the words, sixty-six and two thirds.

SENATOR SMITH:

Mr. President, In support of the amendment, the amendment proposes to increase some of the unemployment compensation benefits a little bit more palatable, than the original bill. It does not disturb under the amendment it, the highest amount which is allowed under the present law would not be disturbed. We will be knocking back the law limits from  $66\frac{2}{3}$  back to the present 60% which is in the present law. I move for its adoption.

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on the bill? If not, all those in favor indicate by saying  
aye, opposed? The bill is passed.

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THE CLERK:

Calendar No. 434, House Bill No. 7568, An Act to Increase  
Interest on Judgments Rendered by Courts. File No. 356.

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I move for acceptance of the joint com-  
mittee's favorable report and passage of the bill.

MR. SPEAKER:

Motion is on acceptance and passage, will you remark?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I'll yield to Rep. Camp.

HERBERT V. CAMP, JR., 163rd District:

Mr. Speaker, thank you, the Clerk has an amendment.

MR. SPEAKER:

Will the Clerk call House Amendment Schedule "A"?

THE CLERK:

Mr. Camp, I have two amendments....

HERBERT V. CAMP, JR., 163rd District:

The correct amendment is the one that has 25...that goes  
down to line 25.

THE CLERK:

Thank you. This is House Amendment Schedule "A" offered  
by Mr. Camp of the 163rd:

In line 3 after the word "Interest" insert "From the date

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of accrual of the cause of action or the counter claim,"

In line 4 bracket the word "may" and insert the word "shall" in its place.

In line 5 insert a bracket before the comma and in line 8 insert a bracket after the word "payable".

In line 10 delete the period and insert "provided in actions to recover money loaned at a rate greater than eight percent interest, interest at the rate specified in the instrument giving rise to the cause of action may be recovered until a judgment is entered and interest at the rate of eight percent per year, and no more, may be recovered from the date a judgment is entered, but in no event shall any interest hereunder exceed the lower of any other provisions of law or the amount specified as interest in such instrument preceeding a default."

HERBERT V. CAMP, JR., 163rd District:

Mr. Speaker, this amendment makes a significant change in the laws of the State of Connecticut and in the court procedures which we use now. The basis of the amendment are the few words in the beginning, that is, that interest would accrue from the date of cause of action arises. A cause of action arises is sort of legalese for meaning when an injury occurs or when a contract is breached or what-have-you. Whatever the suit is about, this is when interest starts. Under our present law, interest generally starts from the date that the judgment is rendered. What this means is that between the time a cause of action arises and the day the judgment is rendered, the plaintiff

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whether or not he wins the suit, loses his interest. The remainder of the amendment, quickly speaking, solves one particular problem that arises because of the amendment. And that would be the situation that if somebody had a note, a written instrument, providing for interest at greater than 8% interest with the amendment, without this language at the bottom, when this person became in default he would automatically have his interest reduced to 8% and that didn't make very much sense. Let's get back for a moment, though, to the reason that this amendment was offered. Several weeks ago, in a law journal, for example, was a case wherein an individual bought a bad car. The car was lemon like you haven't seen before and he paid \$4400 for it. He finally got disgusted with the car and returned it to the dealer. This was back in 1966. The courts began their procedure and in the typical way that courts unfortunately have a way of doing, the case didn't judicated until two or three years later. At that time the plaintiff was delighted to find that he had won \$4400, that is the amount which a person in good faith would have given him two years before, when the cause of action arose. The question here is who is to bear the cost of a slow procedure in court, I suppose. And if we were magicians, or if we could have done better, perhaps we could speed up our court procedures, but that has not been the case. The only choice we have is to determine who shall bear the risk and it seems to me to only make sense that the person who was right, who the court

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decided was right, finally, should get the benefit of his being right. If he has to go out and borrow money to make up the difference for not having the money when the cause of action arose he loses everything now. Here at least he would get his 8%. The second benefit of this bill, or this amendment rather, is to try to speed up our judiciary. At the present time, from the example that I gave you, the cards are all stacked on the part of the defendant. He has absolutely no incentive toward a speedy trial except for whatever attorney fees he may get stuck with. An insurance company, for example, let's take two of them. One company, in compliance with our laws, and in good faith, settles a case in a hurry. The second company waits all day, pushes the plaintiff into a trial, clogs our courts for three years and finally, at the last minute, pays off. Who benefits under our laws. The good company who pays its claim or the bad company that doesn't pay its claims. You guessed it. The bad one. Because he has the free use of the money that he would have paid, he can put it in his reserves and he has the use of this money for two, or three, or four years until a judgment finally comes out. Now, one or two further points, how do we get this way. The way that we got this way, I think, was because of history. There's certainly no logic behind paying interest from the day of judgment. The date of judgment has nothing to do really with the relationship between the parties. The relationship within the parties began when the first party did wrong and it is from that date that I

suggest that he should be penalized or at least he should pay the burden of the costs that are incurred.

