

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

9043 SENATE STATE AFFAIRS

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Register 132, January, 1995 PUBLIC SAFETY

TITLE 13. PUBLIC SAFETY.

PART 1. DIVISION OF STATE TROOPERS.

13 AAC is amended by adding a new chapter to read:

CHAPTER 30. CONCEALED HANDGUN PERMITS.

Section

- 10. Issuance of new permits; replacement of a permit
- 20. Permit renewals
- 30. Permit upgrades
- 40. Fees
- 50. Processing of applications; appeals
- 60. Suspension and revocation of permits; appeals
- 70. Approval of handgun courses
- 80. Revocation of handgun course certificate of approval
- 90. Proof of handgun training
- 100. Photographs and fingerprints
- 110. Notification of places where concealed handguns may not be carried
- 120. Form of permits
- 130. Qualifications regarding safe handling of a handgun and mental illness
- 140. Application forms
- 800. Confidentiality
- 900. Definitions

13 AAC 30.010. ISSUANCE OF NEW PERMITS; REPLACEMENT OF A PERMIT. (a) The department will issue a permit to carry a concealed handgun to a person who meets the requirements of AS 18.65.700(a) and who appears in person at an office of the Alaska State Troopers to

(1) submit or provide the information and documents required by AS 18.65.700(a)(3), (4), (6), and (7); and

(2) provide the department with proof of handgun training as specified in 13 AAC 30.090.

(b) A permit issued under this chapter authorizes the permittee to carry a concealed handgun as provided by AS 11 and AS 18.65.700 - 18.65.790.

(c) The department will replace a permit if the permittee appears in person at an office of the Alaska State Troopers to certify under oath, on a form provided by the department, that the permit has been lost, stolen, or destroyed and to provide the items required by AS 18.65.730(1) - (3). Replacement of a permit under this subsection does not change the expiration date of that permit.
(Eff. 01/04/95, Register 132)

Authority: AS 18.65.700
AS 18.65.710
AS 18.65.730
AS 18.65.775

13 AAC 30.020. PERMIT RENEWALS. (a) The department will renew a permit to carry a concealed handgun if the permittee meets the requirements of AS 18.65.725 and appears in person at an office

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of the Alaska State Troopers within 90 days before expiration of the permit to

(1) submit a renewal application under oath, on a form provided by the department;

(2) submit or provide the information and documents required by AS 18.65.725(a)(4) and (b);

(3) show a valid Alaska driver's license or identification card; and

(4) provide the department with proof of handgun training as specified in 13 AAC 30.090.

(b) An application for renewal that is submitted to the department within 30 days after a permit has expired is subject to the late fee set by AS 18.65.725(c). The department will not accept an application for renewal that is submitted more than 30 days after the permit has expired; the applicant instead must submit an application for a new permit under 13 AAC 30.010. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.700
AS 18.65.710
AS 18.65.725
AS 18.65.775

13 AAC 30.030. PERMIT UPGRADES. (a) The department will upgrade a permit to allow the carrying of a concealed handgun of a different action type or larger caliber than specified in the permit, if the permittee appears in person at an office of the Alaska State Troopers to

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(1) submit an application under oath, on a form provided by the department;

(2) provide a single thumb or fingerprint for comparison with the fingerprints on file; and

(3) produce the permit to be upgraded and either a valid Alaska driver's license or an identification card;

(4) provide to the department a certificate of successful completion of an approved handgun course showing that, within the 12 months immediately preceding the application for upgrade, the permittee has demonstrated to a course instructor that the permittee has the ability to safely handle, load, and unload the different action type or caliber, and has demonstrated competence with the different action type or caliber; and

(5) pays the fee for a permit upgrade required by 13 AAC 30.040.

(b) If the department approves an upgrade under this section, the department will provide the permittee with a decal. The permittee shall affix the decal at the location on the permit specified by the department.

(c) The upgrade of a permit under this section does not change the expiration date of that permit. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.700
AS 18.65.710
AS 18.65.715
AS 18.65.775

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13 AAC 30.040. FEES. (a) Before processing an application for a permit, certificate, or other service under this chapter, the department will collect a nonrefundable fee as follows:

(1) new permit application fee.....\$63 plus
the fees required for fingerprint processing under 13 AAC 25.400;

(2) permit renewal.....\$57;

(3) permit replacement.....\$25;

(4) permit upgrade.....\$25.

(b) The department will conduct a periodic review of the cost of administering the program to issue permits to carry concealed handguns. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.720
AS 18.65.775

13 AAC 30.050. PROCESSING OF APPLICATIONS; APPEALS. (a) The department will not accept an application under this chapter unless the applicant is at least 21 years of age at the time the application is submitted.

(b) An application for a

(1) new permit is complete when the requirements of AS 18.65.700(a)(1) - (7) and (9), 13 AAC 30.010(a), and 13 AAC 30.090, have been met;

(2) replacement permit is complete when the requirements of 13 AAC 30.010(c) have been met;

(3) permit renewal is complete when the requirements of AS 18.65.725(a) and (b), 13 AAC 30.020, and 13 AAC 30.090 have been

met;

(4) permit upgrade is complete when the requirements of 13 AAC 30.030(a) have been met;

(5) handgun course certificate of approval is complete when the requirements of 13 AAC 30.070(a) and (e) have been met.

(c) When an application for a permit, certificate, or other service is complete, the office that received the application will promptly send it to the department's permits and licensing unit.

(d) Within five working days after receipt of a completed application for a new permit by the department's permits and licensing unit, the department will request permit eligibility information from the Federal Bureau of Investigation, or another agency, that is necessary to make a determination concerning the application.

(e) Review of an application for a permit, certificate, or other service under this chapter will be discontinued if

(1) a fee check is returned by a financial institution as being without sufficient funds or is otherwise uncollectible;

(2) discrepancies or omissions are present in the application, or in documents submitted with the application, or the application or accompanying documents have not been completed correctly;

(3) fingerprints accompanying the application are not sufficiently readable for manual or computer use, or the information required to be submitted on fingerprint forms has not

been completed correctly;

(4) the department determines that the application or a document submitted in connection with the application contains a false statement that the applicant does not believe to be true; or

(5) the department determines that the applicant is not otherwise qualified or entitled to obtain the permit, certificate, or other service requested.

(f) If review of an application is discontinued under (d) of this section, the department will mail to the applicant the department's written reasons for the discontinuance. The department will resume reviewing the application if the applicant provides supplementary information to the department that resolves the reason for the discontinuance. In the case of discontinuance related to the qualification criterion in AS 18.65.700(a)(8) or 18.65.705(7), necessary supplementary information is described in 13 AAC 30.130(a). The department will reject the application if that information is not provided to the department within 90 days after the date of the department's written notice to the applicant that review has been discontinued.

(g) If after review of an application, the application is denied, the department will mail to the applicant a notice of denial containing written reasons for the denial. A person whose application has been denied may appeal to the commissioner for reversal of the decision. The appeal must be received in writing within 30 days after the date of the notice of denial, and must set

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out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 days after receipt of the appeal.

(h) A person whose application has been rejected or denied under this section

(1) may not apply again for a period of five years if the rejection or denial was for the reason set out in (c)(4) of this section and the false statement related to a material matter;

(2) for a reason other than the reason described in (1) of this subsection may apply for issuance of a permit, certificate, or other service by submitting a new application under this chapter. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.710
AS 18.65.720
AS 18.65.775

13 AAC 30.060. SUSPENSION AND REVOCATION OF PERMITS; APPEALS.

(a) If the department suspends a permit under AS 18.65.735, the department immediately will mail or deliver a notice of the suspension to the permittee. The permittee is required by AS 18.65.735 to immediately surrender the permit to the nearest peace officer.

(b) A suspension of a permit under (a) of this section remains in effect until the permit is revoked or the permittee provides the department with a certified copy of a court document showing that

(1) the injunction has been dissolved or has expired

without being renewed;

(2) the permittee has been released from custody without being charged;

(3) criminal charges have been dismissed by a prosecutor;
or

(4) there has been an adjudication of criminal charges by a court other than a conviction.

(c) If the department revokes a permit under AS 18.65.740, the department immediately will mail or deliver a notice of the revocation to the permittee. The permittee is required by AS 18.65.740 to surrender the permit to the nearest peace officer.

(d) For purposes of revocation under AS 18.65.740, the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction.

(e) If a peace officer believes that a permit is subject to suspension or revocation under AS 18.65.735 or 18.65.740, the officer shall immediately notify the department's permits and licensing unit of the identity and location of the permittee and the grounds for suspension or revocation.

(f) A permittee who becomes subject to suspension or revocation under (a) or (c) of this section shall immediately notify the department and surrender the permit to the nearest peace officer.

(g) If, under 13 AAC 30.130(b), the department has reason to

believe that a permittee suffers from a physical infirmity that may prevent the safe handling of a handgun or suffers from mental illness, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit because of the physical infirmity or mental illness. After mailing or delivery of the notice, the following procedures apply:

(1) the permittee may submit to the department, within 30 days after the date of the notice, a written report by a physician, psychiatrist, optometrist, or other competent medical authority, who can lawfully practice in this state, that, as determined from an examination within the six months preceding the date of the notice, the permittee does not suffer from the physical infirmity or mental illness;

(2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the report within the 30 days, the department will extend the deadline for 15 days;

(3) if the necessary report is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;

(4) if the permittee submits a report by the deadline set in (1) or (2) of this subsection, but the department determines that the report does not substantiate that the permittee does not suffer from the physical infirmity or mental illness, the

department will mail or deliver to the permittee a notice that the permittee, within 30 days after the date of the notice under this paragraph, may submit another report to meet the requirements of (1) of this subsection;

(5) if a second report is necessary under (4) of this subsection but is not received by the department by the deadline set by that paragraph, the permit is automatically revoked and the department will so notify the permittee;

(6) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (3) or (5) of this subsection, shall immediately surrender the permit to the nearest peace officer;

(7) if the department timely receives a report that meets the requirements of this subsection, the department will notify the permittee that the permit is not revoked;

(8) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.

(h) If, under 13 AAC 30.130(b), the department has reason to believe that a permittee is not able to safely or competently handle a handgun, the department will mail or deliver to the permittee a notice that the department intends to revoke the permittee's permit. After mailing or delivery of the notice, the following procedures apply:

(1) the permittee may submit to the department, within 30

days after the date of the notice, a certificate of completion from an approved handgun course verifying that the permittee has, no earlier than six months before the date of the notice, taken and successfully completed the part of the handgun course described in 13 AAC 30.070(a)(1)(A)(iv);

(2) if the permittee demonstrates to the department that circumstances beyond the permittee's control prevent the submission of the certificate of completion within the 30 days, the department will extend the deadline for 15 days;

(3) if the certificate of completion required by (1) of this subsection is not received by the department by the deadline in (1) or (2) of this subsection, whichever is applicable, the permit is automatically revoked and the department will so notify the permittee;

(4) if a permit is revoked under this subsection, the permittee, upon receipt of the revocation notice under (j) of this subsection, shall immediately surrender the permit to the nearest peace officer;

(5) if the department timely receives the certificate of completion required by (1) of this subsection, the department will notify the permittee that the permit is not revoked;

(6) a permittee whose permit is revoked under this subsection may appeal the revocation under the procedures in (j) of this section.

(i) A peace officer who receives a surrendered permit shall

immediately

(1) notify the department's permits and licensing unit, identifying the permittee who surrendered the permit, and the date, time, and location the permit was surrendered; and

(2) send the surrendered permit to the department's permits and licensing unit.

(j) A person who has surrendered a permit because it has been revoked under this section may appeal to the commissioner for reversal of the revocation. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.

(k) A person whose permit is revoked under 18 AAC 65.740 may not apply under 13 AAC 30.010 for a new permit sooner than five years following the date of the notice of revocation.

(l) A permit that is revoked under (g) or (h) of this section may be reinstated if the former permittee provides proof to the department that the reason for revocation has been rectified and complies with the requirements of 13 AAC 30.020 if the person applies for renewal no later than the 31st day after the original permit would have expired had it not been revoked. If the former permittee does not meet the deadline in this subsection for reinstatement of the permit, the former permittee may apply for a new permit under 13 AAC 30.010, and must provide proof to the

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department that the reason for revocation has been rectified.

