

COMMITTEE REPORT
SENATE

FURTHER:

2/26/85

Date _____

Mr. President

The Committee on FINANCE considered SB 173

political campaign contributions by an individual who is under the age of majority.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

ANALYSIS FOR SENATE BILL 173

An Act relating to political campaign contributions by an individual who is under the age of 18

This bill amends the statute relating to political campaign contributions by requiring that any political campaign contribution made by a person under the age of 18 is considered to have been made by the parent or guardian of that person. It would not apply to a person under 18 if he or she was not living at home (emanicipated) or married.

Enclosed is a memo from Legal Services expressing some reservations about the constitutionality of this legislation.

Fiscal notes from the Department of Administration and the Department of Revenue are both zero.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/21/85

Date 2/26/85

Mr. President

The Committee on STATE AFFAIRS considered SB 173

relating to political campaign contributions by an individual who is under the age of majority.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
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- replace with/or adopt CS for SB 173 (SA)
new title
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MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edna De Vries
V. J. ...
Tim Kelly

Will Hood
 Chairman
Jo Pass
 Chairman recommendation

Offered: 2/26/85
Referred: Finance

Original sponsor: State Affairs Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 173 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to political campaign contributions
7 by an individual who is under the age of 18."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.13.070 is amended by adding a new subsection to
10 read:

11 (i) The contribution of an individual under the age of 18 is
12 considered to have been made by a parent or guardian of the individual
13 under the age of 18. This subsection does not apply to an individual
14 under the age of 18 who is emancipated or who is married.
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Introduced: 2/21/85
Referred: State Affairs
and Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 173

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14 an individual under the age of majority who is emancipated or who is
15 married.

ALASKA STATE LEGISLATURE

14th Legislature FIRST Session

SENATE BILL NO. 173

By THE STATE AFFAIRS COMMITTEE

"An Act relating to political campaign contributions by an individual who is under the age of majority."

Introduced in the Senate 2/21, 19.85

HISTORY IN THE SENATE

19 85	Read first time and referred to Committee on
2 21	STATE AFFAIRS AND FINANCE
2 26	Reported back with recommendation that <i>L.A. replace w/CS-4 do pass to finance</i>
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	To enrolling
	Reported correctly enrolled
	Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSR 173(SA)
 Title: "...political campaign contributions by an individual..."
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Independent Operations
 BRU, Program or Subprogram(s) Affected: Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FEDERAL FUND						
FEDERAL FUND						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

None

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Theda Pittman *[Signature]* Phone: 276-4176
 Division: Alaska Public Offices Commission Date: 2/26/85

Approved by Commissioner: Lisa Rudd *[Signature]* Date: 2-27-85
 Agency: Dept. of Administration

Distribution (by Agency preparing fiscal note)
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date _____

REQUEST

Bill/Resolution No: CSSB 173 (SA)
 Title: Relating to Political Campaign Contributions
 Sponsor: State Affairs
 Requestor: Senate Finance
 Date of Request: 3/6/85

FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: General Government
 BRU, Program of Subprogram(s) Affected: Administration & Support - Administrative Services Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-	0	-	-	-	-
200 TRAVEL	-	0	-	-	-	-
300 CONTRACTUAL	-	0	-	-	-	-
400 SUPPLIES	-	0	-	-	-	-
500 EQUIPMENT	-	0	-	-	-	-
600 LANDS & STRUCTURES	-	0	-	-	-	-
700 GRANTS, CLAIMS	-	0	-	-	-	-
800 MISCELLANEOUS	-	0	-	-	-	-
TOTAL OPERATING	-	0	-	-	-	-
CAPITAL	-	0	-	-	-	-
REVENUE	-	0	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	0	-	-	-	-
FEDERAL FUNDS	-	0	-	-	-	-
OTHER	-	0	-	-	-	-
TOTAL	-	0	-	-	-	-

POSITIONS:

FULL-TIME	-	0	-	-	-	-
PART-TIME	-	0	-	-	-	-
TEMPORARY	-	0	-	-	-	-

ANALYSIS: Attach a separate page if necessary.

