

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 26, 2012, 10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-five senators present.
Senators Bruce, Donovan, Emler, Haley and Masterson were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In 1993 I prayed
A basketball prayer.
It was because basketball
Was filling Kansas air.

This year its happening again.
As KU has once more
Beat Roy and North Carolina
And reached the Final Four.

“What does this have to do with Me?”
I can almost hear You say.
Probably very little at all
But I'm praying any way.

I realize the You Oh God
Probably could care less.
Who wins the NCAA
In north, east, south, or west.

I just ask that all the players
Will be protected by You.
But since some team has to win
It might as well be K.U.

P.S. Wichita State and K-State had a great year.

I pray in the Name of Jesus Christ. AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Ways and Means: **HB 2766, HB 2773.**

CHANGE OF REFERENCE

The President withdrew **HB 2077** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Financial Institutions and Insurance.**

MESSAGE FOR THE GOVERNOR

March 23, 2012

SB 263, SB 265, SB 298, SB 374 approved on March 23, 2012.

Sam Brownback,
Governor

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2557.**

The House nonconcurrs in Senate amendments to **HB 2430**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2464**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2471**, requests a conference and has appointed Representatives Bethell, Worley and Flaharty as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2485**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2494**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2502**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2503**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2516**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2517**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2563**, requests a conference and has appointed Representatives Powell, Kerschen and Wetta as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2596**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2604**, requests a conference and has appointed Representatives Burgess, DeGraaf and Trimmer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2613**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2655**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2704**, requests a conference and has appointed Representatives Colloton, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2706**, requests a conference and has appointed Representatives Burgess, DeGraaf and Trimmer as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2730**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Love introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1844—

A RESOLUTION congratulating and commending
Joe Hastings and Michael Wilhoite.

WHEREAS, Joe Hastings, of Wichita, Kansas (Bishop Carroll High School), earned All-MIAA honors as a senior wide receiver while playing football for Coach Craig Schurig at Washburn University and led the MIAA in receiving yards with 1,546 while recording 87 receptions, both single season records at Washburn. Joe averaged 128.8 yards per contest and was second in the conference in receptions per game at 7.3. He was fifth in the MIAA in scoring at 7.6 points per game; and

WHEREAS, Nationally, Joe Hastings finished his career at second in the country in receiving yards per game and tied for 20th in receptions per game. He tied a Washburn single-game record with four touchdown receptions against Nebraska-Omaha while playing only the first half of the game. Joe Hastings was a third team Don Hansen Football Gazette All-American and also took part in the Cactus Bowl Division II All-Star game pulling in a big touchdown pass. He accounted for 1,575 all-purpose yards in his final season averaging 131.2 per game. He had eight 100-yard receiving games including a career-high 223 yards and 10 receptions against Midwestern State in the 2010 Kanza Bowl; and

WHEREAS, Michael Wilhoite, of Topeka, Kansas (Highland Park High School), also earned All-MIAA honors as a senior linebacker at Washburn University after recording 81 tackles in one season. He finished his Washburn career with over 200 total tackles, which ranked him high in the Washburn record book. He finished his career at Washburn with 109 solo stops. Following his Washburn career, Michael signed with the Omaha Nighthawks, a professional team in the UFL (United Football League); and

WHEREAS, Joe and Michael both suffered injuries during their senior seasons at Washburn, but both overcame many adversities and helped lead the Washburn Ichabods to an 8-4 record and Kanza Bowl victory to finish out their Washburn careers. Through their talent, character and work ethic, both Joe Hastings and Michael Wilhoite were signed to the San Francisco 49ers football team; and

WHEREAS, It is unheard of for two Kansans who were teammates at a Kansas Division II school to be signed to an NFL team, let alone the same NFL team. Both of these young men had the goal of playing in the NFL, and both of them achieved this goal. During Joe and Michael's rookie season, the 49ers made it to the NFC Championship, just one game away from playing in the Super Bowl: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Joe Hastings and Michael Wilhoite for their roles on the San Francisco 49ers team and for all of their football success thus far, and wish them much more success in future endeavors. We also thank them for serving as role models to our Kansas youth; and

Be it further resolved: That the Secretary of the Senate shall send four enrolled copies of this resolution to Senator Love.

On emergency motion of Senator Love **SR 1844** was adopted unanimously.

Senator Love congratulated and commended Joe Hastings, a senior wide receiver, and Michael Wilhoite, a senior linebacker, for both earning All-MIAA honors while playing football at Washburn University. Also introduced were Joe Hastings' family: John and Stephanie Hastings, parents, Joe Cotton, grandfather and Erin Hastings, sister. Michael Wilhoite's family introduced were: Gregory Wilhoite, father, Jan Buchheim, mother, Orville and Shirley Buchheim and Naomi Dodson, grandparents and Christina Hollis, girlfriend. Other guests in attendance were: Dr. Jerry Farley, President of Washburn University, Loren Ferre, Athletic Director, Craig Schurig, Head Coach, Bill Sneed, Washburn University Board of Regents, Mark Elliott, Pam Berry, Raymond Berry, Gene Cassell, Jake Lebahn, and Bruce Steinbrock. The Senate welcomed the guests with a standing ovation.