It has been suggested by several people that perhaps this puts an unfair burden on the dependant, that is, that somehow or other he won't know about he might have to pay some interest when he gets around to paying. The very easy answer to that question is let him settle the case. Unclog our courts and pay the plaintiff what he is owed. I think this amendment is good theory. I think it is good practice for the party and I think it makes an awful lot of sense to support the courts of the State of Connecticut and try to get some of our cases settled a little faster and give some incentive for doing so. Thank you.

MR. SPEAKER:

Does the gentleman wish to move adoption of the amendment?

HERBERT V. CAMP, JR., 163rd District:

Yes, Mr. Speaker.

ROBERT G. OLIVER, 104th District:

Mr. Speaker, I don't rise to move adoption, I rise to oppose. Basically, I think we all ought to understand what Mr. Camp's amendment is doing. Mr. Camp's amendment is not restricted to automobile negligence actions, this refers to any action. Any action whatsoever. O. K. The law now, Mr. Camp and I suggest to the members of the House, is that a plaintiff can now recover interest from the date of the accrual of the

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cause of action in cases involving injury to property. That is the automobile property damage case you are so familiar with. As well as any other case of tortious injury to property. For example, United Aircraft case that was decided on Tuesday in the Connecticut Supreme Court set this forward quite clearly. O.K. So, you are not legislating anything new with regard to the problem that seems to be clogging our courts, particularly the Circuit Court of the property damage case arising out of the automobile situation. Instead you are going much further. It is a case that doesn't just benefit under Mr. Camp's amendment, only plaintiffs, this refers to defendants and plaintiffs both. We have allowance of accrual of the counterclaim. Now, we face a situation where, for example, you could have a counterclaim accruing subsequent to the date of the accrual of the cause of action that the plaintiff sues on. So, you may hazard a risk to yourself commencing action in the courts. If this amendment is adopted. Further, I suggest that they are not going to be certain. If this fine lady walking down the aisle here had tripped because of the negligence of Mr. Cassidento, she might be incurring hospital bills, doctor bills and other expenses for several months, perhaps even for a year or more. Her cause of action accrued today, right here and now, and she could commence action on it tomorrow in the Superior Court or the Circuit Court or the Court of Common Pleas and under your amendment, Mr. Camp, I suggest that you are saying that she, when she recovered judgment against Mr. Cassidento, she could

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recover interest at 8% from today on doctors bills that aren't certain until tomorrow, next month, next year, two years, four years even from now. I wonder if that's what you mean. If that's what you mean, it is outrageous. And I suggest that you really don't want that either. Also, I think, I suggest if I understood what your explanation was correctly in explaining the last paragraph of the amendment about the question of the interest written into the note, the instrument sued on, there are two problems with your amendment. One, he refers only basically to the situation where action is to recover money loaned at a certain rate. What about the situation where it is a breach of contract where it wasn't involving money loaned but liquidated damages. For example, a typical real estate contract which blows up. O.K.? I think then you are saying that if that contract provided for a different rate either 6% or 4%, maybe for the benefit of the poorer home buyer or 10%, for example, in a commercial situation, where the industry was so aggrieved that they couldn't recover that 8 or 6 or 4% or 10% interest. O.K.? The law is now they can and in a recent Circuit Court case, I think it was, that you discussed, about two or three weeks ago, in the Connecticut law journals, it says that a party so stipulate in the instrument that gives rise to litigation to a different percent of interest that is commonly allowed in the courts under our statutes then they can get that. You are changing that and I think you are changing it in hit-and-miss fashion because you are referring only

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to actions to recover money loaned and I don't think you should do that. Basically, I suggest that this amendment is garbled, it has an earnest intent but it won't serve that intent. Instead it will hit-or-miss, penalize defendants and plaintiffs alike.