See attached

Prepared By: Ervin B. Jones, Director
 Division: Administrative Services

Phone: 465-2313
 Date: 3-8-85

Approved by Commissioner: [Signature]
 Agency: Revenue

Date: 3/8/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Department of Revenue
Administrative Services Division
Fiscal Note Analysis
CSSB 173 (SA)
3/8/85

Assumptions

1. It is assumed that the offered amendment is adopted, setting an implementation date of no earlier than claim year 1985.
2. It is assumed that such contributions by persons under 18 apply toward the \$100 maximum refundable credit for their respective parent or guardian.
3. It is assumed, for purposes of the refundable credits program, that the individual making a contribution must have been 18, or married, or emancipated on or before the date the contribution was made.

Program Summary

The current form in use for claims made under AS 43.20.013 for claim years 1984 and prior does not ask for the following information necessary to enforce this law:

- 1) Birthdate.
- 2) Name of parent/guardian claiming the refundable credit.
- 3) For those under 18, whether they are emancipated or married.

The refundable credits form will have to be dramatically revised to accommodate this law. The review process and the computer program will have to be changed. It is important that this law take effect for contributions made in 1985 or thereafter.

Computations: N/A

Economic Impact: N/A

Impact on Local Government: N/A

Attachments: See attached amendment.

Department of Revenue
Administrative Services Division
Suggested Amendment
CSSB 173 (SA)
3/8/85

Page 1, line 14

Insert:

*Section 2. This act applies to contributions made after December 31,
1984.

Offered: 2/26/85
Referred: Finance

Original sponsor: State Affairs Committee

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 3, 1985

SUBJECT: Contributions by a minor (CSSB 173 (SA))
TO: Senator Jan Faiks
Co-Chairman, Senate Finance Committee
FROM: Richard A. Bradley
Legislative Counsel *B*

You have requested my comments on CSSB 173 (SA).

I have some reservations about the constitutionality of the bill to the extent that it seems more intrusive than seems necessary on the First Amendment rights of minors.

Existing law already provides that it is illegal to make a political contribution in the name of another. See AS 15.13.070(d).

To the extent that a minor under the age of 18 has funds that are in fact subject to his control, the allocation of the contribution to the limits of the parent or guardian diminishes the rights of each. Recall that the U.S. Supreme Court in Buckley v. Valeo noted that "Being free to engage in unlimited political expression subject to a ceiling on expenditures is like being free to drive an automobile as far and as often as one desires on a single tank of gasoline." Buckley at 44 USLW 4132 (1976).

I agree that the Court upheld the \$1,000 limitation but this bill would lower that limit to the extent of the minor's contribution.

If I may be of further assistance, please advise.

RAB:lmb
L4/065

NOTES TO DECISIONS

The statutes of Alaska remove certain disabilities which at common law attend the wife during her coverture. *Decker v. Kedly*, 148 F. 681 (9th Cir. 1906).

The married woman's common-law disability to bring suit was ended by a series of acts referred to as the Married Woman's Acts. The requirement that suit be brought by the husband when the wife was injured in order that redress be available was thereby ended. *Schreiner v. Fruit*, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

But the statutes do not mean that the husband is answerable to the wife in damages for failure to supply her with the necessities of life, or for any other act or failure of duty connected with or arising from the marital relation. *Decker v. Kedly*, 148 F. 681 (9th Cir. 1906).

Wife has independent right to sue for loss of consortium. — See *Schreiner v. Fruit*, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

The basis for recovery is no longer the loss of services, but rather the injury to the conjugal relation. Therefore, the claim for relief for loss of consortium, in both husband and wife, should be given recognition in Alaska. *Schreiner v. Fruit*, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

The interest to be protected is personal to the wife, for she suffers a loss of her own when the care, comfort, companionship, and solace of her spouse is denied her. *Schreiner v. Fruit*, Sup. Ct. Op. No. 1003 (File No. 1949), 519 P.2d 462 (1974).

Quoted in *Cramer v. Cramer*, Sup. Ct. Op. No. 135 (File No. 260), 379 P.2d 95 (1963).

Chapter 20. Parent and Child.

Section

- 10. Age of majority
- 20. Arrival at majority upon marriage
- 30. Duty of parent and child to maintain each other
- 40. Maintenance and education of minor out of income of the minor's property
- 45. Legitimacy of children conceived by artificial insemination
- 50. Legitimation by subsequent marriage, acknowledgment in writing or adjudication

Section

- 60. Custody of the child
- 70. Temporary custody of the child
- 80. Mediation of child custody matter
- 90. Factors for consideration in awarding shared child custody
- 100. Denial of shared child custody
- 110. Modification of child custody or visitation
- 120. Closure of custody proceedings and records
- 130. Access to records of the child

Collateral references. — 10 Am. Jur. 2d, *Standards*, § 1 et seq.; 42 Am. Jur. 2d, *Infants*, §§ 1-5, 28-57; 59 Am. Jur. 2d, *Parent and Child*, § 1 et seq.

