

SENATE CS FOR CS FOR HOUSE BILL NO. 230(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/15/04

Referred: Judiciary

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to political signs on private property."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 INTENT. It is the intent of the Alaska State Legislature that political signs on private
6 property not pose an opportunity for indirect commercial advertising.

7 * **Sec. 2.** AS 19.25.075 is amended by adding a new subsection to read:

8 (c) The Alaska State Legislature finds that

9 (1) the right to advocate for or against those individuals who would
10 occupy public office and issues of public interest is an inherent right that has been
11 repeatedly affirmed by the courts; and

12 (2) the right to advocate for or against those individuals who would
13 occupy public office and issues of public interest must be subject to only the minimum
14 of restrictions necessary to address a compelling public or government interest.

15 * **Sec. 3.** AS 19.25.105(a) is amended to read:

1 (a) Outdoor advertising may not be erected or maintained within 660 feet of
 2 the nearest edge of the right-of-way and visible from the main-traveled way of the
 3 interstate, primary, or secondary highways in this state except the following:

4 (1) directional and other official signs and notices **that** [WHICH]
 5 include, but are not limited to, signs and notices pertaining to natural wonders, scenic
 6 and historic attractions, **that** [WHICH] are required or authorized by law, and **that**
 7 [WHICH SHALL] conform to federal standards for interstate and primary systems;

8 (2) signs, displays, and devices advertising the sale or lease of property
 9 upon which they are located or advertising activities conducted on the property;

10 (3) signs determined by the state, subject to concurrence of the United
 11 States Department of Transportation, to be landmark signs, including signs on farm
 12 structures, or natural surfaces, of historic or artistic significance, the preservation of
 13 which would be consistent with the provisions of this chapter;

14 (4) directional signs and notices pertaining to schools;

15 (5) advertising on bus benches or bus shelters, and adjacent trash
 16 receptacles, if the state determines that the advertising conforms to local, state, and
 17 federal standards for interstate and primary highways; [.]

18 (6) **political noncommercial signs on private property if**

19 **(A) individual or conjoined signs do not exceed 32 square**
 20 **feet total per side;**

21 **(B) the signs do not interfere with, obstruct, confuse, or**
 22 **mislead traffic or pose a traffic hazard;**

23 **(C) the signs are located outside of Department of**
 24 **Transportation and Public Facilities easements; and**

25 **(D) the signs are consistent with regulations adopted by the**
 26 **department regarding the time and manner for removal of signs that do**
 27 **not have current relevance; in this subparagraph,**

28 **(i) "current relevance" means the subject matter of**
 29 **a sign is a matter of ongoing public consideration by the public and**
 30 **the date of decision on the subject matter of the sign has not**
 31 **passed;**

1
2
3
4
5
6
7
8

(ii) "date of decision" means the date on which a decision on the subject matter of a sign is no longer subject to influence by public opinion, such as the date of an election for public office or on a ballot measure, action by the governor on a bill passed by the legislature, formal settlement or formal conclusion of an armed conflict, conclusion of contract negotiations, or similar matters for which a date of decision may be ascertained [REPEALED].