

SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2135

As Recommended by House Committee on
Local Government

Brief*

HB 2135 would repeal law (KSA 2018 Supp. 25-2711) that, among other things, prohibits any city or county from regulating or forbidding the placement or number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45 days preceding and the 2 days following any election.

Background

The bill was introduced in the House Committee on Local Government at the request of the League of Kansas Municipalities (LKM).

In the House Committee hearing, representatives of the Kansas Association of Counties (KAC) and LKM testified in favor of the bill. Proponents stated KSA 2018 Supp. 25-2711 creates a problem under the First Amendment of the *U.S. Constitution*. Proponents referenced and disagreed with Attorney General Opinion 2018-016, which found “a local jurisdiction could elect to enforce no local sign regulations at all or could enforce regulations that do not regulate or prohibit the placement of or the number of any signs, regardless of content in the designated locations during the 45-day period prior to any election and the two-day period following the election,” and concluded this would allow for unregulated sign placement in the right of way at certain times leading to potential safety issues. Written only proponent testimony was

*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>

provided by the cities of Dodge, Eudora, Haysville, Manhattan, Olathe, Overland Park, Topeka, Wichita, and the Unified Government of Wyandotte County.

Testimony in opposition of the bill was provided by a private citizen. The private citizen stated during an election cycle, there is an effort by home owners associations and other citizens to restrict homeowner's rights in displaying yard signs for reasons that include opposition to the message depicted by the sign and the sign aesthetics. The private citizen also noted property owners always have the right to remove signs, including cities that own various properties, such as medians and parks. Written-only opponent testimony was provided by three private citizens.

According to the fiscal note prepared by the Division of the Budget on the bill, the LKM and the Kansas State Department of Education indicate the bill would have no fiscal effect on cities or the Department of Education.