

HB

448

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465 3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Transportation:

3/9/88

Alaska State Legislature



House of Representatives

Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

March 9, 1988

COMMITTEE CALENDAR:

HB 448: "An Act relating to outdoor political advertising."

HJR 68: Urging Congress to restore the exemption from the federal excise tax on taxable fuels for certain diesel fuel users.

An Overview by the Commonwealth North Railroad Committee

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

a folder on HB 448 that includes:

- item #1: HB 448
- #2: a statement from Rep. Frank
- #3: a sectional analysis
- #4: a proposed amendment
- #5: information re political signs
- #6: required form for filing candidacy
- #7: statutes
- #8: position paper - Division of Elections
- #9: fiscal note & position paper - DOT/PF

a folder on HJR 68 that includes:

- item #1: HJR 68
- #2: fiscal note - Depart. of Comm. & Economic Dev.
- #3: statement from Rep. Davidson
- #4: tax alert from National Fisheries Institute
- #5: Omnibus Reconciliation Act - an excerpt
- #6: House Congressional Record - an excerpt
- #7: letters of support
- #8: newspaper articles
- #9: press release from Rep. Don Young

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: The House Transportation Committee

FROM: Rep. Steve Frank

RE: House Bill 448 - "An Act relating to outdoor political advertising"

DATE: March 7, 1988

House Bill 448 would change the law and stiffen the penalties for illegal placement of political advertising signs.

Each election year a large number of political campaign signs can be found along most of our major roadways in violation of law. Existing statute prohibits signs along federal aid highways as well as primary and secondary roads, but enforcement of this law seldom occurs.

Under current statute, the Department of Transportation gives 30 days for compliance to the owner of the land where the sign in violation is placed and at the end of 30 days, if the sign is still in violation, "...the department shall remove it at the expense of the owner of the land."

This bill would change the existing statute in four (4) ways. It would:

- 1) require candidates filing for political office to sign a statement acknowledging that they are aware of the law related to political advertising signs;
- 2) eliminate the 30 day period that a sign can be illegally placed and charge the department with immediate removal upon discovery of that sign;
- 3) increase the minimum penalty for violation from \$50 to \$250 per count; and
- 4) shift the burden of responsibility from the owner of the land to the person or group advertising.

This bill is aimed at violations by candidates who knowingly place their political advertising signs in prohibited areas and "buy time" through the notice period which allows the sign to remain fixed for 30 days after the owner of the land is asked to remove it. It would not change existing laws regarding other types of signs.

Thank you for your consideration.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 8, 1988

SUBJECT: Outdoor political advertising
(Work Order No. 5-0633)

TO: Representative Steve Frank

FROM: Richard A. Bradley
Legislative Counsel 

Rick Solie has requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 15.25.030(b). It provides that at the same time that a candidate for the elective political office files a declaration of candidacy, the candidate will file a statement prepared by the Department of Transportation and Public Facilities that the candidate is familiar with the provisions of law regulating "outdoor political advertising."

Section 2 of the bill adds a new Sec. 19.25.115. Sec. 19.-25.115(a) provides that a candidate or group may place advertising on private property so long as the private property is not within the zone where advertising is prohibited under AS 19.25.105(a): "within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state".

Section 19.25.115(b) directs the Department of Transportation and Public Facilities to remove summarily posters or signs erected in violation of AS 19.25.105(a) and bill the

Representative Steve Frank
Page 2
February 8, 1988

candidate or group named on the poster or sign for its actual costs from the removal.

Section 3 amends AS 19.25.130, PENALTY FOR VIOLATION. The amendment leaves the existing penalty (\$50 to \$1,000) in place for existing violations of the section covered. It signals that there is a different penalty for a violation of Sec. 19.25.115.

Section 4 establishes a new Sec. 19.25.130(b). The section adds a new penalty of \$250 to \$1,000 for a violation of the new section on political advertising, Sec. 19.25.115.

Section 5 of the bill amends AS 19.25.150 to carve out from the application of this section the political advertising; the political advertising is covered under Sec. 19.25.115 added at bill sec. 2.

Section 6 of the bill amends AS 19.25.160(1). The existing law section defines "outdoor advertising." The amendment to the definition excludes political advertising.