(Eff. 01/04/95, Register 132)

Authority: AS 18.65.735
AS 18.65.740
AS 18.65.765
AS 18.65.775

13 AAC 30.070. APPROVAL OF HANDGUN COURSES. (a) A person who or organization that wishes to provide a handgun course for the purposes of AS 18.65.715 shall apply to the department, on a form provided by the department, for approval of the course. After processing and review under 13 AAC 30.050, the department will approve the course and will issue a certificate of approval if

(1) the application contains sufficient curriculum and course information to show that

(A) the curriculum includes at least 12 hours of training in the use of handguns that instructs the student in

(i) knowledge of Alaska law relating to firearms and the use of deadly force, including instruction in statutes, administrative regulations, and case law, and local option election prohibitions established under AS 18.65.780;

(ii) the basic concepts of the safe and responsible use of handguns;

(iii) knowledge of self-defense principles; and

(iv) the physical handling, mechanics, carrying, transporting, storage, loading, and unloading

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of handguns, including a test of competence for each action type and maximum caliber that a student wishes to carry concealed under a permit;

(B) the instruction in the subjects listed in (A)(ii)-(iv) of this paragraph will be provided by an instructor for whom information has been submitted to the department as provided in (3) of this subsection;

(C) the instruction in the subjects listed in (A)(i) of this paragraph will be provided by an attorney licensed to practice law in this state, or by a person with a valid certification as a police officer issued by the Alaska Police Standards Council;

(2) the application contains information sufficient to substantiate that the course will ensure that

(A) a student who has successfully completed instruction in the subjects listed in (1)(A) of this subsection will be provided with a certificate showing the course title, printed name and signature of the primary training instructor, the student's printed name, the student's Alaska driver's license or identification card number, the name of the organization conducting the instruction, the date of successful completion of the instruction, the action types and maximum calibers with which the student has demonstrated competence; and

(B) upon request, the department will be

(i) allowed access to course facilities during times of instruction;

(ii) allowed access at reasonable times to all records related to the applicant's handgun course;

(iii) provided with documentation to confirm the attendance and completion records of a student who applies for a permit;

(iv) provided with other information needed to assess the course's qualification for purposes of AS 18.65.715;

(3) the application is accompanied by the following for each course instructor described in (1)(B) of this subsection:

(A) complete instructor information on a form provided by the department, signed by the instructor and the person signing the application under this section, and containing the information specified in (b) of this section;

(B) two sets of fingerprints, obtained as specified in 13 AAC 30.100, and the fee required by 13 AAC 25.400, unless two sets of the instructor's fingerprints have been submitted to the department, for purposes of this chapter, within the 12 months preceding the date of the application; and

(C) two frontal view color photographs, as specified in 13 AAC 30.100, unless such photographs of the instructor have been submitted to the department, for purposes of this

chapter, within the 12 months preceding the date of the application.

(b) A completed instructor information form required by (a)(3) of this section must

(1) show that the subject instructor is eligible to possess a firearm under the laws of this state and under federal law;

(2) state the subject instructor's Alaska driver's license number or identification card number; and

(3) have attached to it a copy of a certificate of training showing that

(A) the subject instructor has successfully completed a handgun instructor's training course recognized by the department under (d) of this section as providing adequate handgun instructor training; and

(B) the subject instructor's signed statement that the subject instructor remains current with the standards of that handgun instructor's training course.

(c) The instructor information form provided by the department and referred to in (a) and (b) of this section will contain the statement that a person signing the form (1) understands that an investigation may be conducted regarding the information given on the form, including a search of computer records, and (2) the person authorizes the investigation.

(d) The department will recognize a handgun instructor's

training course as providing adequate handgun instruction training if the course provides students with instruction in

(1) how to instruct in the topics set out in (a)(1)(A) of this section;

(2) preparing a curriculum and course outline for a handgun training course;

(3) organizing and conducting a handgun training course;

(4) use of visual aids and techniques in student skill development; and

(5) proper testing techniques.

(c) An application for a certificate of approval for a handgun course must be signed by a person designated as the chief operating officer of the course. In addition to the penalty provided in AS 18.65.710(a)(6), a false statement made in an application, on a form, or in other information provided to the department under this section for the purposes of this chapter and AS 18.65.700 - 18.65.790 is punishable under AS 11.56.210.

(f) A person who or organization that has been issued a certificate of approval under this section shall notify the department's permits and licensing unit in writing if the person or organization is no longer providing instruction on an annual basis.

(g) As used in this section, "instruction" or "instructs" includes testing in the subject matter of the curriculum. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.715

AS 18.65.775

13 AAC 30.080. REVOCATION OF HANDGUN COURSE CERTIFICATE OF APPROVAL. (a) Except as provided in (b) of this section, the department will immediately revoke a handgun course certificate of approval issued under 13 AAC 30.070, and will mail to the certificate holder a notice of the revocation, if

(1) the department has reason to believe that the handgun course no longer meets the requirements of 13 AAC 30.070(a) for approval of a handgun course; or

(2) the certificate holder submitted an application under 13 AAC 30.070, or a document in connection with the application, that contained a

(A) false statement that the applicant does not believe to be true; or

(B) material misstatement or omission.

(b) If the department obtains information about an instructor of an approved handgun course that would result in denial of the handgun course's application for a certificate of approval if the application was being considered by the department, the department will immediately notify the chief operating officer of the handgun course that, in order to retain the course's certificate of approval, the instructor may not be allowed to continue providing instruction for purposes of AS 18.65.715. The course of instruction being provided by that instructor at the time of notice under this subsection will not satisfy the requirements of

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AS 18.65.700 - 18.65.790 and 13 AAC 30.010 - 13 AAC 30.900. If the department determines that the instructor is continuing to provide instruction for purposes of AS 18.65.715, the department will immediately revoke the handgun course's certificate of approval and will mail to the certificate holder a notice of revocation.

(c) The holder of a certificate of approval that is revoked under this section may appeal the revocation to the commissioner. The appeal must be received in writing within 30 days after the date of the notice of revocation, and must set out the reasons for the appeal. The decision of the commissioner or the commissioner's designee will be in writing and will be made within 45 calendar days after receipt of the appeal.

(d) The holder of a certificate of approval that is revoked under this section shall immediately surrender the certificate by sending it to the department's permits and licensing unit.

(e) A certificate of approval that is revoked under this section may be reinstated if the person or organization operating the handgun course (1) provides proof to the department that the reason for the revocation has been rectified; and (2) resubmits an application for a certificate of approval that meets the requirements of 13 AAC 30.070. However, a certificate of approval that was revoked for the reason set out in (a)(2) of this section may not be reinstated sooner than one year following the date of the notice of revocation under this section. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.715
AS 18.65.775

13 AAC 30.090. PROOF OF HANDGUN TRAINING. (a) Proof of handgun training for purposes of obtaining a new permit is established by providing to the department, at the time of the application, a copy of a certificate of successful completion of an approved handgun course; the certificate must contain the information required by 13 AAC 30.070(a)(2)(A) and must show that a course described in 13 AAC 30.070(a) has been completed within the 12 months immediately before submitting the application.

(b) Proof of handgun training for purposes of obtaining a renewed permit is established by providing to the department, at the time of the application, a copy of a certificate of successful completion of an approved handgun course, as described in (a) of this section.

(c) Handgun course instruction completed during the 12-month period before a person or organization applies for a certificate of approval under 13 AAC 30.070 satisfies the requirements of AS 18.65.715 if the department determines that

(1) the course of instruction conducted during the 12 months before submission of an application for a certificate of approval met or exceeded the requirements of 13 AAC 30.070;

(2) the person or organization applied for the certificate of approval within 90 days after the effective date of this section; and

(3) the person or organization has been issued a certificate of approval under 13 AAC 30.070. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.715
AS 18.65.775

13 AAC 30.100. PHOTOGRAPHS AND FINGERPRINTS. (a)
Photographs submitted under AS 18.65.700 - 18.65.790 and this chapter must be two frontal views that include the head and shoulders, must be taken within the 30 days before submission, and must be of a size, color, and condition that will allow the photographs to be processed in the department's identification production equipment. Applications and other forms provided by the department under this chapter will contain detailed specifications for photographs, necessary for processing.

(b) Fingerprints submitted under AS 18.65.700 - 18.65.790 and this chapter must be taken within the 90 days before submission on forms approved by the Federal Bureau of Investigation and in accordance with instructions on those forms. If the fingerprints submitted by an applicant are not sufficiently readable, the applicant must obtain a better set at the applicant's expense. Fingerprints may be taken by (1) a law enforcement agency or state correctional facility; or (2) a person, not affiliated with a law enforcement agency or state correctional facility, who holds a current commission as a notary public in Alaska and who has received the department's written approval to take fingerprints.

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A list of persons or agencies approved to take fingerprints will be made available to the public.

(c) If a single thumb or fingerprint is required to be provided with an application under AS 18.65.700 - 18.65.790, the thumb or fingerprint shall be taken, on a form provided by the department,

(1) at the time the application is submitted; and

(2) at the office of the Alaska State Troopers at which the application is submitted. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.700
AS 18.65.725
AS 18.65.730
AS 18.65.775

13 AAC 30.110. NOTIFICATION OF PLACES WHERE CONCEALED HANDGUNS MAY NOT BE CARRIED. (a) Upon certification of the results of an election under AS 18.65.780 banning the possession of concealed handguns under a permit, the department will

(1) send notice of the election to all approved handgun courses and to the national headquarters of the National Rifle Association; and

(2) maintain a list, available to the public, of municipalities or established villages in the state that have banned the carrying of concealed handguns under a permit.

(b) Except to the extent required under this chapter or AS 18.65.755(a)(9) and (10), no posting or other notice is required to prohibit the carrying of a concealed handgun in the places

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listed in AS 18.65.755. Nothing in this chapter or in AS 18.65.700 - 18.65.790 precludes a person from posting, to the extent allowed by law, a notice regarding the carrying of a concealed handgun. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.775

13 AAC 30.120. FORM OF PERMITS. A permit will

- (1) display a color photograph of the permittee;
- (2) show the permittee's name, mailing and residence address, date of birth, and physical description including height, weight, race, hair color, and eye color;
- (3) show the expiration date of the permit; and
- (4) indicate which action types and maximum calibers are allowed to be carried under the permit. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.775

13 AAC 30.130. QUALIFICATIONS REGARDING SAFE HANDLING OF A HANDGUN AND MENTAL ILLNESS. (a) The department, under 13 AAC 30.050, will discontinue review of an application for a permit, permit upgrade, or permit renewal, if the department has reason to believe that the applicant suffers from a physical infirmity that may prevent the safe handling of a handgun or suffers from a mental illness. The department will request from the applicant, as supplementary information under 13 AAC 30.050(f), a written report by a physician, psychiatrist, optometrist, or

other competent medical authority, who can lawfully practice in this state, that, as determined from an examination within the six months preceding the date of application, the applicant does not suffer from a physical infirmity that may prevent the safe handling of a handgun, or does not suffer from a mental illness, as applicable.

(b) The department will notify a permittee that it intends to revoke a permit under 13 AAC 30.060(g) or (h) if, after investigation of a report from a criminal justice agency, physician or other medical provider, or member of the general public relating to the handling of a handgun by, or the physical or mental condition of, a permittee, the department has reason to believe that

(1) a permittee suffers from a physical infirmity that may prevent the safe handling of a handgun or suffers from a mental illness, the department will use the procedures set out in 13 AAC 30.060(g) to revoke the permit;

(2) a permittee is not able to safely or competently handle a handgun, the department will use the procedures set out in 13 AAC 30.060(h) to revoke the permit.

(c) The department will not investigate a report relating to the handling of a handgun by, or the physical or mental condition of, a permittee unless the report

(1) is in writing;

(2) is signed; and

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(3) provides specific information pertaining to the permittee's physical condition, mental condition, or handling of a handgun. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.700
AS 18.65.705
AS 18.65.710
AS 18.65.775

13 AAC 30.140. APPLICATION FORMS. (a) The department will provide application forms for persons to use in applying for a permit, certificate of approval, or other service under this chapter. An application form submitted under this chapter, and any document accompanying an application form, must be completed in ink.

