

2019

HOUSE BILL NO. ____

By Committee on Local Government

AN ACT concerning cities and counties; relating to regulation of temporary signs; amending K.S.A. 2018 Supp. 25-2711 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2018 Supp. 25-2711 is hereby amended to read as follows: 25-2711.

(a) No city or county shall regulate or prohibit the placement of or the number of ~~political temporary~~ signs on non-commercial private property or the unpaved right-of-way ~~for city streets or county roads on private property~~ easement that the non-commercial private property is subject to during the 45-day period prior to any election and the two-day period following any such election. No such signs shall be placed on the non-commercial private property or such easement that the non-commercial private property is subject to without the property owner's permission.

(b) Cities and counties may regulate temporary signs in the time period and locations described in subsection (a) to protect the health, safety and welfare of such cities and counties, including the limiting of the size ~~and a set-back distance for the placement~~ of signs so as not to impede sight lines or sight distance for safety reasons. Cities and counties shall retain documentation for any enforcement undertaken pursuant to this subsection.

(c) Nothing in this section shall be construed to authorize the placement of such temporary signs on any property, including, but not limited to, roadway medians owned by any governmental entity as defined in K.S.A. 75-6102, and amendments thereto.

(d) If a city or county policy that complies with the requirements of this section is the subject of a lawsuit that claims the policy violates the first amendment rights of an individual under 42 U.S.C. § 1983 and results in damages awarded against the city or county, the state shall indemnify the city or county for all associated legal fees and damages arising as a result of the lawsuit.

Sec. 2. K.S.A. 2018 Supp. 25-2711 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.