

January 23, 1976

PRESIDENT: The question is shall the bill be returned for the specific amendment discussed by Senator Murphy and others. Record your vote. Have you voted? Please vote. Record.

CLERK: 26 ayes, 4 nays on the motion to return.

PRESIDENT: The bill is returned. Senator Murphy.

SENATOR MURPHY: Mr. President and Senator Chambers, apparently it was your amendment that subsequently involved the small court denomination. Apparently the Bill Drafter, or E & R, or whoever we blame these things on, and quite honestly I'm not certain, that apparently is where we got from 25 into 24. It was your amendment that addressed itself to 24, or so I am told.

If I may, I think I would simply move the adoption of the amendment. I think it's much more explicit and fully expressed than the amendment that's presently in the book. I do believe that it much better serves the purpose of the courts.

PRESIDENT: Senators Syas and Mahoney, could Senator Chambers ask for recognition? Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Thank you Mr. Chairman. I'd rather they hear me than just look at me anyway. Senator Murphy, I'm going to try to clarify this matter again. You always get a lot of credit for doing your homework. The small claims section of statute was not there by amendment. That is what the original bill addressed itself to. When you introduce a bill you can use any section of statute to get the concept before the Legislature. Then, if there is a more appropriate section or a way to do more precisely what you have in mind, the committee makes amendments to that bill. The Committee amendment took the entire question away from the small claims court. So the Committee amendment took us away from what the original bill dealt with, which was the small claims court.

After the Committee amendment was adopted, there were additional amendments. None of these dealt with the small claims court, which the original bill dealt with. So there is a very easy progression from the original bill, dealing with small claims court to the amendment which was attached. That brings us to where we are today.

What you're objecting to is something that the lawyers have talked to you about. They are not too concerned about people having actual notice of the fact that a judgement had been taken against them. There has to be some opportunity for a person to be aware that legal action has been taken, a judgement entered and created liability for that person. All a clerk would have to do is say "Yeah, I mailed the letter". Then it's the word of the clerk against the person who claims not to have received it.

If you don't, in a timely fashion, object to a judgement then you have got to pay it. If you have no notice of