

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2757

As Amended by Senate Committee on
Transportation

Brief*

HB 2757, as amended, would name two bridges and amend the Highway Advertising Control Act to allow certain outdoor advertising signs.

The bill would name a bridge on US-77 in Marshall County as the SP4 Michael T. Martin Memorial Bridge and a bridge on US-36 in Marshall County as the SGT Joseph A. Zutterman Jr. Memorial Bridge.

The bill would establish these provisions related to signage:

- Require the Secretary of Transportation to place suitable signs to indicate the designation;
- Preclude the signs from being erected until the Secretary has received sufficient moneys from gifts and donations to reimburse the Secretary for the cost of placing the signs and an additional 50 percent of the initial cost to defray future maintenance or replacement of the signs; and
- Allow the Secretary to accept and administer gifts and donations to aid in obtaining and installing suitable signs.

The bill also would allow these types of outdoor advertising signs:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Outdoor advertising structures erected prior to June 30, 2006, under local zoning; and
- Signs in locations where zoning that is not part of comprehensive zoning ("spot zoning") allowed outdoor advertising prior to June 30, 2006, even if a sign structure does not currently exist.

Background

Representative Sharon Schwartz, a sister of Specialist Martin, and a representative of American Legion Riders Post #163 in Marysville testified in support of the original bill. There was no other testimony.

According to testimony, Specialist Martin and Sergeant Zutterman were killed in military service in Vietnam, and both were from the Marysville area. The bridges that would carry these memorial designations are near Marysville.

According to the fiscal note prepared by the Division of the Budget, the Kansas Department of Transportation reported the agency would have to receive \$5,760 from donations before installing two signs for each bridge: \$3,840 for the cost of the four signs, including installation, and an additional 50 percent, \$1,920, for future maintenance.

The Senate Transportation Committee added the contents of SB 151 regarding the placement of outdoor advertising. Representatives of small businesses in Chanute and Humboldt and of the City of Humboldt requested that bill. They stated highway construction had bypassed the business districts of some small towns, and that prohibitions on signs directing motorists to in-town businesses put small town businesses at a further disadvantage.

At the hearing on SB 151 in 2011, a representative of the League of Kansas Municipalities testified in support of the bill. A representative of the Kansas Department of Transportation (KDOT) testified in opposition to it. There was no other testimony.

In general, outdoor signs that meet additional requirements may be allowed in areas zoned for commercial or industrial use. In 2006, the Legislature enacted Sub. for SB 253, which amended the definition of "zoned commercial or industrial areas" in KSA 68-2232 to require that the areas in which outdoor advertising is allowed to be part of comprehensively zoned areas and not part of an area zoned commercial or industrial principally for the placement or construction of outdoor signs. That bill also made additional changes to bring the state into compliance with the federal Highway Beautification Act. According to those requesting the bill and in testimony, highway bypasses near towns in several areas of the state have created entrances to towns in areas of counties that had not been zoned to allow such signs.

According to testimony from a KDOT official, because the bill would make the state out of compliance with the federal Highway Beautification Act, the state could be at risk of a 10 percent reduction of federal funding for several highway programs, possibly resulting in a loss of approximately \$26 million a year. Department officials testified that they anticipate that, due to the limited number of properties that potentially would be impacted, the Federal Highway Administration would issue a warning to the state and offer a period of time in which the state could come into compliance before the Federal Highway Administration would withhold federal funds.

According to the fiscal note prepared by the Division of the Budget, KDOT stated no additional expenditures would be needed to implement the bill.