DANIEL J. SULLIVAN, JR., 130th District:

Mr. Speaker, I wholeheartedly concur with what Mr. Oliver has said concerning this amendment. I should also like to point out that within recent years this General Assembly has changed the statute of limitations in personal injury actions and has extended it to two years. So what you are doing here is that you are providing an opportunity for someone who has a cause of action to wait for twenty-three months and twenty-nine days in order to commence an action and then, at the end if he prevails, to collect interest which he really isn't entitled to. In addition, during the period of time that he's waiting and the suit is pending there may be claims for lost wages or earning capacity which have not been reduced to amounts that are fixed and he is actually getting paid interest on damages which he has not yet suffered. Finally, I'm not sure, but it would seem to me that in reading this particular section this might very well apply to actions involving condemnations in the State of Connecticut and I'd hate to think of what the interest charges on that would be as applied to the State of Connecticut. I strongly urge that the amendment be defeated.

JOHN D. MC HUGH, 117th District:

Mr. Speaker, I question, through you, Mr. Speaker, to the Representative who is bringing out the amendment. Does this apply to causes of action that are now pending or will they be limited to causes of action which occur subsequent to the passage, if it is passed.

HERBERT V. CAMP, JR., 163rd District:

I gather in response to the question that they would follow from the...in the same manner that the bill which was originally adopted passed, that is from a cause of action occurring after the date, the effective date of the bill.

PETER W. GILLIES, 75th District:

Mr. Speaker, I rise in opposition to the amendment. I think that Mr. Oliver has probably pointed out the problems which this amendment would cause. I think that the thought behind the amendment is a very good one and I would suggest that it would be properly drawn into a particular bill and presented to the Judiciary Committee where it could properly refined and applied to the General Statutes. I think coming in in this manner it causes more problems than it could ever solve and I would urge its rejection.

MR. SPEAKER:

Are there further remarks on the amendment? If not, the question is on adoption of House Amendment Schedule "A". Rep. Camp, speaking for the second time.

HERBERT V. CAMP, JR., 163rd District:

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Excuse me for waiting, I thought perhaps the other objection which I tried to raise.... The points of Mr. Oliver... the way he interpreted the amendment was exactly right. If, in fact, someone tripped in this House, and he had a delay of three or four years, I, for one, can understand no reason why he should be penalized, if the court later decided he was right, why he should pay this cost of money over time. Money costs money over time. That's why banks are in business for. The only person now who shall get interest, must get interest, is the bank. Or a small loan company. They get interest from the date of cause of action arises. None of the rest of us are in such a fortunate position. As to the question of somebody being concerned about paying this interest, if cases are settled promptly, that is within a year, the interest will be low. What we have here is not a question of trying to penalize one side or benefit another. We have a serious problem in our courts. The cases are taking a long time to decide. The judgments are a long time after the cause begins. And what we are trying to do here is to say who shall bear the risk of that loss. And it just makes a great deal of sense to me that when the court decides one party is right and another party is wrong that the party decided in the right should be benefited, in the intent that they were right. And benefited also by the cost of money.

MR. SPEAKER:

Are there further remarks on the amendment? If not, the

question is on adoption of House Amendment Schedule "A". All those in favor indicate by saying aye. Opposed? The Chair is in doubt. Question is on a roll call. All those in favor of a roll call indicate by saying aye. More than 20% having called for a roll call, it will be ordered.

Will you remark further on the amendment? If not, I'll make an announcement of an immediate roll call. The House will stand at ease while the members return to the Hall of the House. Will the members be seated. Will the House come to order. Will the House please come to order. For the benefit of the members who just returned to the Hall, we are considering Calendar No. 0434 on page 5, An Act to Increase Interest on Judgments Rendered by Courts, file 356. The debate is on House Amendment Schedule "A" as offered by the gentleman from the 163rd. Will you remark further on the amendment?