(b) Along with an application form, the department will provide to an applicant for a permit

(1) a copy of the definitions of the following terms, as set out in 13 AAC 30.900:

- (A) alcohol treatment program;
- (B) convicted;
- (C) felony;
- (D) injunction under AS 25.35.010 - 25.35.020;
- (E) resident;
- (F) substance abuse treatment program; and
- (G) unlawful user of a controlled substance;

(2) a short and plain written description of each misdemeanor offense listed in AS 18.65.705(4);

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(3) written notice that, for purposes of AS 18.65.705(4) and (5), the date of conviction is the date sentence was imposed or imposition of sentence was suspended under AS 12.55.085 or a similar procedure in another jurisdiction;

(4) written notice that "mental illness" as used in AS 18.65.705 has the meaning given in AS 47.30.915;

(5) written notice that "a schedule IVA or VA controlled substance" is described in AS 11.71.170 - 11.71.180, and includes a large number of prescription drugs such as barbital, phenobarbital, valium, librium, tranxene, darvon, and prescription cough suppressants; and

(6) written notice that "a schedule IA or IIA or IIIA controlled substance" is described in AS 11.71.140 - 11.71.160, and includes a large number of narcotic, depressant, stimulant, and hallucinogenic drugs, such as opium, heroin, morphine, demerol, dilaudid, percodan, methadone, lysergic acid diethylamide (LSD), mescaline, peyote, cocaine, phencyclidine (PCP), amphetamine, methamphetamine, barbiturates, hashish, hash oil, tetrahydrocannabinols (THC), psilocybine, methaqualone, codeine, and secobarbital. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.775

13 AAC 30.800. CONFIDENTIALITY. A report, statement, or other information submitted to the department for purposes of this chapter that relates to a permittee or applicant for a permit is considered to be part of an application under this chapter and is

Register 132, January 1995 PUBLIC SAFETY

confidential under AS 18.65.770. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.770
AS 18.65.775

13 AAC 30.900. DEFINITIONS. (a) In this chapter,

(1) "action type" means a

(A) revolver; or

(B) semi-automatic;

(2) "airport" has the meaning given in AS 02.15.260;

(3) "approved handgun course" means a handgun course that has a certificate of approval under 13 AAC 30.070;

(4) "competence" has the meaning given in AS 18.65.790;

(5) "commissioner" means the commissioner of the Department of Public Safety;

(6) "convicted" or "conviction" means that a person has entered a plea of guilty or no contest to, or has been found guilty by a court or jury of, a criminal offense, regardless of whether the judgment was after that set aside under AS 12.55.085 or a similar procedure in another jurisdiction, or was the subject of a pardon or other executive clemency, but does not include a judgment that has been reversed or vacated by a court as a result of motion, appellate action, petition for writ of habeas corpus, or application for post-conviction relief under Rule 35.1 of the Alaska Rules of Criminal Procedure or a similar procedure in another jurisdiction;

(7) "department" means the Department of Public Safety;

Register 132, January 1995 PUBLIC SAFETY

(8) "mental illness" has the meaning given in AS 47.30.915;

(9) "office of the Alaska State Troopers" means an office of

(A) the Department of Public Safety, division of Alaska state troopers;

(B) the Department of Public Safety, division of fish and wildlife protection; or

(C) a municipal police department that has submitted a written request to the commissioner to accept applications for concealed handgun permits, and has been approved in writing by the commissioner to accept applications;

(10) "permit" means a permit to carry a concealed handgun issued under this chapter;

(11) "permittee" means a person to whom a permit has been issued.

(b) As used in AS 18.65.700 - 18.65.790,

(1) "alcohol treatment program" means counseling about the effects of the consumption of alcohol on human behavior and physiology, whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis;

(2) "approved handgun course" means a course of handgun instruction operated by the holder of a certificate of approval issued under 13 AAC 30.070;

(3) "convicted" has the meaning given in (a) of this

section;

(4) "facility providing services to victims of domestic violence or sexual assault" means

(A) a building used to provide temporary shelter for such victims;

(B) an office of a psychiatrist, psychologist, or victim counselor providing full- or part-time services to such victims, where notice that carrying a concealed handgun is prohibited has been given by the posting of conspicuous notice under AS 18.65.755(b); or

(C) a victim counseling center as that term is defined in AS 25.35.150;

(5) "felony" means an offense punishable by more than a year of incarceration if committed by an adult, under the laws of this state or a similar law of another jurisdiction;

(6) "injunction under AS 25.35.010 - 25.35.020" means a domestic violence restraining order, regardless of whether the order

(A) is denominated an emergency order, temporary order, or otherwise;

(B) is imposed by the district or superior court, with or without a hearing; or

(C) was entered without the person enjoined having received notice of the hearing or the injunction;

(7) "judge" means a judge, justice, magistrate, or deputy

magistrate of this state or the United States, whether sitting in a regular or pro tem capacity, but does not include a special or standing master, or an administrative law judge or hearing officer;

(8) "meeting of a business, charitable, or other organization or entity" means a discussion between at least one member of an incorporated or unincorporated group, including a government entity, and one or more other persons, that is related to the activities of the group and that occurs in a building, or on premises, or in a portion of a building or premises, that is owned, leased, or used by the group;

(9) "passenger loading or unloading area of an airline terminal" means

(A) any building on an airport used for congregating persons immediately before embarking upon, or immediately after disembarking from, scheduled air transportation;

(B) any airport roadway, ramp, walkway, sidewalk or other airport area that is immediately adjacent to a building described in (A) of this paragraph and that is used for ground transportation or pedestrian traffic to facilitate the loading and unloading of aircraft passengers and property;

(10) "resident" has the meaning given in AS 01.10.055;

(11) "statement" has the meaning in AS 11.56.240;

(12) "substance abuse treatment program" means counseling about the effects on human behavior and physiology, of the consumption of alcohol, illegal drugs, or other controlled

Register 132, January 1995 PUBLIC SAFETY

substances, excluding tobacco, whether provided individually or in a group, by a public or private agency, or on an in-patient or out-patient basis;

(13) "unlawful user of a controlled substance" means the applicant has unlawfully distributed, or has possessed or used without a prescription,

(A) marijuana in the 12 months immediately preceding application;

(B) a schedule IVA or VA controlled substance in the three years immediately preceding application; or

(C) a schedule IA, IIA or IIIA controlled substance in the five years immediately preceding application.

(c) As used in AS 18.65.700 - 18.65.790 and this chapter, "identification card" means an identification card, issued by the department, that contains a photograph of the person named on the card. (Eff. 01/04/95, Register 132)

Authority: AS 18.65.755
AS 18.65.775

SB

181

FISCAL NOTE

Revision Date: N/A
 Title: Promotion of Alaska Business through Signs, Displays and Devices
 Sponsor: Green, Pearce, Halford, Frank, Miller, Sharp
 Requestor: Sam Kito, Jr.
 Department Affected: DOT&PF
 BRU: E&O
 Component: E&O
 Component Serial Number: 547

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	15.0	2.0	2.0	2.0	2.0	2.0
TRAVEL	5.0	0	0	0	0	0
CONTRACTUAL	20.0	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:	40.0	2.0	2.0	2.0	2.0	2.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	40.0	2.0	2.0	2.0	2.0	2.0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	40.0	2.0	2.0	2.0	2.0	2.0

POSITIONS (NONE REQ'D)

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

Estimate of current year (FY96) impact: 5.0 (assuming any department activity begins after July 1, 1996)

ANALYSIS: (Attach a separate page if necessary)

Current year's impact would be for writing new regulations, designing standards, and having the Department of Law review the revised statute.

See attached addendum to Fiscal Note.

Prepared by: Loren Rasmussen Phone: 465-6948
 Division: Engineering & Operations Division Date: February 27, 1996
 Approved by Commissioner: Joseph L. Perkins Phone: 465-3901
 Agency: Department of Transportation and Public Facilities Date:

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CONTRACTUAL	20.0	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:	40.0	2.0	2.0	2.0	2.0	2.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	40.0	2.0	2.0	2.0	2.0	2.0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	40.0	2.0	2.0	2.0	2.0	2.0

POSITIONS (NONE REQ'D)

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

Estimate of current year (FY96) impact: \$ 0 (assuming any department activity begins after July 1, 1996)

ANALYSIS: (Attach a separate page if necessary)

Current year's impact would be for writing new regulations, designing standards, and having the Department of Law review the revised statute.

See attached addendum to Fiscal Note.

Prepared by: Loren Rasmussen
 Division: Engineering & Operations Division

Phone: 465-6948
 Date: February 27, 1996

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Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date:

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Addendum to Fiscal Note SSSB 181

Section 1. of Sponsor Substitute for Senate Bill No. 181

Background: Alaska currently does not allow Outdoor Advertising. Any signs located outside of state-owned right-of-way would be considered "Outdoor Advertising;" under federal statutes, and would have to meet all Outdoor Advertising control requirements.

Impact on the Department: This section would allow placement of signs outside of the right-of-way. It would also require modification of manuals, establishment of an Outdoor Advertising Control program which meets state and federal standards, and legal review.

Section 2-6 of Sponsor Substitute for Senate Bill No. 181

These sections appear to have no fiscal impact on DOT P/F.

Other Notes to Sponsor Substitute for Senate Bill No. 181

It is the general opinion of the 8 "TODS" participating states contacted that TODS, LOGO and other official directional signs must remain on state property to avoid difficulties with maintaining, erecting, and controlling Outdoor Advertising on private property.

Assumptions: the fiscal note assumes that qualifying businesses or groups would undertake all administrative and organizational details; purchase the materials and provide labor; obtain permits, easements or rental agreements for placing Outdoor Advertising on private property; and properly maintain the signs and sites.

We assume that it would take \$15,000 in personal services, \$5,000 in travel; and \$20,000 to fund the law review in the first year. Administrative costs of approximately \$2,000 per year would be expected to maintain the program after it is in place.

SENATE COMMITTEE REF
First Committee of Referral

DATE: 1/8/96

FURTHER:

Date of 5-Day Notice: 2/22/96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/1/96

The State Affairs Committee considered SPONSOR SUBSTITUTE FOR SB 181

"An Act relating to prohibited highway advertising."

and recommends:

- be replaced with CS SS SB 181 (STA)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Finance Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			<i>[Signature]</i>
CHAIR:					

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
DOT/RF	2/27		\$40.0

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

TONY KNOWLES, RECORDED

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7398
PHONE: (907) 465-3200
TEXT TELEPHONE: (907) 465-3652
FAX: (907) 586-8365
FEB 29 1996

February 29, 1996

The Honorable Lyda Green
Alaska State Legislature
State Capitol, Room 423
Juneau, AK 99801-1182

Dear Senator Green:

You requested information on Alaska's Tourist-Oriented Directional Sign program.

I have attached a handy reference to give you an idea of the information contained in the department's regulations. The reference contains a brief description of the program, application requirements, and a list of our regional offices.

Please don't hesitate to contact us if you have other questions.

Sincerely,



Boyd Brownfield, P.E.

Deputy Commissioner

attachment

TOURIST-ORIENTED DIRECTIONAL SIGNING (TODS).

Alaska Law does not allow Outdoor Advertising, therefore DOT&PF developed a system of directional signing called TODS. These signs provide directions to traveller-oriented businesses, services, and attractions, and activities or sites of significant interest to the travelling public. TODS are official signs located within the highway right-of-way.

TODS Community Service Signs are available for intersections leading to communities with multiple attractions and services if the demand for signs exceeds available space.

HOW TO APPLY FOR A TODS SIGN:

Applications must be accompanied by a \$100 non-refundable application fee, followed by a \$200 permit fee payable upon approval. Applications should be submitted to the regional DOT&PF office nearest the activity.

Applicants provide the signs, posts and labor for installation and maintenance. These signs may be installed on a sign panel, and two panels may be installed per intersection. For safety reasons we ask that signs be installed by an authorized contractor.

The Region is expected to advise applicants within 15 working days of the approval or disapproval of the application. If an application is disapproved, the applicant may appeal the decision to Headquarters.

If the business or activity changes owners, the new owner must request a new permit within 30 days after the completion of the sale. There is no charge for this permit.

The permittee is responsible for the removal or masking of a sign when their business or activity is closed.

<p>Regional Right-of-Way Agent Dept. of Transportation and Public Facilities Box 196900 Anchorage, AK 99519-6900</p> <p>Phone 266-1631</p>	<p>Regional Right-of-Way Agent Dept. of Transportation and Public Facilities 2301 Peger Road Fairbanks, AK 99709-5316</p> <p>Phone 474-2401</p>	<p>Regional Right-of-Way Agent Dept. of Transportation and Public Facilities Box 240369 Douglas, AK 99824-0369</p> <p>Phone 465-4519</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------

General Requirements:

- At least 25% of the business' gross receipts are from tourists or motorists who live more than 20 miles from the activity
- The activity or site must be rural
- Neither the activity nor any sign is visible from the highway
- It must be open to the general public during regular and reasonable hours

The following are typical activities or sites that may qualify for TODS:

- (1) Gas within three miles of the requested TODS location
- (2) Food within three miles of the requested TODS location
- (3) Lodging within 25 miles of the requested TODS location
- (4) Campgrounds within 25 miles of the requested TODS location.
- (5) Tourist Attractions of significant interest to tourists
- (6) Other Commercial Activity of significant interest to the travelling public.

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 181(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): **SENATORS GREEN, Pearce, Halford, Frank, Miller, Sharp**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a tourist oriented directional sign program and to penalties
2 for violations related to outdoor advertising."

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

4 * **Section 1. LEGISLATIVE FINDINGS; INTENT.** (a) The Alaska State Legislature finds
5 that

6 (1) the scenic beauty of Alaska is unquestionably unique and is revered by
7 residents of the state as well as visitors to Alaska;

8 (2) it is imperative that the State of Alaska maintain its scenic highway system
9 throughout the state for the benefit of residents of Alaska and visitors to Alaska;

10 (3) it is also imperative that residents of Alaska and visitors to Alaska travel in
11 a safe manner on the state highway system and that the safety of the residents of Alaska and
12 visitors to Alaska be assured by a system of directional signing for traveler oriented attractions
13 and services.