The bill contains no effective date clause. It is, therefore, effective 90 days after enactment. Art. II, sec. 18, Alaska Constitution.

RAB;bb
wkb2/058

AMENDMENT

TO: House Bill 448 - "An Act relating to outdoor political advertising."

House Bill 448 is amended by adding two new sections to read:

Section 7.

Section 1 of this act takes effect January 1, 1989.

Section 8.

Sections 2 through 6 of this act take effect immediately under AS 01.10.070 (c).

IMPORTANT INFORMATION ABOUT CAMPAIGN TREASURERS AND POLITICAL SIGNS

The Alaska Public Offices Commission and the Department of Transportation and Public Facilities are responsible for administering Alaska law with regard to the subjects below. Should you have any questions about these requirements or wish additional information, please contact the appropriate office as indicated.

APOC, Anchorage, 276-4176

Section 15.13.060. CAMPAIGN TREASURERS.

(a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under §.050 of this chapter.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the lieutenant governor for filing with the commission, no later than 15 days after the date of filing his declaration of candidacy or his nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am § § 16-19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977)

Section 15.13.090. IDENTIFICATION OF COMMUNICATION (Effective January 1, 1981). All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980)

Department of Transportation & Public Facilities

AS 19.25.080-180, AS 19.25-200-250 and 17 AAC 20.010 govern the placement of political signs. Political signs placed within 660 feet of the right-of-way of primary or secondary highways are illegal. Political signs placed more than 660 feet outside the right-of-way with the purpose of the message being read from the traveled way of a primary or secondary highway are illegal.

The placing of a sign in violation of the state statutes is a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000 (Sec. 19.25.130). Political signs placed within the right-of-way of highways are illegal encroachments under AS 19.25.220 and 17 AAC 20.010, and may be summarily removed pursuant to AS 19.25.240, Outdoor Advertising.

Private landowners placing signs, allowing signs to be placed, or allowing signs to remain on property along State primary or secondary highway rights-of-way are in violation of the law and could also have civil liability. Private landowners could find themselves in court and liable for damages caused by a sign on their property which contributed to a vehicle accident.

Confiscated signs may be recovered from the nearest field maintenance facility after payment for man and equipment hours expended in the removal. In all cases the minimum charge will not be less than \$50. Confiscated signs not recovered will be destroyed after thirty (30) days.

If you are in doubt concerning the state right-of-way in a given area, please contact the appropriate regional office of the Department of Transportation and Public Facilities for information: Anchorage Regional Office - 266-1440; Fairbanks regional Office - 451-2294; Juneau Regional Office - 789-6221.

Candidates should check with municipal officials for local ordinances regarding sign placement.

DECLARATION OF CANDIDACY
DISTRICTWIDE OFFICE

RETURN TO:
DIRECTOR OF ELECTIONS
OR ELECTION SUPERVISOR

\$30 filing fee must accompany this Declaration.

My Conflict of Interest Statement is:

Enclosed with this Declaration;

On file with the Alaska Public Offices Commission.

GENERAL INFORMATION (Please Print or Type)

I, _____, am a qualified voter and declare myself to be a resident of, and a candidate for nomination to the office of

- State Senator
- State Representative

representing Election District _____ Seat _____. I am registered under and a candidate of the _____ political party in the primary election to be held on August _____, 19_____.

I have been a resident of Alaska since _____, 19_____, and a resident of the Election District in which I am seeking office since _____, 19_____.

My current residence address is: _____
(Use street #, mile post, plat #, or other physical location description.)

I have lived at this address since _____, 19_____.

(If less than one year, prior address: _____
I lived at my prior address from _____, 19_____ until _____, 19_____.)

My full mailing address is: _____

I request that my name appear on the ballot in the following manner:**

** (The Director of Elections may not include on the ballot, as part of candidate's name, any honorary or assumed title or prefix, but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. AS 15.15.030(4).)

CERTIFICATION

I, the undersigned, certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific residency and citizenship requirements of this office. I further certify that I shall meet the age requirements upon taking the oath of office, if elected. I am not a candidate for any other office to be voted upon at the primary or general election and have not filed another Declaration of Candidacy or nominating petition for the office for which this Declaration is filed. I also acknowledge that should I choose to withdraw my candidacy, my withdrawal must be submitted to the Director of Elections in writing over my signature.