JAMES F. BINGHAM, 157th District:

Mr. Speaker, I rise in support of the amendment. What we are attempting to do in the way of clearing calendar congestion is to settle cases. And I think that one of the finer attributes of this bill will be its effect upon the settlement of cases. This actually is a peoples bill. It permits the person to receive an interest rate at 8% or the prevailing rate, from the date of the accident and from the date that the action accrues. Now, let's take another consideration, one of the benefits of this bill. If a person recovers a judgment, under the present law, and the defendant takes an

appeal, which they often do, the person will receive an interest rate of 6% from the date of the judgment until the time the judgment is affirmed in the appellant courts. The interest, who are the defendants, will invest the money that they may owe as a result of this judgment at 8%, so the person, the small person who receives a judgment in this case, still loses even after judgment. I think this is a good amendment and should pass.

ROBERT G. OLIVER, 104th District:

Mr. Speaker, speaking for the second time in opposition to the amendment. We can defeat this amendment and still accomplish what Mr. Bingham suggested because the existing law is, and the amendment is directed towards existing law, provides...provides, as the bill is written in this file, 8% from the date of judgment. So, if you agree with Mr. Bingham, and I do, then once judgment has been entered, and the losing party appeals, I believe that the prevailing party is entitled to interest from the date of judgment, at 8%, and I'm prepared to vote for the bill, if the amendment is lost. So, if you are concerned about the judgment creditor, the person who won in the trial court, who's then hung up for two or three years on appeal. If you are concerned about him getting interest at 8%, then oppose the amendment and vote for the bill, like I'm going to do. It's a peoples amendment, he said, fine, well, people are not only plaintiffs, they are also defendants. They are homeowners, they are businessmen. The homeowner,

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let's think about this. You have your home. Hopefully, you have liability insurance. I suggest to you, that after this amendment, if it is adopted, that if you don't have liability insurance then you are a fool. But, you have liability insurance, and someone does trip on your sidewalk, on your private sidewalk and they are injured. All right? It's a question as to whether or not you are liable. You know, one is not automatically liable. Something...sometimes these issues have to be adjudicated. There are questions of law that arise and there are questions of fact that arise. And you may feel very strongly that you are not liable. O.K. You are going to be penalized at the rate of 8% from the date that person fell on your sidewalk. If, on the gamble that often is a trial in the courts, if that person wins out, if that person loses and you are justified and vindicated you don't get anything in return for taking that risk of trying to establish your rights. It penalizes a defendant who firmly believes that he is not liable for that which he is being sued. He has got to gamble 8% on some amount of a judgment, much of which, would be for pain and suffering, which is not established until the judgment is entered by the jury or the court, and much of which might be for medical specials or property damage which hasn't even been incurred at the time the cause of action accrued. O.K.? Does everyone understand that, I think I do. In other words, the date the cause of action is accrued there may be nothing upon which that 8% may run. We might not know against which that

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8% runs until 6 or 8 or 9 or 10 months, or a year or two later. But, nonetheless, Mr. Camp stated clearly that he intends to apply that 8% to that amount when it is found, retroactively from the date of the injury. That is really outrageous, don't you think? And I urge you to oppose the amendment.

MR. SPEAKER:

Are there further remarks on the amendment? H.M.S. from the 122nd.

GERALD F. STEVENS, 122nd District:

Thank you, Mr. Speaker. I rise in support of the amendment and quite briefly, I did understand the argument of the gentleman from New Haven, but I think the key issue here is that once a judgment is obtained in court, it means that on a certain date, in the past, a certain party did something which was improper and therefore, the other party is entitled to damages. And it should relate back because the judgment comes, always, at a period of time subsequent to the incident occurring. And if you have been deprived of property or money you, as the party who wins in court, should receive interest on what has been taken away from you from the date that it was taken away. Not from the date the court makes the decision. I think the amendment will assist in clearing up the docket. It is a good amendment. I support it.

DR. MORRIS N. COHEN, 41st District:

Mr. Speaker, whereas I really cannot follow all the intricacies of the legal department, I do honestly feel that

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whenever an individual, an insurance company, or a bank, has the use of somebody else's money...for any length of time, they should repay the person who's money they are using. Thank you. MBS

JAMES B. LOWELL, JR., 38th District:

Mr. Speaker, to the gentleman who introduced this resolution, I'm just curious after listening to all the attorneys, what happens to the interest, does the attorney get one-third of this interest. And I raise this point, at this time, as I understand that legislative intent is very important and, if it were possible, I would like the intent to be that the attorneys were not entitled to the interest on the settlement but only a third on the settlement.

MR. SPEAKER:

Can anyone reply to the Bar Association.