14 (b) It is the intent of the Alaska State Legislature to provide better information to
15 motorists by authorizing a well planned and regulated system of directional signing for traveler

1 oriented attractions and services in a manner similar to the current tourist oriented directional
2 sign program that has been established under policies of the Department of Transportation and
3 Public Facilities and in a manner consistent with standards established by the Federal Highway
4 Administration and the Manual of Uniform Traffic Control Devices.

5 * Sec. 2. AS 19.25.105(a) is amended to read:

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

9 (1) directional and other official signs and notices which include, but
10 are not limited to, signs and notices pertaining to natural wonders, scenic and historic
11 attractions, which are required or authorized by law, and which shall conform to
12 federal standards for interstate and primary systems;

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

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

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

20 (5) advertising on bus benches or bus shelters, and adjacent trash
21 receptacles, if the state determines that the advertising conforms to local, state, and
22 federal standards for interstate and primary highways;

23 (6) tourist oriented directional signs erected under (e) of this
24 section.

25 * Sec. 3. AS 19.25.105(d) is amended to read:

26 (d) Outdoor advertising may not be erected or maintained within the right-of-
27 way of an interstate, primary, or secondary highway except that outdoor advertising
28 is allowed on

29 (1) bus benches and bus shelters, and adjacent trash receptacles, located
30 within the right-of-way under the authority of a permit issued under AS 19.25.200, if
31 the bus benches or bus shelters are located within a borough or unified municipality

1 and the buses that stop at that location operate during the entire year; and
2 (2) tourist oriented directional signs erected under (e) of this
3 section.

4 * Sec. 4. AS 19.25.105 is amended by adding a new subsection to read:

5 (c) The department shall establish a tourist oriented directional sign program.
6 The department shall erect, or permit the erection of, directional signs for traveler
7 oriented attractions and services within and outside of the rights-of-way of interstate,
8 primary, and secondary highways in this state. The signs may be erected on private
9 land adjacent to the rights-of-way of interstate, primary, and secondary highways in
10 this state if permission for the erection of the sign is granted by the owner of the
11 private land. The sign, excluding posts, must be 90 inches in width and 18 inches in
12 height and may contain only the name of the attraction or the business providing the
13 attraction or service, an icon representing the attraction or service, the distance to the
14 attraction or service, and a directional arrow. The location, design, and content of
15 signs must be consistent with standards approved by the Federal Highway
16 Administration.

17 * Sec. 5. AS 19.25.130 is amended to read:

18 Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates
19 AS 19.25.080 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180
20 [THEM], is guilty of a violation [MISDEMEANOR] and upon conviction is
21 punishable by a fine of not less than \$50 nor more than \$1,000.

22 * Sec. 6. AS 19.45.002 is amended to read:

23 Sec. 19.45.002. PENALTIES. A person who violates a [ANY] provision of
24 AS 19.05 - AS 19.25, other than a provision of AS 19.25.080 - 19.25.180, is guilty
25 of a misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor
26 more than \$500, or by imprisonment in jail for a period not to exceed one year, or by
27 both.

28 * Sec. 7. 17 AAC 20.010 is annulled.

SB 181 - TODS - "An Act relating to a tourist oriented directional sign program and to penalties for violations related to outdoor advertising."

VERSION "O" - CSSSSB 181 () Dated 2/19/96

The experimental TODS program was implemented in 1991. This program allows organized groups and businesses to have signs installed in the right-of-way of certain roads in the state. The signs inform the traveling public of the name of a business, the services it provides and the direction and distance to its location.

The TODS program is an element of the federal aid highway programs. The Congress has directed the Secretary of the federal DOT to encourage states to provide for tourist oriented directional signs along interstate and federal aid primary roads. Alaska DOT/PF has implicit authority (under AS 19 and AS 44) to implement a TODS program; why aren't regulations put into place by now?

If a person were to challenge the TODS policy, our legal service advise us that the courts can be expected to invalidate the experimental TODS program and require DOTPF to adopt the necessary regulations.

(No
DOT
funding)

The fiscal note to the Sponsor Substitute shows DOT funding requirements of \$40K from GF. This is for promulgating regulations, i.e. \$20,000 for contract attorney services, \$15,000 for personnel costs and \$5,000 for statewide travel to hold 3-5 public meetings. Currently, there are approximately 150 approved signs in place in the state, with total fees received to date of \$45K.

It should be noted that the applicant is required to pay an application fee of \$100 to DOT; \$200 for a permit fee once the application is approved, and all expenses to procure and place the sign by a authorized contractor. The Department feels that the \$300 per sign fee would only cover expenses of the program and the regulation costs are over and above. *(This should be addressed in a revised fiscal note provided by the Department to the CS for SSSB 181 ("O").)*

Can the Department explain the fiscal note?

Shouldn't this program pay for itself, i.e. a "break-even" fiscal note?

What is the current legal status of the TODS program?

Who benefits from the program? Who is excluded?

Are the sign requirements acceptable to DOT at the present time, (i.e. 90" x 18", color, etc.) ?

How long would it take the Department to promulgate regulations on this program?

Does the Department or Governor's office support this program?

Note: Because of the experimental nature of this program, all decisions by the department are not subject to formal appeal or protest.

Also note that the proposed CS would allow for placement of signs both within and outside right-of-ways, i.e. private property as well.

The proposed CS also demotes the penalty for violation of these signage provisions from a misdemeanor to a violation, with a fine of \$50-\$1,000.

Ann
2/28/96

ALASKA STATE LEGISLATURE

202000
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3371
(907) 376-3157 Fax

SENATE CLERK
Juneau, Alaska 99801-1052
(907) 586-3000
Fax: (907) 586-3004

SENATOR LYDA GREEN SENATE DISTRICT N

MEMORANDUM

TO: Senator Bert Sharp, Chairman
Senate State Affairs Committee

FROM: Senator Lyda Green

DATE: February 19, 1996

SUBJECT: Senate Bill 181

=====

I respectfully request that you schedule a hearing for Senate Bill 181, relating to Tourist Oriented Directional Signs (TODS).

I have attached a draft Committee Substitute for your consideration. You will notice this draft is limited to putting the current TODS program in statute with an allowance for their placement on private property outside of the right of way.

Also attached you will find a revised sponsor statement and supporting documentation for this measure. Thank you for your consideration.

ALASKA STATE LEGISLATURE

1000
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

State Capitol
Juneau, Alaska 99801-4124
(907) 465-3000
Fax (907) 465-3845

SENATOR LYDA GREEN SENATE DISTRICT N

CSSB 181

Sponsor Statement

CS for Senate Bill 181 will provide for the Department of Transportation's Tourist Oriented Directional Sign (TODS) program in statute and allow the placement of TODS signs on private property outside of the right-of-way. Codifying this program will provide for a well planned and regulated system of directional signing that will preserve the scenic beauty of Alaska's roadways and benefit visitors and the Alaska's businesses that serve them.

Currently the Department of Transportation administers TODS as an experimental program. Although this program is consistent with standards established by the Federal Highway Administration and the Manual of Uniform Traffic Control Devices, absence of statute authorizing the program has left the public out of the process of promulgating regulation.

By placing TODS in statute we provide the firm legal footing for the program to continue. In the opinion of legislative counsel it is doubtful that the current experimental program would stand judicial challenge.

Passage of Senate Bill 181 would provide long sought assistance to Alaska businesses that are dependent on trade with the traveling public. This bill would likewise enhance the state's ability to be user-friendly to its tourists and promote a responsive visitor industry. SB 181 provides a means for providing needed directional information while preserving the unique beauty of Alaska's roadways. I respectfully request your support.

9-LS116410-
Utermohle
2/19/96

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 181()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS GREEN Pearce, Halford, Frank, Miller, Sharp

A BILL

FOR AN ACT ENTITLED

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2 for violations related to outdoor advertising."

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8 (2) it is imperative that the State of Alaska maintain its scenic highway system
9 throughout the state for the benefit of residents of Alaska and visitors to Alaska;

10 (3) it is also imperative that residents of Alaska and visitors to Alaska travel in
11 a safe manner on the state highway system and that the safety of the residents of Alaska and
12 visitors to Alaska be assured by a system of directional signing for traveler oriented attractions
13 and services.

14 (b) It is the intent of the Alaska State Legislature to provide better information to
15 motorists by authorizing a well planned and regulated system of directional signing for traveler

1 oriented attractions and services in a manner similar to the current tourist oriented directional
2 sign program that has been established under policies of the Department of Transportation and
3 Public Facilities and in a manner consistent with standards established by the Federal Highway
4 Administration and the Manual of Uniform Traffic Control Devices.

5 * Sec. 2. AS 19.25.105(a) is amended to read:

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

9 (1) directional and other official signs and notices which include, but
10 are not limited to, signs and notices pertaining to natural wonders, scenic and historic
11 attractions, which are required or authorized by law, and which shall conform to
12 federal standards for interstate and primary systems;

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

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

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

20 (5) advertising on bus benches or bus shelters, and adjacent trash
21 receptacles, if the state determines that the advertising conforms to local, state, and
22 federal standards for interstate and primary highways;

23 (6) tourist oriented directional signs erected under (e) of this
24 section.

25 * Sec. 3. AS 19.25.105(d) is amended to read:

26 (d) Outdoor advertising may not be erected or maintained within the right-of-
27 way of an interstate, primary, or secondary highway except that outdoor advertising
28 is allowed on

29 (1) bus benches and bus shelters, and adjacent trash receptacles, located
30 within the right-of-way under the authority of a permit issued under AS 19.25.200, if
31 the bus benches or bus shelters are located within a borough or unified municipality
32 and the buses that stop at that location operate during the entire year; and

1 (2) tourist oriented directional signs erected under (e) of this
2 section.

3 * Sec. 4. AS 19.25.105 is amended by adding a new subsection to read:

4 (e) The department shall establish a tourist oriented directional sign program.
5 The department shall erect, or permit the erection of, directional signs for traveler
6 oriented attractions and services within ~~and outside of~~ the rights-of-way of interstate,
7 primary, and secondary highways in this state. ~~The signs may be erected on private~~
8 land adjacent to the rights-of-way of interstate, primary, and secondary highways in
9 this state if permission for the erection of the sign is granted by the owner of the
10 private land. ~~The sign, excluding posts, must be 90 inches in width and 18 inches in~~
11 height and may contain only the name of the attraction or the business providing the
12 attraction or service, an icon representing the attraction or service, the distance to the
13 attraction or service, and a directional arrow. The location, design, and content of
14 signs must be consistent with standards approved by the Federal Highway
15 Administration.

16 * Sec. 5. AS 19.25.130 is amended to read:

17 Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates
18 AS 19.25.080 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180
19 [THEM], is guilty of a violation [MISDEMEANOR] and upon conviction is
20 punishable by a fine of not less than \$50 nor more than \$1,000.

21 * Sec. 6. AS 19.45.002 is amended to read:

22 Sec. 19.45.002. PENALTIES. A person who violates a [ANY] provision of
23 AS 19.05 - AS 19.25, other than a provision of AS 19.25.080 - 19.25.180, is guilty
24 of a misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor
25 more than \$500, or by imprisonment in jail for a period not to exceed one year, or by
26 both.

27 * Sec. 7. 17 AAC 20.010 is annulled.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 22, 1996

SUBJECT: Sectional Summary of CSSSSB 181(); An Act relating to a tourist oriented directional sign program and to penalties for violations related to outdoor advertising.

TO: Senator Lyda Green

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of CSSSSB 181(), version O; An Act relating to a tourist oriented directional sign program and to penalties for violations related to outdoor advertising.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the legislative findings and intent in regard to directional signs for traveler oriented attractions and services.

Section 2 of the bill amends AS 19.25.105(a) by allowing tourist oriented directional signs to be erected and maintained adjacent to the right-of-way of an interstate, primary, or secondary highway.

Section 3 of the bill amends AS 19.25.105(d) to allow erection and maintenance of tourist oriented directional signs, within the right-of-way of an interstate, primary, or secondary highway.

Section 4 of the bill adds a new subsection to AS 19.25.105 establishing a tourist oriented directional sign program in the Department of Transportation and Public Facilities.

Section 5 of the bill amends AS 19.25.130 by providing that a person who violates AS 19.25.080 - 19.25.180 and regulations adopted under AS 19.25.080 - 19.25.180 is guilty of a violation and not a misdemeanor. The amount of the fine that may be set for the violation has not been changed. A violation is a noncriminal offense punishable only by a fine.