Subscribed and sworn to before me this _____ day of _____, 19_____.

CANDIDATE SIGNATURE

Notary Public
My Commission Expires: _____

Home Phone _____ Work Phone _____

NOTARY SEAL

To assist staff in verifying candidate/voter identification, please provide one or both of the following:

SS#: _____ Voter #: _____

Return To:
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights Blvd., Room 128
Anchorage, Alaska 99508
(907) 276-4176

REGISTRATION STATEMENT FOR A CANDIDATE OR A CANDIDATE'S CAMPAIGN COMMITTEE

STATE CANDIDATES DUE DATE: No later than fifteen (15) days after the date of filing a declaration of candidacy or nominating petition.

MUNICIPAL CANDIDATES DUE DATE: No later than seven (7) days after the date of filing a declaration of candidacy or nominating petition.

The APOC will direct all communications, including audit reports, related to your campaign to the Campaign Mailing Address you specify

Name of Candidate:	Campaign Mailing Address:	Home Tele. Work:
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Candidate's Campaign Committee Name (if any):

State Office Filed For (include district if any):	Municipal Office Filed For (include name of municipality):
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Campaign Chairman (if any):	Mailing Address:	Home Tele.: Work:
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The name of the Chairman must be included in all campaign communications.

Treasurer(if any):	Mailing Address:	Home Tele.: Work:
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Deputy Treasurer(s):	Mailing Address:	Telephone Numbers:
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BANKING INSTITUTIONS

If this group intends to raise or spend more than \$5,000 during 1987, designate below which regulated banking institutions will serve as campaign account depositories (2AAC 50.319):

Name of Depository	Account Number	(Use additional Sheet if Necessary)
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CERTIFICATION

I hereby certify that the information contained in this registration statement is complete, true, and correct: further, I acknowledge having received notice of the information concerning campaign treasurers, identification of communications, and placement of political signs as printed on the reverse side of this form.

Date: _____ Signature: _____

Candidate Treasurer

ALASKA PUBLIC OFFICES COMMISSION

CONFLICT OF INTEREST STATEMENT OF FINANCIAL INTERESTS
HELD DURING THE PRIOR CALENDAR YEAR

- I am filing candidacy forms in 1987. This statement reflects information for calendar year 1986.
 I am filing candidacy forms in 1988. This statement reflects information for calendar year 1987.

READ THE MANUAL OF INSTRUCTIONS IN THE RUNNING BOOKLET
FOR THE COMPLETE REPORTING REQUIREMENTS

You must check one of the above boxes. Statements filed without a reporting period designated or an original signature are not valid. You must also show the financial interests, to the extent ascertainable, held by family members during the prior calendar year.

PART 1. GENERAL INFORMATION

Name of Reporting Official: _____

Candidate for: _____
Indicate Seat

Declaration of Candidacy Date: _____ Election Date: _____

Current Resident Address: _____
Street City Zip Code

Permanent Mailing Address: _____
Street City Zip Code

Home Phone: _____ Work Phone: _____

Family Members of Reporting Official (list names):

Spouse: _____ Dependent Children _____

Nondependent Children, Living with Reporting Official: _____

PART 2. CERTIFICATION

I, the undersigned, certify that the information in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

SIGNATURE

DATE

LOCATION

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only: do NOT list amounts)

Salary:

Source:

Rentals: *(include business name)*

Tenants:

Dividends and Interest:

Source:

Self Employment: *(include business name)*

Source: *(clients, customers, or "retail")*

Other:

(Continue any section on blank paper).

