

1968

REPORTS,

MEMOS, ETC.

T.E. 3/15/48

JUDICIARY COMMITTEE REPORT

on

CS For House Bill No. 27

This bill provides for a method for the owner of a vehicle, who sells his vehicle to give notice to the Department of Revenue that he is no longer the owner of the vehicle. Under current law, until title document is submitted by the buyer showing the transfer, the seller of the vehicle is still considered to be the owner of the vehicle. The committee substitute does not make it mandatory for the seller to give such notice, but permissive. Were the provision to remain mandatory on the part of the owner the paper work of the Department of Revenue for transferring titles would be considerably increased and the issuance of new titles would be considerably slowed down.

3/24/68

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 41

This bill provides that the justices of the supreme court shall elect one of their number to be the chief justice and that the justice so elected shall serve as chief justice for a term of three years. It also provides that the first election shall be held no later than one month after the membership of the supreme court has been increased to five justices.

Tom Fink, Chairman

15-3/6/68

JUDICIARY COMMITTEE REPORT

on

House Bill No. 57

This bill is designed to facilitate the passage of ordinances and emergency ordinances by the boroughs. It takes away some of the difficult mechanical procedures required in the passing of such ordinances. It makes the procedure considerably more like that of a city government.

The Local Government Committee's committee substitute for House Bill No. 57 does not create any legal problems. The question is whether we should continue to make it difficult for a borough government to operate because of mechanical obstacles placed in its way.

JUDICIARY COMMITTEE REPORT

ON

CS FOR HOUSE BILL NO. 92

This bill establishes a pilot public defender program to assure needy defendants of adequate legal representation and to more equitably distribute the public obligation to provide this representation. The constitutional right to counsel is held by the needy as well as the financially secure, and presently the obligation with regard to the former is met almost entirely by the members of the legal profession alone. The committee substitute provides that a needy defender who is served by the public defender and who, within three years, acquires an ability to pay for the services shall do so.

Tom Fink, Chairman

T.F.
5/10/60

JUDICIARY COMMITTEE REPORT

on

HOUSE BILL NO. 103

This bill broadens the definition of doing business in the State of Alaska insofar as insurance companies are concerned. Its effect will give the state jurisdiction over any insurance company having transactions in the state. It is designed to protect the citizens of the state from insurance companies who cover risk in Alaska but are not subject to our laws or service of process within the state under current law.

It will result in considerably increasing our premium- tax income. It will not require that insurance be bought through agents in Alaska but it will require that all companies covering risk in Alaska be licensed in Alaska and therefore subject to our jurisdiction.

Tom Fink, Chairman

3/23/68

JUDICIARY COMMITTEE REPORT

ON

CS FOR HOUSE BILL NO. 205

This bill provides that the owner or operator of a motor vehicle, vessel or aircraft is not liable for injury to a non-paying passenger, such as a hitchhiker or a friend, in case of an accident unless the accident was intentional or was the result of the owner's or operator's intoxication or his wilful and wanton disregard of the safety of others. This means that he, and therefore his insurance company, will not be legally bound to pay for injury resulting from his ordinary negligence.

Tom Fink, Chairman

JUDICIARY COMMITTEE REPORT

on

House Bill No. 212

This bill provides that written agreements to arbitrate disputes are valid, enforceable and irrevocable, except as otherwise provided by law, and sets up a procedure for handling these agreements. The bill is based on a proposed uniform act approved by the House of Delegates of the American Bar Association and the National Conference of the Commissioners on Uniform State Laws.

Tom Fink, Chairman

ut 2/22/68

JUDICIARY COMMITTEE REPORT

on

HOUSE BILL NO. 213

This bill repeals a 1964 amendment which permitted a corporation to provide in its bylaws that a shareholder may not cumulate his votes when electing directors. By repealing that language, the law will allow shareholders to vote cumulatively if they desire, any bylaws notwithstanding.

Tom Pink, Chairman

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 213

This bill repeals a 1964 amendment which permitted a corporation to provide in its bylaws that a shareholder may not cumulate his votes when electing directors. By repealing that language, the law will prevent a majority on a board of directors from adopting a bylaw that would deny representation to the minority. Consequently, the welfare of shareholders who do not hold a majority of stock will also have to be considered when action is taken on behalf of the corporation. Section 2 of the bill states the public policy of protecting minority shareholders against oppression by the majority and of insuring fairness and equitable business practices.

Tom Fink, Chairman

JUDICIARY COMMITTEE REPORT

ON

HOUSE BILL NO. 234

This bill as amended is a simple conflict-of-interest statute. It requires that a public official must file a statement with the Department of Commerce within 30 days of any transaction in which he or any close relative has a financial interest in excess of \$1,000. The public official is identified as anyone holding an office in the legislative, executive or judicial branch of state government, whether or not he receives compensation.

Tom Pink, Chairman

Judiciary Committee Report

on

CS For HOUSE BILL No. 254

This committee substitute establishes the Division of Lands as the agency with the authority to vacate land plats in areas outside cities in the unorganized borough. Presently there is no state agency or political subdivision with authority to officially vacate plats in these areas. Thus plats which may have been filed cannot be formally changed or vacated. The original bill would have also required the filing of plats in these areas with the Division of Lands, a procedure viewed as not necessary at this stage of the state's development and as placing too great a burden on areas of low population.

Tom Fink, Chairman

T.F. 3/13/68

JUDICIARY COMMITTEE REPORT

on

CS For House Bill 332

This bill requires that anyone whose name is made available to the public as a practitioner of one of the healing arts or one who tests human functions must show after his name the particular field of licensure. It also provides that a dentist who performs surgery may designate his field of licensure as "dental surgeon" or "doctor of dental surgery".

It is the opinion of the committee that this law refers only to those instances wherein the name is placed before the public as a practitioner of the healing arts or one who tests human functions. For example the committee believes that in the white pages of a telephone directory, the suffix is not necessary. In the yellow pages of the telephone directory the suffix is necessary. On the individual's letterhead the suffix is necessary and in a church bulletin the suffix is not necessary.

The obvious purpose of the bill is to assure that the public is aware of the particular field of licensure of any individual who is a practitioner of the healing arts.

The bill provides that the Department of Law may obtain an injunction to enforce this bill.

T.F. 3/11/63

JUDICIARY COMMITTEE REPORT

on

HOUSE BILL NO. 333

This bill imposes mandatory sentences on the first and subsequent convictions for the commission of certain serious crimes if the individual is carrying a firearm. There is a 10 year minimum sentence for the first offense and 25 years for a subsequent offense.

Tom Fink, Chairman