Senator Lyda Green

February 22, 1996

Page 2

Section 6 of the bill amends AS 19.45.002 to make a technical change required to conform with sec. 5 of the bill.

Section 7 of the bill annuls 17 AAC 20.010 which is a regulation adopted by the Department of Transportation and Public Facilities relating to outdoor advertising within the highway right-of-way.

GU:glc

96-109.glc

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

RECEIVED

JAN 06 1995

Ans'd.....

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

MEMORANDUM

December 29, 1995

SUBJECT: Experimental Tourist Oriented Directional Sign Program
(Work Order No. 9-LS1412)

TO: Senator Lyda Green
Attn: Brett Huber

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is in response to your inquiry as to legal status of the experimental tourist oriented directional sign (TODS) program of the Department of Transportation and Public Facilities (DOTPF).

DOTPF has established a limited TODS program on an experimental basis. The experimental TODS program allows organized groups and businesses to have signs installed in the right-of-way of certain roads in the state. The signs inform the traveling public of the name of a business or organization, the services that it provides, and the direction and distance to its location. One of the purposes of the experimental program is to provide DOTPF with information necessary to develop regulations for a full scale TODS program. The TODS program is an element of the federal aid highway programs. The Congress has directed the Secretary of the federal Department of Transportation to encourage states to provide for tourist oriented directional signs along interstate and federal aid primary roads. P.L. 102-240, Title I, Part A, §1059; 105 Stat. 2003.

DOTPF has implicit authority to implement a TODS program under AS 19.05.010, 19.05.030(1), 19.05.040, and AS 44.42.020(a) and explicit authority under AS 19.10.040.

Alaska Statutes 19.05.010 states:

The department is responsible for the planning, construction, maintenance, protection, and control of the state highway system.

Alaska Statutes 19.05.030(1) states:

The department has the following duties:

(1) direct approved highway planning and construction and maintenance, protection and
(continued...)

The procedures and standards for issuance of a permit to install a tourist oriented directional sign are set out in a document entitled "Policy for Experimental Tourist Oriented Directional Signing" (dated April 1991). DOTPF has not adopted regulations to implement the procedures and policies outlined in the Policy statement.

Under AS 19.05.020, AS 44.42.030, and AS 44.62 (Administrative Procedure Act), DOTPF must adopt regulations in accordance with the procedures set out in AS 44.62. A regulation is a "rule, regulation, order, or standard of general application" including " 'manuals,' 'policies,' 'instructions,' 'guides to enforcement,' 'interpretive bulletins,' 'interpretations,' and the like that have the effect of rules, orders, regulations or standards of general application". AS 44.62.640(a)(3); emphasis added. The Alaska Supreme Court has identified two indicia of a regulation. First, a regulation implements, interprets, or makes specific the law enforced

4(...continued)

control of highways:

...

Alaska Statutes 19.05.040 states:

Sec. 19.05.040. POWERS OF DEPARTMENT. The department may

- ...
- (4) acquire rights-of-way for present or future use;
 - (5) control access to highways;
 - (6) regulate roadside development;
 - (7) preserve and maintain the scenic beauty along state highways;
 - . . . ; and
 - (12) exercise any other power necessary to carry out the purpose of AS 19.05 - AS 19.25.

Alaska Statutes 44.42.020(a) states:

(a) The department shall

(1) plan, design, construct and maintain all state modes of transportation and transportation facilities and all docks, floats, breakwaters, buildings and similar facilities;

...

(6) cooperate and coordinate with and enter into agreements with federal, state and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

...

5 Alaska Statutes 19.10.040 states:

Sec. 19.10.040. UNIFORM SYSTEM OF MARKING AND POSTING. The department shall classify, designate, and mark highways under its jurisdiction and shall provide a uniform system of marking and posting these highways. The system of marking and posting must correlate with and, as far as possible, conform to the recommendations of the Manual on Traffic Control Devices as adopted by the American Association of State Highway Officials.

Senator Lyda Green
December 29, 1995
Page 3

or administered by the agency. Kenai Peninsula Fishermen's Cooperative Association, Inc. v. State, 628 P.2d 897, 905 (Alaska 1981). The standards utilized by DOTPF for the issuance of a permit under the experimental TODS program do implement and make specific the law enforced by the department under AS 19 and AS 44.42. Second, a regulation affects the public or is used by the agency in dealing with the public. Id. The standards for the experimental TODS program clearly affect the public and are used by DOTPF in its dealings with the public regarding tourist oriented directional signs. The DOTPF policy for the experimental TODS program has the effect of a regulation and is a standard of general application. Thus, the policy is a regulation and must be adopted as a regulation in accordance with AS 44.62.^{2/}

"The failure of an agency to substantially comply with [AS 44.62] in adopting regulatory changes renders the action invalid." Turpin v. North Slope Borough, 879 P.2d 1009, 1014 (Alaska 1994). A policy that has not been adopted as regulations is invalid and unenforceable. Kenai Peninsula, 628 P.2d at 906; Gilbert v. State Department of Fish and Game, 803 P.2d 391, 397 (Alaska 1990). DOTPF cannot rely upon the policy as a basis for operating the experimental TODS program until the department has complied with the regulation adoption procedures of AS 44.62. Kenai Peninsula, 628 P.2d at 906. If a person challenges the TODS policy, such as a person who is denied participation in the program or who objects to a competitor being allowed to install a sign, the courts can be expected to invalidate the experimental TODS program and require DOTPF to adopt the necessary regulations.

CONCLUSION

The procedures and standards set out in the policy for the experimental TODS program are consistent with DOTPF's authority to regulate use of highway rights-of-way under AS 19 and AS 44. The department has the necessary statutory authority to adopt the experimental TODS program policy as regulations. However, unless DOTPF adopts the TODS policy as a regulation by complying with AS 44.62, DOTPF runs the risk that a court will invalidate policy and suspend operation of the program until the department complies with the rule making procedures of AS 44.62.

If I may be of further assistance, please advise.

GU:lmb
95-297.lmb

^{2/} Policies governing the internal matters and operation of an agency are outside of the scope of the Administrative Procedure Act and are not required to be adopted as regulations. Messerli v. Department of Natural Resources, 768 P.2d 1112 (Alaska 1987). However, the TODS policy of DOTPF does not qualify for the internal management exception to the Administrative Procedure Act, because the TODS policy directly affects the departments relationship with the public and expands upon the statutory law governing signs along highways.

FOODS SIGNS IN PLACE OR DENIED

ID No.	Business Name	Owner	Address	City	State	Zip	Phone	Date	Inspector
310 014	ALASKA NELLE'S SWIMMING	GEWELL, JACKIE	PO BOX 88	MOOSE PASS	AK	99611		04/07/83	SEWARD/PRIVALE RD
310 010	INDIAN VALLEY MEATS	URMA, DOUGLAS	HC 52 BOX 880	INDIAN AK	99640			04/07/83	SEWARD/PRIVALE RD
310 005	STONE Y CREEK INN BED AND BREAKFAST	SMITH, SHIRLEY	HC 61 BOX 368	SEWARD AK	99647			04/07/83	SEWARD/PRIVALE RD
310 006	HEAVY CREEK MOBILE HOME & RV PARK	STANTON, JOSEPH D.	HC 81 BOX 346	SEWARD AK	99644			04/07/83	SEWARD/PRIVALE RD
310 009	BEAR LAKE AIR SERVICE	HELEY, JAMES W.	701 WEST 20TH AVE	SUNN V, ALASKA	99516			04/07/83	SEWARD/PRIVALE RD
310 009	BIG GAME ALASKA	BRANETT, LINDA	PO BOX 574	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 053	BITE MOON GALLERY	TOULY, CYNTHIA	PO BOX 113	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 054	CROW CREEK HISTORIC GOLD MINE	WILLIAMS, TOM	PO BOX 68	HOPE AK	99605			04/07/83	SEWARD/PRIVALE RD
310 055	FAYO BROTHERS GOLD MINE	VATHKE, AHT	BOX 90, HOPE	AK	99605			04/07/83	SEWARD/PRIVALE RD
310 057	DAVIDSON'S UNIFORMS & ANTIQUES	DAVIDSON, VELVA	PO BOX 780	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 058	ALASKA CANNERY FACTORY	DANEY, GEORGE A DON	PO BOX 516	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 059	BAVE SHOP THE	FRLOT, WENNER	PO BOX 516	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 060	HARBOR AIR TOURS	HENRICH, RAY, PRESIDENT	PO BOX 269	SEWARD AK	99644			04/07/83	SEWARD/PRIVALE RD
310 061	ROBUR VALLEY JUNE CO.	KEYS, JEFF MANAGER	PO BOX 516	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 062	PORTAGE GLACIER TOURS	LIIND, YOCKER, J.	PO BOX 100470	ANCHORAGE AK	99510			04/07/83	SEWARD/PRIVALE RD
310 053	EDLETWISS RESTAURANT	PATTERSON, COLLEEN	BOX 412	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 064	MILLERS LANDING	WALTER, MIKE & SHERRIE	GENERAL DELIVERY	GRINDWOOD AK	99587			04/07/83	SEWARD/PRIVALE RD
310 059	ARRIVER RUCKS TRIBUTA B B	TRINIE, E. MARY & EMILY	PO BOX 193	ANCHORAGE AK	99516			04/07/83	SEWARD/PRIVALE RD
320 032	ANCHOR RIVER BED & BREAKFAST	PREPER, NINA & MUSAROVA, AIRA	PO BOX 202553	ANCHORAGE AK	99520			04/07/83	SEWARD/PRIVALE RD
320 060	SECRET VIEWWAY PARK	SWAYEN, BRINA AND PAT	BOX 361	NANA, CHIK	99635			04/07/83	SEWARD/PRIVALE RD
320 105	THE ARCHWAY BED & BREAKFAST	ELMES, GREGORY W	BOX 1515	FORMER AK	99603			04/07/83	SEWARD/PRIVALE RD
320 113	MOOSE RANGE CABINS	THELE, RICK RUDKER	PO BOX 501	STERLING AK				04/07/83	SEWARD/PRIVALE RD
320 114	DEWISE LAKE LODGE	HANSON, GLADYS & JIM	PO BOX 1060	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 116	BURBELL STREET GALLERY	MARGOUNI, KURF	106 W. BURNSELL	FORMER AK	99603			04/07/83	SEWARD/PRIVALE RD
320 116	CROOKED CREEK RV PARK	BEASLEY, JIM	BOX 661	KASLOF AK	99610			04/07/83	SEWARD/PRIVALE RD
320 117	KYLLORCHEN'S RV PARK	KYLLORCHEN, BUZZ	PO BOX 49	ANCHORAGE AK	99520			04/07/83	SEWARD/PRIVALE RD
320 110	ROSLICEY RV PARK	HEAPPHILL, BILL	1153 HOX 706	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 110	FEHINSULA TOURS	WATKINS, THOMAS	BOX 64	STERLING AK	99612			04/07/83	SEWARD/PRIVALE RD
320 120	KENAI PRINCESS LODGE & RV PARK	PRINCESS TOURS AK HOTEL PROP.	PO BOX 73533	FARMER AK	99707			04/07/83	SEWARD/PRIVALE RD
320 121	HARVEY'S CHARTERS & CAMPING	HARVEY, THIRTY	BOX 212	CHUGASKA AK	99567			04/07/83	SEWARD/PRIVALE RD
320 122	ICE SKY CHARTER & FISH CAMP	CORRIGAN, JOE	1120 SANDERS ROAD	ANCHORAGE AK	99515			04/07/83	SEWARD/PRIVALE RD
320 123	DRIFTWOOD RV	CORDES, MERLE	15 WEST BURNELL AVE	IKMADIK AK	99563			04/07/83	SEWARD/PRIVALE RD
320 126	ENGLE SMOKEHOUSE	DORNBREGLER, GIORDA	BOX 605	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 130	MICLERS LODGE & FISH CAMP	BRYER, ROGER O.	BOX 508	STERLING AK	99612			04/07/83	SEWARD/PRIVALE RD
320 126	SOLID ROCK CAMP & CONFERANCE CTR	SOLID ROCK MINISTRIES	BOX 489	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 129	KNOWLTON'S KENAI RIVER CAMP	KNOWLTON, WILLIAM E.	HC 76 BOX 1010	CHUGASKA AK	99567			04/07/83	SEWARD/PRIVALE RD
320 130	ZEMAR GAS & GROCERY	BAKER, YOVONNE KAY	BOX 110932	ANCHORAGE AK	99511			04/07/83	SEWARD/PRIVALE RD
320 131	CALFINS AUTO REPAIR	KING, GLEN	BOX 734	STERLING AK	99612			04/07/83	SEWARD/PRIVALE RD
320 132	NOHMAN OWELL STUDIO & GALLERY	LOWELL, NOLAN	BOX 157	ANCHORAGE AK	99516			04/07/83	SEWARD/PRIVALE RD
320 133	DEEP CREEK FISHING CLUB	MOE, STEVEN	BOX 410	NANA, CHIK AK	99639			04/07/83	SEWARD/PRIVALE RD
320 134	NANA CHIK CORP	TURNER, ANDELHE	BOX 38076	NANA, CHIK AK	99639			04/07/83	SEWARD/PRIVALE RD
320 135	HAYLINS CAMPITV PARK	SHELDON, BESS B.	BOX 39381	NANA, CHIK AK	99639			04/07/83	SEWARD/PRIVALE RD
320 136	MARLOW'S KENAI RIVER BED & BREAKFAST	MARLOW, KEN	BOX 2165	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 139	BIRCH TREE ART & FOLIERY GALLERY	LOCAL, SIDNEY	BOX 2589	SOLDOTNA AK	99609			04/07/83	SEWARD/PRIVALE RD
320 144	ISLAND WALKER & BREAKFAST	MULLEN, EILEEN	PO BOX 1394	DOONA AK	99601			04/07/83	SEWARD/PRIVALE RD
320 172	KENAI WALKER LODGE	DOGGETT, CLARISSA	2140 E. TUDOR	ANCHORAGE AK	99567			04/07/83	SEWARD/PRIVALE RD