REPORT ON ENROLLED BILLS

SB 316 reported correctly enrolled, properly signed and presented to the Governor on March 23, 2012.

SR 1840, SR 1841, SR 1842, SR 1843 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 23, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2757** be amended on page 1, following line 27, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 68-2232 is hereby amended to read as follows: 68-2232. As used in this act the following words and phrases shall have the meanings

respectively ascribed to them herein: (a) "Adjacent area" "controlled area" means an area which is adjacent to the right-of-way on any interstate or primary highway and is visible from the main traveled way.

(b) "Business area" means any part of an adjacent area, except areas adjacent to scenic byways, designated by the secretary of transportation, which is:

(1) Zoned for industrial or commercial activities under the authority of any law or by a local zoning authority; or

(2) an unzoned commercial or industrial area as herein defined.

(c) "Center line of the highway" means a line equidistant from the edges of the median separating the main traveled ways on a divided highway, or the center line of the main traveled way on a nondivided highway.

(d) "Commercial or industrial activities" means, for the purpose of establishing unzoned commercial or industrial areas, those activities generally recognized as commercial or industrial by local zoning authorities in this state, but excludes the following activities:

(1) Outdoor advertising structures;

(2) agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;

(3) transient or temporary activities;

(4) activities not visible from the traffic lanes of the main traveled way;

(5) activities more than 660 feet from the nearest edge of a highway right-of-way;

(6) activities conducted in a building principally used as a residence;

(7) railroad tracks and minor sidings;

(8) on-premise or on-property signs as provided for in subsection (c) of K.S.A. 68-2233, and amendments thereto, if the on-premise or on-property sign is the only part of the commercial or industrial activity that is visible from the main traveled way;

(9) any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity; and

(10) illegal junkyards as provided for in K.S.A. 68-2201 through 68-2215, and amendments thereto, and junkyards lawfully in existence pursuant to K.S.A. 68-2207, and amendments thereto.

(e) "Comprehensive zoning" means zoning by local zoning authorities of each parcel of land under the jurisdiction of the local zoning authority placed in a zoning classification pursuant to a comprehensive plan or reserved for future classification.

(f) "Department" means the Kansas department of transportation.

(g) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign structure.

(h) "Freeway" means any primary highway which is a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(i) "Highway" means a highway as defined by K.S.A. 8-1424, and amendments thereto. For the purpose of this act, a highway shall be considered a highway when the project for improvement and final alignment has been approved by the appropriate authorities.

(j) "Interstate highway" means any highway at any time officially designated as a

part of the national system of interstate and defense highways by the secretary of transportation and approved by the appropriate authority of the federal government.

(k) "Local zoning authority" means an incorporated city or a county which is authorized by law to zone areas within its jurisdiction and which has an active zoning authority.

(l) "Main traveled way" means the traveled way of a highway on which through traffic is carried. On a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled way, but such term does not include such facilities as frontage roads, turning roadways or parking areas.

(m) "Maintain" means to keep in a state of continuing existence. A sign must remain substantially the same as it was when permitted on the effective date of compliance with state law. Customary maintenance of a sign includes only change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing of vegetation on the parcel the sign is located, reinforcing the structure and repairing the apron or catwalks or any addition or enhancements to safety equipment on structures including safety cables, railings and other modifications necessary to meet current safety standards. An increase in dimension, a change in dimension, any change in location, increase in height or the addition of lighting does not constitute customary maintenance. Additional maintenance activities, other than customary maintenance, require a new sign permit.

(n) "Primary highway" means any highway, other than an interstate highway, that was part of the federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the national highway system.

(o) "Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way, which area is under public supervision or control and for the convenience of the traveling public.

(p) "Sign" or "outdoor advertising device" means any outdoor sign structure, display, light, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, vehicle or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents which is visible from any place on the main traveled way or any portion of an interstate or primary highway.

(q) "Sign facing" means and includes a sign display or displays at the same location and facing the same direction.

(r) "Sign display" means a single panel or part of the sign, including trim and background, which contains a message or messages.

(s) "Sign structure" means and includes all components of the sign, which may include poles, bracings, lateral supports, vehicles, displays and other materials of every kind and nature used to support a facing or facings on which advertising is placed.

(t) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(u) "Unzoned commercial or industrial area" means an area which is not zoned by state or local law, regulation or ordinance, which is within 660 feet of the nearest edge of the right-of-way of the controlled area, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, which meets all the requirements specified in subsection (h) of K.S.A. 68-2234, and amendments thereto.