MICHAEL L. MORANO, 151st District:

Mr. Speaker, I'm convinced that all the attorneys are confused and this only proves one thing to me. It is a peoples bill and remembering that old song, People Will Be People, I think we should support Rep. Camp's amendment.

IRVING J. STOLBERG, 112th District:

Mr. Speaker, a question through the chair to the proposer of the amendment. A question has arisen in my mind what would happen to the defendant if an original judgment were awarded in his favor and he felt he was off the hook and then this was reversed. Would he still be liable?

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MR. SPEAKER:

MBS

Does the gentleman from the 163rd care to respond?

HERBERT V. CAMP, JR., 163rd District:

I'm sure he would be. The case is that he was owed when the appellate court made the decision, the same theory that Mr. Stevens referred to a moment or two ago. The appellate court would then decide that, indeed, the plaintiff was right, or in the case of a counterclaim, the defendant was right, at the time when the original cause of action arose and the interest would be from that period. In answer to Mr. Lowell's question, the determination of how much the attorney is paid, unfortunately, we haven't been able to get statutory authority for our payments yet, so this is between the parties and however the various bar associations and the individuals decide would be the question. That would not be decided by this legislation.

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, a question through you, Mr. Speaker. I believe that there is a period of time in which a plaintiff can make up his mind that he wants to file suit. Is it possible for him, believing that he has a pretty good case, to delay the filing of suit for a period of time. He then files it and wins it and yet, under the amendment would receive interest back to the date of the action. Could somebody answer that for me?

MR. SPEAKER:

Does the gentleman care to respond?

HERBERT V. CAMP, JR., 163rd District:

Yes, the answer to your question is yes, he most certainly could. I think the answer to the question though raises the question of does anybody really want to delay on getting money into their hands on some theory that they might can an additional 8% per year. The question is just the reverse now. Many of the defendants will motion you to death taking your time and taking the court's time and then when the decision is made sometime later, because of these delays, the plaintiff again loses, which I don't think he should.

PHILIP N. COSTELLO, JR., 72nd District:

Mr. Speaker, a question, through you, to the sponsor of the amendment. In many personal injury cases the amount that's recovered is medical expense. Usually this is not incurred until sometime after the injury itself is incurred. Suppose, for instance, that two years after the accident the major medical expense, namely an operation takes place and it costs \$10,000 for hospital services. Would your amendment charge interest on that \$10,000 hospital bill dated back to the date of the injury itself, two years prior to the expense?

HERBERT V. CAMP, JR., 163rd District:

Through you, Mr. Speaker, I...had my light on. I thought we were working. The answer to that question is yes. And if I had an injury in which I was damaged \$10,000 I suppose the

extra 8% really wouldn't compensate me very well.

MBS

MR. SPEAKER:

Are there further remarks before we vote? Now, will the members be seated and the aisles cleared. Will the members be seated and we'll proceed with the vote. Will the members please be seated and the aisles cleared. The machine will be opened. Has every member voted? Is your vote properly recorded? The machine will be locked and the Clerk will take a tally. I'd ask the members who have just come in to stay in the well of the House. We are completing a vote. The Clerk will announce the tally. For what purpose does the gentleman rise? Was the gentleman in his seat at the time the vote was taken? The gentleman from the 97th, Rep. Chagnon, indicates he was present in the Hall and in his seat and wishes to be recorded in the affirmative. The Clerk will announce the tally as corrected.

THE CLERK:

Will the members of the press with the tally sheets correct the vote of Mr. Chagnon of the 97th, in the first column on the tally sheet. He's indicated as not voting. He voted Yea.

The following is the result of the vote:

Total Number Voting		152
Necessary for adoption		77
Those voting Yea	106	
Those voting Nay	46	
Absent and Not Voting	25	

MR. SPEAKER:

The amendment is adopted. It is ruled technical. We may proceed with the bill as amended. Are there further amendments on the bill?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill, as amended by House Amendment Schedule "A".

MR. SPEAKER:

Question is on acceptance and passage, as amended by House Amendment Schedule "A", will you remark?