ALASKA VISITORS ASSOCIATION

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1995-96

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Sourdough Cabins

Tina Lindgren

Executive Director

October 17, 1995

Senator Lyda Green

Pouch V

Juneau, Alaska 99811

Dear Senator Green:

On behalf of the Alaska Visitors Association, I would like to thank you and Senate co-sponsors introducing SB181, which would revise Alaska's directional sign laws. It is our understanding that you have been working with the administration during the interim to gain support for the bill. We look forward to working with you and the administration to address existing problems of directional sign prohibitions. We agree that Alaska's highways need to be more user friendly to the visitor while maintaining the scenic quality of the highway experience.

The approach taken in SB181 limits the scope of changes to Alaska's sign statutes for "directional sign" purposes only. Further, we realize that it is not the intent of the legislation to extend the authority for potential billboard-sized signs for advertising purposes and we applaud that decision.

We support SB181's language to utilize standardized signs and would suggest that signs similar to the state's current Tourism Oriented Direction Sign (TODS) program be used as the model. However, even though the TODS program is currently utilized by some businesses, it is not available to others due to cumbersome policies and regional interpretations. The TODS program is currently handled through an adopted state policy rather than statutes and/or regulations.

Any legislation should include language allowing directional signs on private property zoned or designated commercial or industrial by use patterns as allowed by federal law.

OCT 26 1995

Senator Lyda Green
RE: SB181
Page 2

Additionally, numerous highway businesses have constructed and erected, at their own expense, costly signs through the DOTPF Air Space Leasing Program. Many businesses located directly along federally funded highways would like to see this program adopted in statute to protect their investments into the future. The fear is that a policy or regulation might change from administration to administration creating adverse impacts to these businesses.

Thank you again for your time and attention to this important issue on behalf of tourism businesses.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tina Lindgren".

Tina Lindgren
Executive Director



ALASKA CAMPGROUND OWNERS' ASSOCIATION

P.O. Box 84884 Fairbanks, Alaska 99708 (907) 474-8088

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Senator Lyda Green
 State Capitol
 Juneau, Ak. 99801

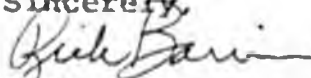
February 22, 1996

Dear Senator Green:

I am writing on behalf of the Alaska Campground Owners Association in support of the 2/19/96 draft of SB 181, relating to tourist oriented directional signs. This legislation has a long history, as you know, and we believe that the current language will meet the needs of our members and the traveling public without interfering with the natural beauty of this state.

The ACOA identified several years ago a need for better information on the highways for the traveling public. This is particularly true for those campgrounds and other small businesses that are located off the highway. Legislation in prior years would have allowed larger signs and more locations to place them. The ACOA is willing, however, to support this bill, since it does place the TODS program into statute and creates some additional sites for placing the standard TODS-type signs.

I appreciate the opportunity to address this important piece of legislation, and I also appreciate your continuing support of the small business community.

Sincerely,

 Rick Barrier, President

cc: Senate State Affairs Committee
 Senators Pearce, Halford, Frank, Miller, Sharp



ALASKA CAMPGROUND OWNERS' ASSOCIATION

P.O. Box 84884 Fairbanks, Alaska 99708 (907) 474-8088

Board Officers

December 21, 1995

President
Rick Barrier
Golden Nugget RV Park
Anchorage

Joseph L. Perkins, P.E.
Commissioner
Department of Transportation and Public Facilities
3132 Channel Drive
Juneau, Ak. 99801-7898

Vice President
Linda Anderson
River's Edge RV Park
Fairbanks

Dear Commissioner Perkins:

Secretary-Treasurer
Lauri Saxe
Eagle's Rest RV Park
Valdez

I recently received a copy of your November 27 letter to Senator Lyda Green regarding SB 181. I was surprised and disappointed by your response to her. It was my understanding during our discussion last April that you were concerned that our present highway signage does not adequately inform the traveling public about highway and off-highway businesses. I am attaching a copy of my May 11 letter to you which recapped our meeting in Juneau.

Regional Board Directors

Anchorage Region
Michael Morris
Hillside Motel & RV
Anchorage

In September, the ACOA held its annual convention in Homer. In April I invited you to attend the convention, and you thought you would be able to attend. However, you were not able to make it, and you asked DOTPF staff Rod Wilson to attend in your stead. We appreciated Rod's participation, and he added a lot to our discussions. I believe he also gained a sense of what the ACOA is facing in highway issues, including signage. Perhaps you could talk with him for feedback about some of the ACOA concerns.

Interior Region
Sara Sears
North Campground
Fairbanks

Mat-Su Region
Dan Strouse
Homestead RV Park
Palmer

Copper River Region
Linda Jernigan
Tok RV Village
Tok

Southeast Region
Arnie Olsson
Port Chilkoot
Haines

I will be coming to Juneau during this legislative session. I will be working for the passage of SB 181, since the sign issue is very important to most of the members of ACOA. I hope to involve you in the process of developing acceptable language that meets the needs of ACOA members while creating the safeguards required by the Administration.

I look forward to hearing from you or seeing you soon.

Kenai Peninsula Region
Paul Vozar
Beluga Lookout RV Park
Kenai

Sincerely,

Rick Barrier, President

cc: Senator Lyda Green



Support for Increasing Highway Directional Signs in Alaska

We, the undersigned visitors to Alaska, have traveled the Alaska Highway and/or the highway system throughout the State of Alaska. We are appalled by the lack of directional signs for the convenience of the traveling public. While we are pleased with the absence of "billboard signs" along Alaska's highway system, those of us who are unfamiliar with Alaska are seriously hindered by the lack of directional signs to aid in our effort to locate private campgrounds, tour facilities, and tour attractions. We urge the Alaska State Legislature and the Governor of Alaska to modify the state's highway directional sign laws in the interest of Alaska's traveling public.

DATE	NAME	ADDRESS	CITY	STATE	ZIP
8/4/95	Tim Bell	#170 413 B 195T	LYNDEN	WA	98204
8/7/95	Natalie Ott	5901 Old Valdez Trail	Salcha	Alaska	99714
8/8/95	Colton Dawson	3605 Arctic Santa 49	Anchorage	AK	99503
8/8/95	E. Coleman Dickman	12730 Silver Fox Ln, Anchorage	Anchorage	AK	99515
8/8/95	Carol Witterfield	PO BOX 884	Congress	AZ	85332
8/9/95	Reinhold Skuder	125 St. Meinrad Pls.	Nestle Dale	AK	99705
8/9/95	B. D. Stroup	49 STAGECOACH RD	KELLER	TEX	76248
8/9/95	L. J. Stroup	2006 SPERRING RD	SONOMA	CALIF	95476
8/9/95	Stanley C. Brown	13723 E De Smit	SPOKANE	WASH	99216
8/7/95	Ethel Bricourt	2028 S.E. Ladd ave	portland	Oregon	97214
8/7/95	Opal Schadenitz	15405-E 24 Verdale	Washington	Washington	99037
8/8/95	Nicki Anacker	POB 84110	70KS	AK	99708
8/8/95	John Walsh	35532 41st. Av. S.	Apurann	WA.	9804-9006
8/8/95	Chuck Hayward	P.O. BOX 156	Naklady	WA.	98349
8-8-95	Margaret Joyce	105 Durco	J. O. J. J. J.	CA	86001
8-8-95	Sylvia Kethun Wood	30 Rd 3009	ARIZ	N MEX	87410
8-8-95	Dan Dardel	239 Badger Rd.	N.P.	AK.	99705
8-9-95	Ed Lake	187 PARKSON PKWY #26	Rocky	N.C.	28721
8-9-95	DARIA BENVETT	PO Box 84556	N.P.	AK	99705
8-9-95	RICHARD FREDRICKSON	13860 D. WILSON GLEN RD	BROWNS VALLEY	CA.	95918
8-10-95	Gene Lock	RT 6 Box 4505	Reeds Springs	Mo.	65737
8-10-95	S.A. Schussman	P.O. Box 1815	Jacksonville	OR	97530
8-12-95	Barbara Brown	4261 NELSONBARK AVE	LAKEWOOD	CA	90712
8-12-95	Robert B. Brown	4261 Nelsonbark Ave	Lakewood	CA	90712
8-13-95	Annmarie J. Nally	1601 Peashon - Blvd Sp 326	Lake Haven City, AZ	AZ	86304
8-13-95	Orlando Kuller	8408 Brookhouse Ln	Gracie	AL	83714



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We urge the Alaska State Legislature and the Governor of Alaska to

Wasn't smart enough to make a copy first - if you want, send me another one.

T&RV Village

DATE	NAME	ADD	STATE	ZIP
8/6/95	James Van Houston	12	AZ	85021
8/6/95	Audrey Rowland	65	PR	97706
8/6/95	Evelyn Pasinski	24	FL	32901
8/6/95	Robert Markham	11	WI	53125
8/8/95	JEFF MATTHEWS	TF	OR	AUSTRALIA
8/8/95	Sam Estabrook	On	MA	01364
8/9/95	MIKE BROWN	85	CA	91224
8/9/95	G. J. R. EDELMAN	11	IL	60068
8/9/95	D. J. ROACH	11	CA	92372
8-11-95	Beatrice E. Nelson		NH	03224
8-11-95	Dillie Jurek		AK	95517
8-12-95	Janet Jurek	Box 2255	AK	99835
8-13-95	Madeline Wilk	102 Silverado Cir	CA	95678
8-14-95	SANDRA L. ADAMS	2810 JOHN ST	AK	99801
8-14-95	DEANNA K. SICKES	RRI SITES CO	BC	V0K2K0
8-14-95	PAUL J. SCHWAB	2408-W 9th St	CA	50702
	Jaene Karel	McAllen, Texas		
8-15-95	George Nelson	Marion St Hall County	GA	06468
	Flourice Johnson	Tulsa	OK	
8/15/95	Walter Sudo	876 Woodlawn	IL	60016
8/16/95	Yvonne P. Watson	3220 Spruce St	AK	99507
8/16/95	John K. Norris	2630 TRAVELERS TOWN PR.	FL	32141
	John K. Norris	1000 Wilson Colo	CO	81147
8-16-95	Stephanie Brown	Stephanie Brown, Can	Canada	
8-17-95	Carol Townsend	809 NW 180th	WA	98177
8-17-95	Cheryl Brown	809 NW 180th	WA	98177

land	PR	97706
flou	FL	32901
WA	WI	53125
OR	AUSTRALIA	
ing	MA	01364
Wilder?	CA	91224
to Ruff	IL	60068
toville	CA	92372
terbury	NH	03224
ah	AK	95517
delk	AK	99835
Rouville	CA	95678
Juncan	AK	99801
to 4 mile house	BC	V0K2K0
Waterloo	CA	50702
Montpel	GA	06468
Walt	OK	
Orill Phillips	IL	60016
Inchorage, AK	AK	99507
EDGEWATER	FL	32141
Canon St	CO	81147
Canada		
Seattle	WA	98177
Seattle	WA	98177

