

Legislative History for Connecticut Act

HB9355 *work* PA 498 1973

Senate: p. 4049 - 4053, 4086 6

House: (Consent) 6429 1

Judiciary - 0 0

LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY

7 ~~3~~ PAGES

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library

Compiled 2014

S-98

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1973
SPEC. SESS.
JUNE-JULY

VOL. 16
PART 9
4004-4434

May 17, 1973
C.G.C.

46

being no objection, it is so ordered. Clerk will proceed.

THE CLERK:

Calendar 1179. File No. 966. Substitute for House Bill No. 9355. An act concerning enforcement of judgments entitled to full faith and credit. Favorable report of the Committee on Judiciary.

SENATOR GUIDERA:

Mr. President.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR GUIDERA:

Yes, Mr. President. The purpose of this bill is to provide a method by which foreign judgments; that is, judgments rendered in the courts of other states, shall be treated in the same manner as judgments of a court of the State of Connecticut. A foreign judgment is defined in Section 1 of the act as any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this State except one obtained by default in appearance or by confession of judgment. A foreign judgment filed in a court of this State for enforcement is subject to the same procedures, defenses,

May 17, 1973
C.G.C.

47

and proceedings for reopening, vacating or staying as a judgment of a court of the State of Connecticut. Such judgments will be enforced and satisfied in the same manner as judgments rendered by Connecticut courts. Section 4 of the act provides that if a judgment debtor shows the court that an appeal from the foreign judgment is pending or will be taken or that a stay of execution has been granted, the court will stay enforcement of the foreign judgment until the appeal is concluded. I'm sure it's clear as mud to most of the laymen in this room, Mr. President, but simply stated, if you obtain a judgment in another state and you come into this State because the defendant has left that other state and has come into this State, you need not go and get a judgment, you need not go and execute on the judgment in this State; that is, bring an action on the judgment in this State. You simply go and you file the judgment. The defenses of the defendant are still available to him in this State, but you don't have to go through the unnecessary process, in our opinion, of bringing the matter in in the formal way that you have to do it now. The reason for this bill is because Massachusetts and New York have passed similar acts. They will not let Connecticut come into their court rooms under the same procedure as this act provides unless Connecticut also passes an act; in other words, it must be reciprocal in nature. I think this is a people's bill because usually it's a plaintiff's wife going after a husband--defendant husband in a divorce matter rendered in another state and she's trying to sue upon, for property or it's

May 17, 1973

48

C.G.C.

usually a debtor, a creditor suing a debtor in this State when the individual has left that other state. It's a good bill, Mr. President, and I would hope that all the members of the Circle would support it although there have been indications that it will not receive complete support, so I would ask that the matter not be placed on Consent but that we have a roll call vote.

THE CHAIR:

Thank you, Senator. The question is on a roll call vote. All those in favor will signify by saying Aye. More than 20 percent having assented, the vote when taken will be by roll call. Are there further remarks?

SENATOR ALFANO:

Mr. President.

THE CHAIR:

Senator Alfano.

SENATOR ALFANO:

Basically when I originally read this bill, I was opposed to it and it may be that after reviewing it again that I might reconsider my position on it, but any event, the situation that disturbs me maybe the Senate Chairman of Judiciary can enlighten me on it and I know of many cases of which actions have been instituted in the State of New York whereby the defendants live in Connecticut, the plaintiff is a New York resident, and they allege that the contract in which the action is bought occurred in the State of New York and as a result suit was instituted there. There's no appearance made on behalf of the defendant and they

May 17, 1973

49

C.G.C.

secure judgment in the State of New York; in the course they come down into Connecticut. Now that--I would assume probably under that bill or under that particular situation that they would not be able to file such an affidavit because there would have to be an appearance, am I correct?

SENATOR GUIDERA:

Through you, Mr. President.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA:

Confession of judgment or default judgments are specifically excluded from this and if there was no appearance in a case in New York State, it would have to have been a default judgment. You cannot come into Connecticut then with a default judgment and sue on it here under this procedure.

THE CHAIR:

Senator, are there further remarks? Senator Alfano.

SENATOR ALFANO:

In view of the explanation of the bill, I'll withdraw my objection to the bill.