THOMAS H. DOOLEY, 47th District:

Mr. Speaker, the bill itself, and I assure you the explanation is much briefer than the amendment. It's the purpose of the bill to raise the rate of interest, payable on judgments in the State of Connecticut, from 6% to 8% and thereby approximate the interest currently being charged by lending institutions. Under the present statute it is often necessary for a judgment creditor to borrow sums at a high rate of interest on unpaid judgments. Since it's unfortunately disadvantageous for judgment debtors to pay their debts on time. This higher rate will not only more realistically compensate judgment creditors but it should also encourage prompt payment of these judgments. It is a good bill and I would urge its passage.

MR. SPEAKER:

Further remarks on the bill, as amended.

ROBERT G. OLIVER, 104th District:

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Mr. Speaker, if you don't have insurance, gentlemen, get it. Get it today, fast. On everything. Get those umbrella policies that cover all personal liability. Move fast.

MR. SPEAKER:

Are there further remarks on the bill, as amended. If not, all those in favor indicate by saying aye, opposed? The bill, as amended, is passed.

THE CLERK:

Calendar No. 448, Substitute for House Bill No. 5703.

Correction.

MR. SPEAKER:

The Clerk has bills he'd like to read in at this point.

THE CLERK:

These are committee reports. Change of Reference Report from Finance. Senate Bill No. 1556, An Act Defining Time Limits on the Payment or Collection of Non Cash Bail Bonds for reference to Appropriations.

Change of reference, favorable. Transportation. Senate Bill No. 1152, An Act Concerning Making An Appropriation for a Bypass Connecting Route 8 and I-84 Through Wolcott. For reference to Finance.

MR. SPEAKER:

So ordered.

THE CLERK:

Another favorable change from Judiciary. Senate Bill No. 1577, An Act Concerning Allowance of Credit in the State

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MR. STEVENS:

Very briefly, it is not a partisan matter, it is a budgetary matter. Despite what has just been said, the addition of these two words by adding substantially increased, and taking out irreparably diminished without, will double the number of youngsters in the state of Connecticut who would be eligible under this program. I think the bill should be defeated.

MR. SPEAKER:

I suggest we proceed with the vote. Members be seated. The machine will be open. Has every member voted. Is your vote recorded in the fashion you wish. The machine will be locked. The Clerk will take a tally. The machine will have to be open again, let's try it again. Has every member voted. Is your vote recorded in the fashion you wish. The machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

CLERK:

Total number voting	153
Necessary for passage	77
Those voting Yea	83
Those voting Nay	70
Absent and not voting	24.

MR. SPEAKER:

The bill is passed.

CLERK:

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An Act to Increase Interest on Judgments Rendered by Courts.  
(as amended by House Amendment Schedule A and Senate Amendment  
Schedule A)

MR. SPEAKER:

Representative Carrozzella of the 81st.

MR. CARROZZELLA:

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

MR. SPEAKER:

Will you remark.

MR. CARROZZELLA:

I would move for adoption of Senate Amendment Schedule A.

MR. SPEAKER:

Does the gentleman care to outline Senate Amendment A.

MR. CARROZZELLA:

What this bill does, what the amendment does is restore the  
bill to its original form as brought out by the Judiciary  
Committee. The reason for this is the fact that there is a  
special commission that is going to study the entire problem of  
common law court liability. This has to do with the problem,  
I submit that the amendment would do what we want it to do in-  
sofar as this session is concerned. The other problems relative  
to the amendment that we originally passed should be studied by  
the commission. I move adoption of Senate Amendment Schedule A.

MR. SPEAKER:

Question is on adoption of Senate Amendment Schedule A.

Would you remark further. If not, all those in favor will indicate by saying Aye. Opposed. Question is on adoption of Senate Amendment Schedule A. All those in favor indicate by saying Aye. Opposed. The amendment is adopted.

MR. CARROZZELLA:

I now move for the bill as amended by House Amendment Schedule A and Senate Amendment Schedule A.

MR. SPEAKER:

Will you remark further.

MR. CARROZZELLA:

The bill raises the rate of interest from 6 to 8% on judgments. I move its passage.

MR. SPEAKER:

Further remarks on the bill as amended. If not, all those in favor indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Page 42, another Disagreeing Action. Calendar 651, House Bill 9023 - An Act Providing the Right to Witnesses to Have Counsel in Grand Jury Appearances. (as amended by House Amendment Schedule A and Senate Amendment Schedule A).

MR. SPEAKER:

Gentleman from the 118th.

MR. AJELLO:

I move this item be passed retaining its place.

MR. SPEAKER:

So ordered.