Mt. View

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DATE	NAME	ADDRESS	CITY	STATE	ZIP
8-5-95	RICHARD D. CLARK	9000 ROCKWOOD RD	BOSTON N.Y.		14025
8-5-95	KEN DENN	ELK RIVER NY			5533
8-11-95	T.C. HABLE	3454 BACKLON RD BROOKVILLE	BROOKVILLE	FL	34609
8-17-95	V.F. Knutson	415 N.E. Sovereign Av	Grants Pass	OR	97526
8-17-95	Floyd H. Hager	6995 N 9000'	Springfield	Ind	46565
8-10-95	Norman Kitter	BOX 25 RR# 2	Thetford Okla	OK	77087
8-11-95	Ross Dealey	Box 595	Galind, Tex	Tex	77963
8-11-95	John West	9514-188 ST.	Edmonton	Alta.	T5T 2W9
8-11-95	Sally Anderson	1881 Timber Ridge Circle	East Waco	TX	76710
8-11-95	Wynne J. Lowell	P. O. Box 6	WILKINSON TOWN	VT	05363
8-12-95	Delbert J. Smart	RT 11 Box 281	Independence	Kc	67301
8-12-95	Richard Ann	11781 HUNTER AVE	YUMA AZ	AZ	85367
8-12-95	William G. Hill	322 Mennonite RD	Collecville	PA	19425
8-13-95	Bruce Emben	7809 SKYRANCH RD	E. OTTO	N.Y.	14729
8-13-95	A. Fench, J. Hall	Karlruhe, GERMANY			
8-13-95	TOMMY T. BRUCE	29 WOOD ST	WILMINGTON	MS.	01887
8-13-95	Harry Hildebaugh	3319 C.R. 86 Findlay Ohio			45840
8-14-95	Thomas BARETT	4267 KELLY GAP RD	GREENEVILLE	TN	37743
8-15-95	Janet Houston	106 Davis Dr. Columbia	TN		38401
8-15-95	Marilyn Davies	3946 Lakeshore Dr	New Smyrna Bch	FL	32168
8-25-95	Mr + Mrs J. H. Hill	696 Hilbert Rd SE	GALETON NC	N.C.	28427
9-2-95	John D. Hill	15281 LaSolas Dr.	WHITFIELD	GA	30605
9-14-95	R. R. K	13290 E. Center	AURORA	CO	80011
9-17-95	B. H. Hays	6401 PLATEAU Drive	WICKWOOD	CO	80111

Bestview



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DATE	NAME	ADDRESS	CITY	STATE	ZIP
8/21/95	Melvin L. HILTON	1087 LANGVIEW	FT. LAUD	FL	33026
8/22/95	Bill Hughes	32-2600 FERRISON RD	SARASOTA	FL	34231
8/22/95	Mary Shovel	4837 Michigan Rd.	Waterford	MI	48385
8/22/95	Ervin Heinrich	Box 145	Rocky Mountain	WV	26020
8/22/95	Elita Montgomery	6736 Whippoorwill	Olive Branch	MS	38654
8/22/95	Neymond Montgomerie	6736 Whippoorwill	OLIVE BRANCH	MS	38654
8/22/95	Patricia Weiss	6776 Whippoorwill	Olive Branch	MS	38654
8/22/95	Patricia Weiss	Switzerland	Zurich		
8/23/95	Angela W. Hman	2911 57th St. E	Brenton	FL	34208
8/23/95	Dorinda Madson	1927 Apple St.	Portage	MI	49002
8/24/95	Don C. Paul	1325 S. Dixie Blvd	Harlingen	TX	78552
8-25-95	Don & Eleanor Roguet	1103rd Ave.	Keystone	Pa	52249
8-25-95	Bill M. SBRAND	32-2600 FERRISON RD	SARASOTA	FL	34231
8-25-95	STAN HUNDRIF	PO BOX 7315	ALBUQUERQUE	NM	87105
8-27-95	John Mac Gilligan	6511 136th PL SW	Edmonds	WA	98026
8-27-95	DAVID H. DAVIEY	3741 VINEYARD DR	GR	MI	48505
8-28-95	Valerie Nickerson	5 CACTUS AVE	UPLAND	CA	91715
8/29/95	Mark R. Smith	1654 NOME, AK	NOME	AK	99762
8/31/95	James Heyding	708 E. PRAMIT RD	GAINES	OH	44833
8/29/95	JAMES M. JOHNSON	2 WILDWOOD DR FAIRFIELD OH	FAIRFIELD	OH	45017
8/31/95	Johnny Withompson	2703 Hwy. 70 E. NEW BERN, NC	NEW BERN	NC	28500
9/2/95	Keith Jennings	5759 S. Orleans St.	Aurora	CO	80015
	PAUL STEEN	11 RIDGE DR	CEAR CREEK	NM	87109
	Edward Jennings	16116 NE 4th St	Bellevue	WA	98008
"	Hugh Jennings	"	"	"	"

BestView



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DATE	NAME	ADDRESS	CITY	STATE	ZIP
8-15-95	Victoria M. Wood	9505 N.E. 136th Ave.	Vancouver	Wa	98683
8-16-95	Martha G. Erickson	150 7th Ave. South, #1	Clarksville	TN	37822
8-16-95	BD Group	4-P. Smeed Coach	Keller	Tx	76248
8-16-95	PA Group	48 Ranchelle Est	Keller	Tx	
8-16-95	Simon Brown	4223 Brummett Ave	Anchorage	AK	99504
8-17-95	Ruth M. Clymer	3012 North Haven	Madison	Mi	48624
8-17-95	Milay S. Claman	2012 N. Haven Dr	Madison	Mi	48624
8-17-95	Judith L. Thorne	1644 Los Altos Valley	Salinas	Ca	93906
8/17/95	Richard W. Birkhead	11543 Terrace Ln	Cape River	AK	99577
8/17/95	Albert S. Hankins	8222 Cemetery Rd.	Burlington	Ky	42103
8/17/95	Henry S. Mitchell	207 W. INNEARUP	PORTAGE	WI	53701
8/17/95	Leanne Taylor	3061 Bullerwood B.O.	Long Beach	Ca	90808
8/17/95	Liz Taylor	" " "	" " "	Ca	"
8-18-95	Jim Foxworth	9977 Upper Hill	Emmett	ID	83617
8-18-95	Charles J. Wallace	6195 Rockhurst Dr	NEW AVERA	CT	92120
8-18-95	Robert & Janet Miller	Grand House Farm, Dorswick	Worcestershire	England	WR90LZ
8-18-95	Paul A. Heston	1241 Hwy 302	Shesha	MO	65182
8-18-95	Yancy Paulson	6524 So. Lohman Co.	JEFF CITY	MO	65109
8/18/95	E.G. Gilant	1431 W. Downer St.	WROBEN	IL	60502
8/19/95	WARREN FINE WEBSTER	920 E. BRIDGE NE 10-102	OMAHA	WA	98506
8/19/95	Margaret Van Clow	911 Service Loop	Fairbanks	AK	99712
8/19/95	Pauline L. Bennett	20. Hwy 770104	Englewood	NE	68577
8/19/95	Clyde R. Mosley Jr.	PO Box 141	Bethuniz	NC	27010
8/20	Louis Kadler	39 9th Ridge Rd	Bethuniz	CA	94705
8/21/95	Joseph J. Colley	750 Box 2723	EMERSON	FL	34451
8/21/95	J.S. [unclear]	PO Box 539	Pondwaton	MT	59449

SB

182

ENATE COMMITTEE REF
First Committee of Referral

DATE: 5/13/95

FURTHER: Finance

tb

Date of 5-Day Notice: 3/21/96
 in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/15/96

State Affairs Committee considered SB 182

Elections; division of elections; voter registration procedures; efd.

and recommends:

- be replaced with CS SB182 (STA)
- adopt previous CS
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Kell F. Kelly</i>	✓		
		<i>Loren A. Leman</i>	✓		
		<i>Bob A. King</i>	✓		

CHAIR:

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Lt. Gov. Div. of Elections</i>	<i>3/20/96</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 182

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: An Act relating to elections relating to the BRU: Elective Operations
 division of elections: _____ Component: Elections
 Sponsor: Senate Rules by request
 Requestor: Governor COMPONENT SERIAL NO. 21

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 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)

SB 182 does not have a fiscal impact on the Division of Elections.

Prepared by Dana LaTour
 Division Division of Elections

Phone: 465-5347
 Date: 3/20/96

Approved by Lt Governor Fran Ulmer
 Commissioner J. Arnold
 Agency Office of the Lt Governor

Date: 3/20/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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CS FOR SENATE BILL NO. 182(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to elections, to the division of elections, and to voter
2 registration procedures; and providing for an effective date."

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

4 * Section 1. AS 15.07.050 is amended to read:

5 Sec. 15.07.050. MANNER OF REGISTRATION [IN PERSON OR BY
6 MAIL]. Registration may be made

7 (1) in person before a registration official or through a voter registration
8 agency;

9 (2) [, OR MAY BE MADE] by mail; or

10 (3) by facsimile transmission or another method of electronic
11 transmission that the director approves.

12 * Sec. 2. AS 15.07.060(a) is amended to read:

13 (a) Each applicant who requests registration or reregistration shall supply the
14 following information [UNDER OATH]:

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- (1) name and sex;
- (2) address and other necessary information establishing residence, including the term of residence in the state and in the district, if requested;
- (3) whether the applicant has previously been registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of the previous registration;
- (4) a declaration that the registrant will be 18 years of age or older within 90 days of the date of registration;
- (5) a declaration that the registrant is a citizen of the United States;
- (6) date of application;
- (7) signature or mark;
- (8) any former name under which the applicant was registered to vote in the state;
- (9) an attestation that the information provided by the applicant in (1) - (8) of this subsection is true; and
- (10) a certification that the applicant understands that a false statement on the application may make the applicant subject to prosecution for a misdemeanor under this title or AS 11.

* Sec. 3. AS 15.07.070(b) is amended to read:

(b) To register by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, the director, the area election supervisor, or a voter registration agency shall furnish, at no cost to the voter, forms prepared by the director on which the registration information required under AS 15.07.060 shall be inserted by the voter, or by a person on behalf of the voter if the voter is physically incapacitated. The director may require proof of identification of the applicant as required by regulations adopted by the director under AS 44.62 (~~THE~~ Administrative Procedure Act) ~~[(AS 44.62)]~~. Upon receipt and approval of the completed registration forms the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card, and the voter's name shall immediately be placed on the master register located in the office of the director and on the district register located in the office of the election supervisor. If the

1 registration is denied, the voter shall immediately be informed in writing that
2 registration was denied and the reason for denial.

3 * Sec. 4. AS 15.07.070(c) is amended to read:

4 (c) The names of persons submitting completed registration forms by mail that
5 are postmarked at least 30 days before the next election, or submitting completed
6 registration forms by facsimile or other electronic transmission approved by the
7 director under AS 15.07.050 that are received at least 30 days before the next
8 election, shall be placed on the official registration list for that election. If a
9 registration form received by mail less than 30 days before an election does not have
10 a legible and dated postmark, the name of the person submitting the form shall be
11 placed on the official registration list for that election if the form was signed and dated
12 by the person at least 30 days before the election and if the form is received by the
13 director or election supervisor at least 25 days before the election. The name of a
14 person submitting a completed registration form by mail or by facsimile or other
15 electronic transmission that does not meet the applicable requirements of this
16 subsection may not be placed on the official registration list for that election but shall
17 be placed on the master register after that election.

18 * Sec. 5. AS 15.07.070(f) is amended to read:

19 (f) Incomplete or inaccurate registration forms may not be accepted. A person
20 who submitted an incomplete or inaccurate registration form may register by
21 reexecuting and resubmitting a registration form in person, [OR] by mail, or by
22 facsimile or other electronic transmission approved by the director under
23 AS 15.07.050. The requirements of (c) or (d) of this section apply to a registration
24 form resubmitted under this subsection.

25 * Sec. 6. AS 15.07.070(h) is amended to read:

26 (h) The director shall design the form of the voter's certificate appearing on
27 the [LARGE] envelope that is used for voting a questioned ballot so that all
28 information required for registration by AS 15.07.060(a) may be obtained from a voter
29 who votes a questioned ballot. If the voter voting a questioned ballot has completed
30 all information on the voter registration portion of the questioned ballot voter's
31 certificate, the director shall place the name of the voter on the official registration list.

