

HB

459

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House Judiciary Committee
May 16, 1975

The meeting was called to order at 3:30 by Chairman Gardiner.
All members were present.

HB 105 Hold Harmless

This bill eliminates a present abuse whereby large companies hold their subcontractors responsible for the larger company's negligence in contractual agreements. The Commerce CS eliminated the retroactive date.

page 1, line 26: add the language any agreement that is not principally or primarily a contract of indemnity or insurance.
page 2, line 7: change mortgage to mortgages
page 2, line 8: and financing statements. delete and insurance.
delete page 1, lines 23 and 24 (b)
delete page 2, lines 9 and 10.

The above amendments passed and the Judiciary CS for HB 105 was moved out of committee.

SB 113 Health Care information

The prepared Judiciary CS was reviewed and reported out of committee.

SB 158 Larceny

This bill reflects an increase in the dollar amount between misdemeanors and felonies to keep up with inflation. The bill was passed out of committee.

HB 391 Contractor's names

The committee agreed to ask for a summary of terms of the contract instead of "terms". On line 12 "at least annually" was deleted and replaced with "before October 1" and that the reports would commence in 1975.
Page 1, line 25 add "vendors"
The committee requested a letter of intent stating that the cost of printing and distribution should be kept to a minimum with copies available for public inspection, possibly in public libraries.

The bill was passed out of committee as a Judiciary CS.

HB 459 Fathers leave

Susan Sullivan, sponsor of the bill, stated that she intended that new fathers should have the same rights as new mothers. She expected that most people would take about two weeks only. The proposed Judiciary CS stated that this leave could be charged to medical only. She objected first because some offices might interpret this to disallow even annual leave. She suggested that medical leave be used first. She also raised the question of adoptive parents.

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The committee agreed that after two weeks were taken, a man should be able to extend his leave for medical reasons. Line 13 in the old bill stating which leave could be used would be put into the CS and lines 11 and 12 of the proposed CS deleted.

The Judiciary CS was passed out of committee.

HB 298 Security

Miles Scholsberg, Director, Division of Banking, stated that this bill would expand the definition of securities in order to close loopholes in enforcement of securities law - to prevent fraud by providing a deterrent. Included under the definitions of securities are pyramid sales (chain letters), commodities option contracts, health clubs (charter members). Lines 21 - 25 leave the option for possible exemptions for such companies as Avon and Fuller Brush. Mr. Brown moved on page 1, line 22: add: after consultation with the Attorney General. This amendment passed. The Commerce committee amendments were adopted except in line 4 delete /.

The Judiciary CS was passed out of committee.

SB 153 Sound Recordings

Senator Chance, sponsor of the bill, stated that the language "federally copyrighted" was inserted on the floor last session and made the bill worthless. SB 153 deletes this language and defines "owner." The copyright law for recordings became effective in 1972 but was not retractive. This bill is designed to prevent pirates and sound alike recordings. The committee passed SB 153.

MEMORANDUM

P.S. We eliminated "(e)" in
HB 459 as unnecessary in
view of the CS.

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

POUCH Y—STATE CAPITOL
JUNEAU, ALASKA 99811

TO: Rep. Gardiner

DATE: 5/8

FROM: Joel Bennett

SUBJECT: CS HB459

You should be alerted that the CS may conflict with the sex discrimination provisions of Title VII of the Civil Rights Act of 1964. Does the discrimination here have a rational basis? Do you feel that such a disability is a temporary disability unique to the female sex or that the father may need the same amount of time under certain circumstances? Perhaps the justification for 2 weeks time off would justify nine weeks. Additionally, shouldn't the male be able to use ~~annual~~ annual leave + LWOP. What is the basis for not allowing this? If you wish we will do an in-depth analysis of this.



311 NORTH FRANKLIN ST. • JUNEAU, ALASKA 99801 • PHONE 907-586-2334

May 9, 1975

The Honorable Susan Sullivan
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Representative Sullivan:

House Bill 459 was brought to my attention just recently in a grievance I am handling. The issue I am involved in however, covers an adoptive mother who was apparently not entitled to maternity leave since she did not give birth.

It is my belief that any parent, natural or adoptive, should be entitled to medical leave since the adjustments required in the care of a newborn infant are an emotional and physical drain on all parents. I would like to see your bill amended to include adoptive parents and their newborn infants. An adoptive parent should also be entitled to a medical leave to use in readjusting themselves, their family and the infant to a schedule which would allow the parents to return to full-time employment with a minimum of difficulty.

Your bill fulfills the need in our society to recognize the father's rights and responsibilities in his parental role in raising children. Adoptive parents also need to have their rights defined. At the least, an adoptive mother should be given the right to maternity leave now granted to natural mothers under Alaska law. It does not seem to be in the State's or the state employees' best interests to cause an adoptive mother to resign simply because there is no provision to entitle the right to leave for what can be a very taxing readjustment period for any parent.

I am enclosing a copy of your bill with my proposed amendments to specifically include adoptive parents. Please contact me if you have any questions or need further information.

Sincerely,

Jernie Day Peterson
Director of Field Services

JP/rn