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER, OWNER, OFFICER, PARTNER, PROPRIETOR, OR EMPLOYEE

Name <i>(of official, spouse, children)</i>	Nature of Involvement or Interest	Name and Address of Business

PART 5. REAL PROPERTY INTERESTS, OWNED, INCLUDING OPTIONS TO BUY

Name <i>(of official, spouse, children)</i>	Identity of Property, Location and Current Use	Nature of Interest

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

Name <i>(of official, spouse, children)</i>	Trustor	Assets	Extent of Interest

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

Name	Identity of Maker of Loan, Loan Guarantor, or Creditor

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR ITS INSTRUMENTALITY

Name	State Contracting Dept. or Instrumentality	Identity of Contract	Indicate: Bid, Held, or Offered

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

Name	Nature of Lease	Identity of Lease	Indicate: Held, or Offered

Please forward your Completed Candidate Conflict of Interest Statement to any of the following locations:

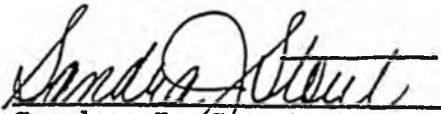
ALASKA PUBLIC OFFICES COMMISSION
 2221 E. Northern Lights Room 128
 Anchorage, AK 99508
 276-4176

ALASKA PUBLIC OFFICES COMMISSION
 Pouch CO
 Juneau, AK 99811
 465-4864

Or Any Division of Elections Office

HOUSE BILL NO. 448
NEUTRAL SUMMARY
Prepared by the Division of Elections

The Division of Elections has reviewed House Bill No. 448, "An Act relating to outdoor political advertising," that would require a political candidate to be familiar with the provisions of the law that regulates outdoor political advertising, and to simultaneously file a statement to that fact at the time he or she files a declaration of candidacy. The Division is neutral on the intent of HB 448.



Sandra J. Stout
Director
Division of Elections

REQUEST: FISCAL NOTE

Revision Date:
Title: Act relating to outdoor advertising

Agency Affected: DOT&PF
BRU: Engineering and Operations Standards

Sponsor: Frank, Miller, Boyer, Davis, Sund, and Brown
Requestor: CATO

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

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

POSITIONS:


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

ANALYSIS: (Attach a separate page if necessary)

Sec. 2. (b) of this bill should reduce general fund expenditures.

Prepared by: Milton F. Lentz
Division: Engineering and Operations Standards

Phone: 465-2985
Date: 3/4/88

Approved by Commissioner: 
Agency: Department of Transportation and Public Facilities

Date: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



Dept. of Transportation & Public Facilities

POSITION PAPER

BILL NO: House Bill No. 448

TITLE: An act relating to outdoor Political Advertising

W.R. Gault
APPROVED: Mark S. Hickey
DATE: *1/27* Commissioner

The Department of Transportation and Public Facilities supports this bill as control of political signs has become a controversial and increasing problem within the state. This bill would assist in the enforcement of political signs in that:

- (1) The candidate must acknowledge that they are familiar with the provisions of law regulating outdoor political advertising.
- (2) Responsibility has been identified as the candidate or group owning the signs.
- (3) The 30 day notice ordering the owner to remove an unlawful political sign is eliminated, thereby making enforcement more effective.
- (4) The penalty for a violation is increased from \$50 to \$250.

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/10/88

FURTHER REFERRALS:

Judiciary
Finance

DATE: March 9, 1988

The Transportation Committee has considered HB 448

"An Act relating to outdoor political advertising."

RECOMMENDS:

- replace with CS HB 448 (Trsp) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Miko Miller

Heinrich Springer

SIGNING OTHER RECOMMENDATIONS:

Bill Lynds - No Rec.

It will be done - No Rec.

Bette Cato - No Rec.

Bette Cato
Chairman's signature



Official Business

COMMITTEE:

House Transportation Committee

DATE:

SIGN-IN

Subject of meeting:

*HB 448: "An Act relating to outdoor political advertising."

HJR 68: Urging Congress to restore the exemption from the federal excise tax on taxable fuels for certain diesel fuel users.

An Overview by the Commonwealth North Railroad Committee

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?** *which bill*

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY? <i>which bill</i>
	<i>Loren G. Lounsbury</i>	<i>276-1414</i>	<i>Commonwealth North</i>	
<i>Chief of R/W REGISTRATION</i>	<i>Plilton H. Lentz</i>	<i>465-2985</i>	<i>DOT & PF</i>	<i>If requested H.B. 448</i>
	<i>Steve Frank</i>			
<i>Marlesha B. Roberts</i>	<i>2001 Churchill Rd 99517</i>	<i>276-1414</i>	<i>Commonwealth North</i>	<i>yes</i>

* indicates first public hearing