43 C.J.S., *Infants*, § 1-30; 67A C.J.S., *Parent and Child*, § et seq.

Sec. 25.20.010. Age of majority. A person is considered to have arrived at majority at the age of 18, and thereafter has control of the person's own actions and business and has all the rights and is subject to all the liabilities of citizens of full age, except as otherwise provided by statute. (§ 20-1-1 ACILA 1949; am § 1 ch 37 SLA 1959; am § 5 ch 63 SLA 1977)

NOTES TO DECISIONS

Legislation amending several provisions of the Children's Act was part of an omnibus age-law bill which resolved ambiguities in several codes and generally harmonized all Alaska Statutes with the policy of a 19-year (now 18-year) age of majority. *Davenport v. McGinnis*, Sup. Ct. Op. No. 1049 (File No. 1942), 522 P.2d 1140 (1974).

This section does not carry a broad negative implication. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Nor imply that infants are incompetent in all things. — The age of majority statute does not imply a legislative judgment that infants are incompetent in all things; it means only that persons above the statutory age minimum are competent in all things except as otherwise provided. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971); *Quick v. State*, Sup. Ct. Op. No. 1921 (File Nos. 3298, 3462, 3463), 599 P.2d 712 (1979).

Regulation prohibiting persons under 19 years from knowingly consuming alcoholic beverages. — Since an administrative regulation prohibiting any person under the age of 19 years from knowingly consuming alcoholic beverages is authorized by statute [see now AS 04.06.090], the regulation comes within the "except as otherwise provided by statute" exception to this section, which gives the age of majority as 18 years. *Michael v. State*, Sup. Ct. Op. No. 1714 (File No. 3881), 583 P.2d 852 (1978).

Support beyond age of majority. — Superior court's order requiring husband to pay support beyond the ages of minority of his children, if they were enrolled in school, was not erroneous. *Hinchey v. Hinchey*, Sup. Ct. Op. No. 2312 (File No. 3528), 625 P.2d 297 (1981).

Stated in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Collateral references. — Statutory change of age of majority as affecting pre-existing status or rights, 75 ALR3d 228.

Sec. 25.20.020. Arrival at majority upon marriage. A person arrives at the age of majority upon being married according to law, unless the person is under the marriageable age of consent as defined in AS 25.05.171(a), in which case the person reaches majority upon reaching the marriageable age of consent. (§ 20-1-2 ACLA 1949; am § 100 ch 127 SLA 1974)

NOTES TO DECISIONS

Cited in *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Sec. 25.20.030. Duty of parent and child to maintain each other. Each parent is bound to maintain the parent's children when poor and unable to work to maintain themselves. Each child is bound to maintain the child's parents in like circumstances. (§ 21-3-1 ACLA 1949)

Cross references. — For persons liable for support and burial, see AS 47.25.230.

Validity of release of prospective right to wrongful death action, 92 ALR3d 1232.

Judgment in death action as precluding subsequent personal injury action by potential beneficiary of death action, or vice versa, 94 ALR3d 676.

Employer's right of action for loss of services or the like against third person tortiously killing or injuring employee, 4 ALR4th 504.

Effect of death of beneficiary upon right of action under death statute, 13 ALR4th 1060.

Propriety of taking income tax into consideration in fixing damages in personal injury or death action, 16 ALR4th 589.

Effect of anticipated inflation on damages for future losses — modern cases, 21 ALR4th 21.

Effect of settlement with and acceptance of release from one wrongful death beneficiary upon liability of tortfeasor to other beneficiaries or decedent's personal representative, 21 ALR4th 275.

Article 7. Removal of Disabilities of a Minor.

Section

590. Removal of disabilities of minority

Collateral references. — 42 Am. Jur. 2d, Infants, §§ 3-5.

43 C.J.S., Infants, §§ 115-119.

Evidence of emancipation of child so as to permit parent or representative to maintain tort action against minor child, 60 ALR2d 1293.

What voluntary acts of child, other than marriage or entry in military service, terminate parent's obligation to support, 32 ALR3d 1055.

Parent's obligation to support unmarried minor child who refuses to live with parent, 98 ALR3d 334.

