

SESSION OF 2006

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 35**

As Agreed to March 28, 2006

Brief*

House Sub. for SB 35 pertains to the location of sexually oriented signs.

The bill would:

- Prohibit signs or outdoor advertising for adult cabaret or sexually-oriented businesses from being located within one mile of any state highway;
- Provide that if the business is located within one mile of a state highway, the business could display a maximum of two exterior signs, one identifying the business and the other stating that the business is off limits to minors;
- Stipulate that the identification sign could be no larger than 40 square feet in size and could include only the name, street address, telephone number, and operating hours of the business;
- Provide that if a non-conforming sign exists on the effective date of the act, it would be allowed to continue in existence until July 1, 2009;
- Provide that any owner of a business whose signs are regulated—and who violates the provisions of the bill would be guilty of a class C misdemeanor, and each week that the owner remained in violation would be a separate offense;
- Provide that the provisions of the bill are intended to mitigate adverse secondary effects of sexually-oriented businesses, improve traffic safety, limit harm to minors, and reduce

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prostitution, crime, juvenile delinquency, deterioration in property values, and lethargy in neighborhood improvement project efforts; and

- Authorize the Attorney General to represent the state in all actions and proceedings that arise from passage of this bill, and provide that all costs of defending or prosecuting these actions and proceedings would be paid for from the State General Fund.

Conference Committee Action

Conferees agreed to delete the provisions of House Sub. for SB 35 that dealt with the conveyance of railroad right-of-way by a railroad company, and replace them with the provision regarding the location of sexually oriented signs.

Background

Bob Alderson appeared on behalf of Mid-States Port Authority in support of the bill. He stated, among other things, that the bill would clarify the circumstances under which railroad right-of-way may be conveyed and to whom it may be sold. He also said that the bill is in response to a Kansas Supreme Court case, *Stone v. U.S.D. No. 222*, 278 Kan. 166, 91 P.3d 1194 (2004). This case held that if the deed by which a railroad acquires property is a general warranty deed, without restriction how the property is to be used, or otherwise limits the railroad's use, the railroad acquires fee simple title. The bill would comport to this court decision.

The provisions in House Sub. for SB 35 were originally contained in HB 2854.

The fiscal prepared on HB 2854 indicates that bill would have no fiscal effect on the Kansas Department of Transportation's operations.