

H B

3 8

HB 38

Tape No.	Date
27	4/16
28	4/16
30	4/16
34	4/24

"An Act relating to motor vehicle insurance; and providing for an effective date,"

1/21/75

COMMITTEE REPORT

JUDICIARY

HOUSE

Mr. Speaker:

Date 4/21/75

The Committee on Commerce has had HB 36

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>Do Pass</u>
<u>[Signature]</u>	<u>Do Pass</u>
<u>[Signature]</u>	<u>No Pass</u>
<u>[Signature]</u>	<u>No Pass</u>

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

LAW OFFICES
KELLY & LUCE

A PROFESSIONAL CORPORATION
1015 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501

(907) 279-9571

KENAI OFFICE
HIGHLAND BUILDING
P.O. BOX 3762
KENAI, ALASKA 99611

BERNARD P. KELLY
L. AMES LUCE

April 10, 1975

Representative Bob Bradley
House of Representatives
House Commerce Committee Chairman
Pouch V
Juneau, Alaska 99801

Dear Brad:

This letter is a followup to let you know that I would like to testify for an hour on Wednesday, April 16, 1975, at your scheduled hearings on no-fault insurance.

Could you let me know right away what time this hearing is scheduled and at what time I could appear. You can call me collect if you desire because of the shortness of time. I need to know so I can schedule my time through the week.

Best regards.

Sincerely,

KELLY & LUCE


Bernard P. Kelly

BPK:kp

cc: Senator Chancy Croft

Car Driven by A Collides with Car Driven by B.
Each Driver Has Bodily Injury Damages of \$10,000

UNDER PRESENT ALASKA LAW

	<u>FACTS</u>	<u>RECOVERY</u>
1.	A not negligent B not negligent	A recovers \$0 B recovers \$0
2.	A negligent B not negligent	A recovers \$0 B recovers \$10,000
3.	A not negligent B negligent	A recovers \$10,000 B recovers \$0
4.	A negligent B negligent	A recovers \$0 B recovers \$0

UNDER HB 38

1.	A not negligent B not negligent	A recovers \$10,000 B recovers \$10,000
2.	A negligent B not negligent	A recovers \$10,000 B recovers \$10,000
3.	A not negligent B negligent	A recovers \$10,000 B recovers \$10,000
4.	A negligent B negligent	A recovers \$10,000 B recovers \$10,000

38
TELETYPE
BOA ALASKA COMMUNICATIONS, INC.
PHONE: 583-6440
JUNEAU ALASKA 99801

IPCAFUB AHC

2-044209C154322 04/14/75

1975 APR 14 PM 9 55

ICS IPHMMB MIL

02256 NL MILWAUKEE WI 177 04-14 NBT

PMS JOHN J OSHEA, DIR

TOP OF INSURANCE, PHONE AND MAIL
1310

STATE OFFICE BLDG

JUNEAU ALASKA 99811

URGENT

TO ALL MEMBERS OF THE NAIC

DEAR COMMISSIONER:

THE ADMINISTRATION, WHICH IS SCHEDULED TO TESTIFY ON APRIL 22 ON FEDERAL NO-FAULT LEGISLATION, IS REPORTED TO BE CONSIDERING A CHANGE IN ITS POSITION SUPPORTING STATE BY STATE ACTION. ADMINISTRATION SUPPORT OF SOME TYPE OF FEDERAL NO-FAULT LEGISLATION COULD ENSURE ENACTMENT.

REQUEST THAT YOU IMMEDIATELY CONTACT YOUR GOVERNOR AND OTHER APPROPRIATE PERSONS TO IMMEDIATELY MAKE PERSONAL CONTACT WITH ADMINISTRATION OFFICIALS (E.G., PRESIDENT FORD, DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET LYNN, SECRETARY COLEMAN (DOT), ATTORNEY GENERAL LEVI, AND SECRETARY HILL (HUD) VOICING OPPOSITION TO ANY FEDERAL NO-FAULT LEGISLATION.

THE SERIOUS CHALLENGE TO THE STATES INHERENT IN ANY FEDERAL NO-FAULT LEGISLATION IS SUBSTANTIAL. FURTHERMORE, IN PARTICULAR, THE OPERATIONAL DESIGN OF S.354 WOULD RENDER STATE INSURANCE DEPARTMENTS ACCOUNTABLE TO THE SECRETARY OF DOT, BYPASSING STATE GOVERNORS AND LEGISLATURES. THE ONEROUS BURDENS IMPOSED ON STATE INSURANCE DEPARTMENTS REPRESENT AN UNWARRANTED INTRUSION IN THE INTERNAL AFFAIRS OF SOVEREIGN STATES NOT ONLY IN A MANNER RENDERING INSURANCE COMMISSIONERS AGENTS OF THE FEDERAL GOVERNMENT, BUT ALSO IN A MANNER CREATING A FUNDAMENTAL AND DANGEROUS PRECEDENT FOR ALL AREAS OF STATE GOVERNMENT RESPONSIBILITY.

SINCERELY,

WILLIAM H HUFF III

COMMISSIONER OF INSURANCE (IOWA)

PRESIDENT OF THE NAIC