Sec. 09.55.590. Removal of disabilities of minority. (a) A minor who is a resident of this state and is at least 16 years of age, who is living separate and apart from the parents or guardian of the minor, capable of self-support and of managing one's own financial affairs, may petition the superior court to have the disabilities of minority removed for limited or general purposes.

(b) A minor may institute this petition under this section in the name of the minor.

(c) The petition for removal of disabilities of minority must state:

- (1) the name, age, and residence address of the petitioner;
- (2) the name and address of each living parent;
- (3) the name and address of the guardian of the person and the guardian of the estate, if any;
- (4) the reasons why removal would be in the best interest of the child; and
- (5) the purposes for which removal is sought.

(d) The petitioner must obtain the consent of each living parent or guardian having control of the person or property of the petitioner. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court, acting in the best interest of petitioner, may waive this requirement of consent as to that parent or guardian.

(e) The court may appoint an attorney or a guardian ad litem to represent the interests of the petitioner at the hearing.

(f) The court may remove the disabilities of minority as requested in the petition if found to be in the best interest of the petitioner, after a hearing. The removal may be for general purposes or the limited purposes specified in the decree.

(g) Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes has the power and capacity of an adult, including but not limited to the right to self-control, the right to be domiciled where one desires, the right to receive and control one's earnings, to sue or to be sued, and the capacity to contract. (§ 2 ch 233 SLA 1976)

Sec. 09.55.600 — 09.55.640. [Renumbered as AS 25.35.010 — 25.35.060.]

Chapter 60. Costs.

Section

- 10. Costs allowed prevailing party
- 15. Attorney fees in small tort actions
- 20. Liability of guardian ad litem for costs
- 30. Guardian's responsibility for allowance against infant plaintiff

Section

- 40. Costs where party is a representative
- 50. Costs awarded against state, borough, city or other public agencies
- 60. Security for costs where plaintiff a nonresident or foreign corporation

Collateral references. — 20 Am. Jur. 2d, Costs, § 1 et seq.

20 C.J.S., Costs, § 1 et seq.

Allowance of costs in litigation by beneficiary respecting trust, on theory that fund was created or preserved, 9 ALR2d 1150.

Allowance of costs in litigation by beneficiary for partition of trust property, 9 ALR2d 1219.

Actual payment of costs as a condition to dismissal under rule or statute providing for voluntary dismissal without prejudice upon such terms and conditions as court deems proper, 21 ALR2d 633.

Allowance of fees for guardian ad litem appointed for infant defendant, as costs, 30 ALR2d 1148.

Costs in action for removal of trustee of voting trust, 34 ALR2d 1142.

Unsuccessful litigant's payment of costs as barring his right to appeal from judgment on merits, 39 ALR2d 194.

Appealability of order or judgment awarding or denying costs but making no other adjudication, 54 ALR2d 927.

Depositions, costs and fees as affected by Rule 30(b) of the Federal Rules of Civil Procedure, and similar state statutes and rules, relating to preventing, limiting, or terminating the taking of, 70 ALR2d 758.

Liability of state, or its agency or board, for costs in civil action to which it is a party, 72 ALR2d 1379.

Taxation of costs and expenses in proceedings for discovery or inspection, 76 ALR2d 953.

Liability for costs in action against lessee for breach of covenant as to repairs, 80 ALR2d 1032.

Constitutionality, construction, and application of statutes, requiring bond or security for costs and expenses in taxpayers' action, 89 ALR2d 333.

Allowance as costs, of such items as maps, models, wall charts, photographs, and the like, 97 ALR2d 138.

Validity and construction of statute or rule allowing attorneys' fees to out-of-state defendant successfully defending suit brought in state, 51 ALR3d 1336.

Right of indigent to proceed in marital action without payment of costs, 52 ALR3d 844.

Introduced: 2/21/85
Referred: State Affairs
and Finance

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BY THE STATE AFFAIRS COMMITTEE

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SENATE BILL NO. 173

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FOURTEENTH LEGISLATURE - FIRST SESSION

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SENATE

FURTHER: FINANCE

2/21/85

Date 2/26/85

Mr. President

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and (a majority of the committee) (the committee) reports it back with the following recommendations:

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- do pass with attached amendment(s)
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MEMBERS SIGNING
DO PASS

Edwin R. Ulin
Victor Johnson
Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Michael Hood
Chairman
Do Pass
Chairman recommendation