

Legislative History for Connecticut Act

HB 5202

PA 93

oF/AK

1976

Judiciary 88

House 966

Senate 831-32

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JOINT
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JUDICIARY

February 19, 1976
10:00 A.M.

JOSEPH KEEFE: I think that may have been on yesterday's. It's a Bill to reduce the number of peremptory challenges. The point is that the reading that I have done, you can't reduce, reducing the number of jurors from 12 to six certainly helps in achieving better juror utilization but reducing the number of peremptory challenges is even more helpful.

You could have juries of six and if you increase the number of peremptory challenges, actually we might be worse off than we would be cost-wise with juries of 12, and I think that these we're talking about, peremptory challenges not challenges for cost.

The other Bill that we would be I believe opposed to is raised Committee Bill 5202 CONCERNING THE PETITION FOR NEW TRIAL FOR NONSUIT OR A DISMISSAL, and under another Statute the party has four months to have the judgement of nonsuit reopened and we think this is, you know, sufficient time.

A dismissal can be opened, can be reopened, like most other judgements within the same session of Court, and a petition for new trial is, I think, rather an extreme remedy, it in itself amounts to a new trial, a petition for a new trial is treated as a civil action and to which the pleadings must be joined, issue must be joined. It's a very complicated way of, it seems to me, of setting aside a nonsuit or a dismissal.

SEN. NEIDITZ: Thank you Mr. Keefe. Mr. Ahearn.

JOHN AHEARN: Thank you Mr. Chairman. Sen. Neiditz and Rep. Healey, my name is John Ahearn, A H E A R N. I'm Council for the Insurance Association of Connecticut, representing the Connecticut Domestic Insurance Companies.

I'm here today to speak about two Bills, numbers 5017 and 5331. Both Bills pertain to interest on judgements. The Connecticut Insurance Industry is firmly opposed to any legislation to permit interest in civil actions to accrue from a date prior to final judgement or in fact to increase the current rate of interest as one of these Bills would do.

We believe that this, these proposals reflect neither the treatment of interest on judgements by the majority, the vast majority of other states nor the impact of recent economic trends on the insurance industry.

It's argued by some of the proponents of these Bills, or has been argued in the past, that insurance companies sometimes make it a practice of deferring settlements in order to reap or benefit in terms of income derived from investment of reserves.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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Tuesday, March 30, 1976 5.

providing property tax exemption for solar energy systems. It's efr
the report of the Committee the bill ought to pass, but first be
referred to the Committee on Finance.

MR. SPEAKER:

So ordered.

BUSINESS ON THE CALENDER

TUESDAY, MARCH 30, 1976

THE CLERK:

Page 1 of the Calendar...the Consent Calendar.

WILLIAM A. O'NEILL:

Mr. Speaker, on Page 1 of the Calendar...the Consent
Calendar...I move for acceptance and passage of the following
bills: Calendar 326, H.B. 5566, File 216; Calendar 333, H.B.
5561, File 214; Calendar 339, H.B. 5202, File 240; Calendar 346,
H.B. 5870, File 245. I move acceptance and passage of those
items on the Consent Calendar.

MR. SPEAKER:

The question's on acceptance and passage of the four
bills on today's Consent Calendar...Calendar Nos. 326, 333, 339,
and 346. All those in favor will indicate by saying "aye".
Opposed. The bills are passed.

THE CLERK:

Page 12 of the Calendar...Resolutions on Page 12 of the
Calendar, beginning with Calendar 393, H.R. No. 90...one star.

WILLIAM A. O'NEILL:

Mr. Speaker, I move for a suspension of the rules for
the immediate consideration of the following Resolutions: on

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1976 - GENERAL ASSEMBLY

SENATE

WEDNESDAY

APRIL 7, 1976

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THE CHAIR:

Senator Hudson.

SENATOR HUDSON:

Mr. President, I move acceptance of the Committee's Joint Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark on it, Senator?

SENATOR HUDSON:

Yes. The Bill merely provides statutory authority for services that are presently being provided through the Department of Mental Health and if there is no objection, I move it be placed on the Consent Calendar.

THE CHAIR:

Hearing none, it is so ordered.

THE CLERK:

Calendar 399, File 240, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for House Bill No. 5202, AN ACT CONCERNING THE GRANTING OF A NEW TRIAL ON NONSUIT OR DISMISSAL.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, in the absence of Justice Neiditz, I would move for acceptance and passage.

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THE CHAIR:

Do you have remarks to make on it, Senator?

SENATOR LIEBERMAN:

Mr. President, I suppose it would be just as easy to move it to the Consent Calendar, but - and I will.

THE CHAIR:

Hearing no objection, it is so ordered.

THE CLERK:

Calendar 400, Files 211 and 414, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for House Bill No. 5635, AN ACT TO ELIMINATE THE STATE'S ATTORNEY OFFICE IN QUO WARRANTO PROCEEDINGS, as amended by House Amendment, Schedule A.

SENATOR LIEBERMAN:

Mr. President, I move for acceptance and passage, as amended by House Amendment, Schedule A. Mr. President, this Bill really is self-explanatory. It eliminates the State's Attorney Office from the traditional and ancient Quo Warranto proceedings.

THE CHAIR:

What would you like done with it?

SENATOR LIEBERMAN:

I would like it moved to the Consent Calendar, if there is no objection.

THE CHAIR:

Thank you, Mr. Leader. It is so ordered, because I hear no objection.