THE CHAIR:

Thank you, Senator.

SENATOR ALFANO:

It may go on Consent Calendar.

THE CHAIR:

May 17, 1973

50

C.G.C.

Senator Guidera, if you would like to withdraw your motion?

SENATOR GUIDERA:

I would, Mr. President, and I would like to move that the matter be placed on the Consent Calendar.

THE CHAIR:

Thank you, Senator. The question is on placement of this item on the Consent Calendar. There being no objections, it is so ordered. Clerk will proceed.

THE CLERK:

On Page 7 of the Calendar. Calendar No. 1186. File No. 1046. Senate Bill No. 2481. An act concerning the use of headlamps on motorcycles with a favorable report of the Committee on Transportation. The Clerk has an amendment.

THE CHAIR:

Senator Petroni. Senator Power.

SENATOR PETRONI:

Mr. President, I yield...

THE CHAIR:

Senator Power.

SENATOR PETRONI:

...I yield to Senator Power.

SENATOR POWER:

Mr. President, I move for acceptance of the Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

May 17, 1973 75
C.G.C.

We're removing 1193 for what reason I do not know, but we'll discuss it.

THE CHAIR:

1193 we're removing?

SENATOR ROME:

Page 7, bottom.

THE CLERK:

Yes, I had--that bill called?

THE CHAIR:

Call the bill.

SENATOR ROME:

May we act on my motion. We'll call the bill thereafter, please?

THE CHAIR:

The question is on adoption of the Consent Calendar as enumerated by Senate Majority Leader Rome. All those in favor signify by saying Aye. Is there opposition? Hearing none, the Consent Calendar is adopted.

SENATOR LENGE:

Mr. President. Mr. President.

THE CHAIR:

Senator Rome, would you move--we have some Senate bills, some amended bills...

SENATOR ROME:

I move suspension of the rules for immediate transmittal of all the matters passed to the appropriate authority.

Bills passed on the Consent Calendar HB-8864, HB-8266, HB-9317, HB-8082, HB-8644, HB-9401, HB-8685, HB-8983, SB-2484, HB-8144, HB-9390, HB-8745, HB-8270, HB-8960, HB-8957, HB-9355, SB-2483, SB-2158, HB-8841, SB-2244, HB-9404, HB-9387, HB-8854, HB-8539, HB-8147, HB-8301, SB-2027, HB-8874, SB-1778, HB-8349, HB-8551, SB-2383, HB-9387, SB-2432, HB-8746, HB-8229, HB-9157, HB-9153, HB-8642, HB-9385, HB-8080, HB-9124, HB-8409, HB-8564, HB-8980, HB-8941, HB-8320 and HB-9207.

H-143

CONNECTICUT
GEN.ASSEMBLY
HOUSE

PROCEEDINGS
1973

VOL. 16
PART 13
6387-6886

Tuesday, May 15, 1973 43.

Mr. Speaker, I move on today's Calendar the following EFR
two-starred items to Consent: on Page 13, Calendar 875, H.B.
9355, File 966; on Page 15, Calendar 899, S.B. 1831, File 760;
on Page 17, Calendar 930, H.B. 8270, File 1005; on Page 18, Cal-
endar 942, S.B. 1618, File 842; on Page 19, Calendar 956, S.B.
2199, File 826. I move these items to Consent, Mr. Speaker.

MR. SPEAKER:

Is there objection to any of the five items outlined by
the gentleman from the 78th placed on the Consent Calendar? The
gentleman wish to have those passed today as Consent items?

ROBERT J. VICINO:

Yes, Mr. Speaker.

MR. SPEAKER:

Is there objection to any of the five items just out-
lined by the gentleman to be passed on today's Consent Calendar?
Without objection, all those in favor of passage of the bills
indicate by saying "aye". Those opposed. The bills are passed.

ROBERT J. VICINO:

Mr. Speaker, I move for suspension of the rules for im-
mediate transmittal to the Senate.

MR. SPEAKER:

Question is on suspension of the rules for immediate
transmittal...

ROBERT J. VICINO:

For House Bills only, Mr. Speaker.

MR. SPEAKER:

Of any of the House Bills just adopted on the Consent