1 * Sec. 7. AS 15.07.130(b) is amended to read:

2 (b) When a registered voter has not indicated in writing a desire to remain
3 registered within the preceding four [TWO] calendar years and has neither [NOT]
4 voted nor appeared to vote in the last two general elections [A LOCAL,
5 REGIONAL SCHOOL BOARD, PRIMARY, SPECIAL, OR GENERAL ELECTION
6 AT LEAST ONCE IN TWO CONSECUTIVE CALENDAR YEARS], the voter shall
7 be advised by a notice sent by forwardable mail to the voter's last known address that
8 registration will be inactivated unless the voter responds to the notice at least 30 days
9 before the date of the next primary election on a form furnished by the director. The
10 director shall maintain on the master register the name of a voter whose registration
11 is inactivated. The director shall cancel a voter's inactive registration after the second
12 general election that occurs after the registration becomes inactive if the voter does not
13 vote or appear to vote [EITHER A QUESTIONED BALLOT OR AN ABSENTEE
14 BALLOT THAT IS COUNTED UNDER AS 15.15.198(b) AT OR BEFORE THAT
15 ELECTION

16 * Sec. 8. AS 15.07.130(d) is amended to read:

17 (d) The notice described in (b) of this section must include a postage prepaid
18 and pre-addressed return card on which the voter may state the voter's current address.
19 The notice must indicate

20 (1) that the voter should return the card not later than 30 days before
21 the next primary election if the voter did not change residence;

22 (2) that the voter may vote only a questioned or absentee ballot if the
23 voter does not return the card at least 30 days before the next primary election;

24 (3) that the voter's registration will be cancelled if the voter does not
25 vote or appear to vote in an election held during the period beginning on the date of
26 the notice and ending on the day after the date of the second general election that
27 occurs after the date of notice; and

28 (4) how the voter can continue to be eligible to vote if the voter has
29 changed residence.

30 * Sec. 9. AS 15.07.130 is amended by adding a new subsection to read:

31 (e) For purposes of (b) and (d) of this section, a voter "appears to vote" if

1 (1) the voter is present at a polling place or at an absentee voting
2 station at a time when the polling place or absentee voting station is operating, for the
3 purpose of casting a vote;

4 (2) the voter applies to the division to obtain an absentee ballot; or

5 (3) in an election conducted by mail under AS 15.20.800, a voter who
6 has not received a ballot by mail makes a timely request to the division for a ballot.

7 * Sec. 10. AS 15.07.190 is amended to read:

8 Sec. 15.07.190. VIOLATIONS. A person who violates AS 15.07.180
9 [AS 15.07.170 OR 15.07.180] is guilty of a misdemeanor and upon conviction is
10 punishable by imprisonment for not more than one year, or by a fine of not more than
11 \$1,000, or by both.

12 * Sec. 11. AS 15.10.110 is amended to read:

13 Sec. 15.10.110. APPOINTMENT OF ELECTION SUPERVISORS. The
14 director shall appoint election supervisors, including one in each of the municipalities
15 of Juneau, Anchorage, Fairbanks, and Nome, to assist in the administration of elections
16 in the election districts designated by the director. The director may appoint as an
17 election supervisor a person who is a qualified voter in the area over which the person
18 has jurisdiction and who meets the applicable requirements of AS 15.10.105(b)
19 [DOES NOT HOLD AN OFFICE IN A POLITICAL PARTY]. An election supervisor
20 is entitled to receive compensation in an amount that is comparable to that received
21 for similar state employment as determined by the director.

22 * Sec. 12. AS 15.15.030(5) is amended to read:

23 (5) The state general election ballot shall be printed on white paper
24 with the names of the candidates and their party designations placed in separate
25 sections under the office designation to which they were nominated. The party
26 affiliation, if any, shall be designated after the name of the candidate. The lieutenant
27 governor and the governor shall be included under the same section. Provision shall
28 be made for voting for write-in and no-party candidates within each section. [THE
29 SQUARES APPEARING ON THE BALLOTS SHALL MEASURE 1/4 INCH ON
30 EACH SIDE.]

31 * Sec. 13. AS 15.15.140(a) is amended to read:

1 (a) If the election board receives an insufficient number of official [PAPER
2 BALLOTS, OFFICIAL PUNCH-CARD] ballots [,] or official election materials, it
3 shall provide and the voters may use unmarked substitute ballots or other election
4 materials to indicate the intent of the voter.

5 * Sec. 14. AS 15.15.198(b) is amended to read:

6 (b) A person whose registration is inactive under AS 15.07.130(b) and who
7 votes a questioned or absentee ballot shall have the ballot counted if

8 (1) the person was registered to vote for either of the two most recent
9 general elections;

10 (2) the person signs [UNDER OATH] a statement to that effect; and

11 (3) the earlier registration is verified by the director.

12 * Sec. 15. AS 15.15.210 is amended to read:

13 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT
14 QUALIFICATION. Every election judge and election clerk shall question, and every
15 watcher and any other person qualified to vote in the precinct may question a person
16 attempting to vote if the questioner has good reason to suspect that the questioned
17 person is not qualified to vote. All questions regarding a person's qualifications to
18 vote shall be made in writing setting out the reason the person has been questioned.
19 A questioned person before voting shall subscribe to a declaration [AN OATH OR
20 AFFIRMATION] in a form provided by the director attesting to the fact that in each
21 particular the person meets all the qualifications of a voter, is not disqualified, and has
22 not voted at the same election, and certifying that the person understands that a
23 false statement on the declaration may subject the person to prosecution for a
24 misdemeanor under this title or AS 11. The questioned person shall also state the
25 place from which that person came immediately before living in the precinct where
26 offering to vote and the length of time of residence in the former place. After the
27 questioned person has executed the declaration [OATH OR AFFIRMATION], the
28 person may vote. If the questioned person refuses to execute the declaration [OATH
29 OR AFFIRMATION], the person may not vote.

30 * Sec. 16. AS 15.15.215(a) is amended to read:

31 (a) A voter who casts a questioned ballot shall vote the ballot in the same

1 manner as prescribed for other voters. The [AFTER THE ELECTION JUDGE
2 REMOVES THE NUMBERED STUB FROM THE BALLOT, THE] voter shall insert
3 the ballot into a secrecy sleeve, the election judge shall remove the numbered stub
4 from the ballot, and the voter shall [SMALL ENVELOPE AND] put the secrecy
5 sleeve [SMALL ENVELOPE] into an [A LARGER] envelope on which the statement
6 the voter previously signed is located. The envelope [THESE LARGER
7 ENVELOPES] shall be sealed and deposited in the ballot box. When the ballot box
8 is opened, the [THESE] envelopes shall be segregated, counted, compared to the
9 voting list, and delivered to the official or body supervising the election. The merits
10 of the question shall be determined by this official or body in accordance with the
11 procedure prescribed for questioned votes in AS 15.20.207.

12 * Sec. 17. AS 15.15.440 is amended to read:

13 Sec. 15.15.440. DATES FOR OPENING AND CLOSING STATE BALLOT
14 COUNTING REVIEW. The state ballot counting review shall begin no earlier
15 [LATER] than 11 days after an [THE] election and no later than 16 days after an
16 election, and shall be continued [DAILY] until completed. The director may designate
17 the hours each day during which the state ballot counting review board is to conduct
18 its ballot counting review. The director shall close the review when the director is
19 satisfied that no missing precinct certificate of election would, if received, change the
20 result of the election. If no election certificate has been received from a precinct, the
21 director may secure from the election supervisors and may count a certified copy of
22 the duplicate election certificate of the precinct. If no election materials have been
23 received, but election results have been received by telephone, telegram or radio, the
24 director shall count the election results so received. If the director has reason to
25 believe that a missing precinct certificate, if received, would affect the result of the
26 election, the director shall await the receipt of the certificate until the close of business
27 on the 15th day after the date of election. A certificate not actually delivered to the
28 director by the close of business on the 15th day after the election may not be counted
29 at the state ballot counting review.

30 * Sec. 18. AS 15.20.010 is repealed and reenacted to read:

31 Sec. 15.20.010. PERSONS WHO MAY VOTE ABSENTEE. At any election

1 a qualified voter may vote an absentee ballot for any reason.

2 * Sec. 19. AS 15.20.030 is amended to read:

3 Sec. 15.20.030. PREPARATION OF BALLOTS, ENVELOPES, AND OTHER
4 MATERIAL. The director shall provide ballots for use as absentee ballots in all
5 districts. The director shall provide a secrecy sleeve [SMALL ENVELOPE] in which
6 the voter shall initially place the marked ballot, and shall provide an [A LARGER]
7 envelope [,] with the prescribed voter's certificate on it [THE BACK], in which the
8 secrecy sleeve [SMALL ENVELOPE] with ballot enclosed shall be placed. The
9 director shall prescribe the form of and prepare the voter's certificate, envelopes, and
10 other material used in absentee voting. The voter's certificate shall include an oath,
11 for use when required, that the voter is a qualified voter in all respects, a blank for the
12 voter's signature, a certification that the affiant properly executed the marking of the
13 ballot and gave the voter's identity, blanks for the attesting official or witnesses, and
14 a place for recording the date the envelope was sealed and witnessed.

15 * Sec. 20. AS 15.20.061(c) is amended to read:

16 (c) On receipt of an absentee ballot in person, the voter shall proceed to mark
17 the ballot in secret, to place the ballot in the secrecy sleeve [SMALL ENVELOPE],
18 to place the secrecy sleeve [SMALL ENVELOPE] in the [LARGER] envelope
19 provided, and to sign the voter's certificate on the [BACK OF THE LARGER]
20 envelope in the presence of the election official who shall sign as attesting official and
21 date that signature. The election official shall then accept the ballot.

22 * Sec. 21. AS 15.20.071 is repealed and reenacted to read:

23 Sec. 15.20.071. ABSENTEE VOTING BY PERSONAL REPRESENTATIVE.

24 (a) A qualified voter with a disability who, because of that disability, is unable to go
25 to a polling place to vote may vote an absentee ballot through a personal
26 representative.

27 (b) A personal representative may apply in writing to the following election
28 officials, at the times specified, for an absentee ballot on behalf of a voter who is
29 eligible under (a) of this section:

30 (1) to an absentee voting official on or after the 15th day before an
31 election up to and including the day of the election;

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(2) to an election supervisor

(A) after a date announced by the director under AS 15.20.048(b); and

(B) on or after the 15th day before an election up to and including the day of the election;

(3) to an absentee voting official at an absentee voting station designated under AS 15.20.045(b) at a time when the absentee voting station is in operation;

(4) to a member of a precinct election board on election day.

(c) The application by the personal representative shall be signed by the personal representative and must include the following:

(1) the full name and full residence address of the personal representative;

(2) the full name and full residence address of the voter on whose behalf the personal representative is applying for an absentee ballot;

(3) a form of identification for the personal representative that meets the requirements for identification established by the director under AS 15.20.081(f) for absentee voting by mail; and

(4) a statement signed by the personal representative that the voter for whom the personal representative is applying for an absentee ballot will be unable to go to the polling place because of a disability.

(d) Upon receipt of a written application from a personal representative that meets the requirements of (c) of this section, the election official shall issue the absentee ballot and other absentee voting material to the personal representative.

(e) The personal representative shall deliver the absentee ballot and other absentee voting materials to the voter as soon as practicable. The voter shall proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, and to place the secrecy sleeve in the envelope provided. On the voter's certificate portion of the envelope, the voter shall state the name of the personal representative who applied for the absentee ballot, shall state that because of a disability the voter is unable to go to a polling place to vote, and shall sign the voter's certificate in the presence of the

1 personal representative and provide a form of identification for the voter that meets the
2 requirements for identification established by the director under AS 15.20.081(f) for
3 absentee voting by mail. The personal representative shall witness and date the
4 signature of the voter. The voter shall mark the ballot, and complete and sign the
5 voter's certificate, not later than election day. The voter shall return the absentee
6 ballot to the personal representative who shall deliver the ballot to the election official
7 who provided the ballot. The absentee ballot must be returned to the election official
8 not later than 8:00 p.m. on election day.

9 (f) Notwithstanding (e) of this section, if a qualified voter's disability
10 precludes the voter from performing any of the requirements of (e) of this section, the
11 personal representative may perform those requirements on the voter's behalf.

12 (g) An election official shall keep a record of the name and signature of each
13 personal representative requesting an absentee ballot and the name of the voter on
14 whose behalf the ballot is requested. The election official shall record the date that
15 the absentee ballot is provided and the date that the ballot is returned to the election
16 official.

17 (h) The voter's employer, an agent of the voter's employer, or an officer or
18 agent of the voter's union may not act as a personal representative for that voter.

19 * Sec. 22. AS 15.20.081(d) is amended to read:

20 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of
21 a notary public, commissioned officer of the armed forces including the National
22 Guard, district judge or magistrate, United States postal official, registration official,
23 or other person qualified to administer oaths, may proceed to mark the ballot in secret,
24 to place the ballot in the secrecy sleeve [SMALL ENVELOPE], to place the secrecy
25 sleeve [SMALL ENVELOPE] in the [LARGER] envelope provided, and to sign the
26 voter's certificate on the [BACK OF THE LARGER] envelope in the presence of an
27 official listed in this subsection who shall sign as attesting official and shall date the
28 signature. If none of the officials listed in this subsection is reasonably accessible, an
29 absentee voter shall sign the voter's certificate in the presence of two persons over the
30 age of 18 years, who shall sign as witnesses and attest to the date on which the voter
31 signed the certificate in their presence, and, in addition, the voter shall provide the