(v) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(w) "Zoned commercial or industrial areas" means those areas which are comprehensively zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or resolution or an area which is zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation. Local zoning action must be taken pursuant to the state's zoning enabling statute or constitutional authority in accordance therewith. Zoning or zoning change created or adopted after June 30, 2006, which is not part of comprehensive zoning or which is created after June 30, 2006, primarily to permit advertising devices or structures shall not be recognized as valid zoning for purposes of the Kansas highway advertising control act and the rules and regulations promulgated thereunder, unless there actually exists a commercial or industrial activity as defined under subsection (d) of K.S.A. 68-2232, and amendments thereto.

(x) "Secretary" means the secretary of transportation.

(y) "Vegetation control" means a program authorized hereunder, providing for the control of vegetation on state rights-of-way which shall be of benefit to the state as well as providing assistance to sign owners. Vegetation control is recognized as part of the maintenance of the state's highway right-of-way as it relates to safety and other highway operations. The secretary shall adopt policies and procedures for the creation of a vegetation control program within 12 months of the effective date of this act.

Sec. 4. K.S.A. 2011 Supp. 68-2233 is hereby amended to read as follows: 68-2233. After March 31, 1972, and subject to the provisions of K.S.A. 68-2237, and amendments thereto, no sign shall be erected or maintained in an adjacent area, except the following: (a) Directional and official signs, including, but not limited to, signs pertaining to natural wonders, scenic or historical attractions, churches or rural businesses, which are required or authorized by law and which shall conform to rules and regulations promulgated by the secretary consistent with national policy, except that no such sign or notice shall be erected until an approved sign application and permit is obtained as provided for in K.S.A. 68-2236, and amendments thereto. Directional and official signs shall be required to obtain a license but such signs are exempt from payment of the fees required under subsection (c) of K.S.A. 68-2236, and amendments thereto;

(b) signs advertising the sale or lease of property upon which they are located;

(c) on-premise signs advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods grown, produced, sold, stored, manufactured, processed or mined thereon; services rendered thereon; and entertainment provided thereon;

(d) nonconforming signs or advertising devices lawfully in existence on March 31, 1972, or deemed to be nonconforming, provided that no such sign shall be maintained without a license as provided for in K.S.A. 68-2236, and amendments thereto;

(e) conforming signs or advertising devices erected in business areas and which comply with the provisions of K.S.A. 68-2234, and amendments thereto. No such sign or advertising device shall be erected until a permit is obtained as provided in K.S.A. 68-2236, and amendments thereto;

(f) conforming signs or advertising devices legally erected after March 31, 1972, which no longer comply with spacing, size or zoning requirements of K.S.A. 68-2234,

and amendments thereto, because of a change in the law, provided that no such sign shall be maintained without a license as required by K.S.A. 68-2236, and amendments thereto. Such signs or any authorized under zoning or zoning land use change created or adopted before June 30, 2006, shall be considered legal conforming signs or zoning with grandfather status;

(g) in addition to the limitations contained in this section, in order to further the purposes to promote the reasonable, orderly and effective display of outdoor advertising devices along highways adjacent to scenic and historical areas, while protecting the public investment in these highways and promoting safety and recreational value of public travel and to preserve natural beauty, no advertising sign, except as permitted under subsections (a), (b) or (c) shall be erected adjacent to any highway which is either:

- (1) A scenic highway or scenic byway designated by the secretary;
- (2) within 1,000 feet of the boundary line of a Kansas state park, a national park, a state or national wildlife refuge;
- (3) within 500 feet of any of the following: Public park, garden, recreation area, forest preserve, church, school, any public museum or historical monument, any safety rest or recreation area which is publicly owned, controlled and maintained pursuant to 23 U.S.C. § 319 or any sanitary or other facility for the accommodation of the motorist which is publicly owned, controlled and maintained pursuant to 23 U.S.C. § 319; or
- (4) within 500 feet of any strip of land, an interest in which has been acquired by the state of Kansas for the restoration, preservation or enhancement of scenic beauty and which is publicly controlled and maintained pursuant to 23 U.S.C. § 319.

Sec. 5. K.S.A. 2011 Supp. 68-2234 is hereby amended to read as follows: 68-2234. After March 31, 1972, and subject to the provisions of K.S.A. 68-2233, and amendments thereto, and to subsection (f), signs which are to be erected in a business area shall comply with the following standards: (a) *General*. Signs shall not be erected or maintained which:

- (1) Imitate or resemble any official traffic sign, signal or device; or
- (2) are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(b) *Configuration and size*. (1) Signs shall not be erected with sign faces which exceed 30 feet in height, 60 feet in length or 900 square feet in area, per facing, including border, trim and embellishments, but not including base or apron, supports, and other structural members;

- (2) the maximum size limitations shall apply to each sign facing;
- (3) two sign displays not exceeding 450 square feet each may be erected in a facing, side by side or "double decked," and double-faced, back-to-back or V-type signs shall be permitted and shall be treated as one structure with a maximum area of 900 square feet permitted for each side or facing. To be classified as "back-to-back" there must not be more than 15 feet between structures or faces, to allow for crossbracing;

(4) the area of any sign structure shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the area of the sign display or displays;

- (5) the height of any portion of the sign structure, excluding cutouts or extensions, as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 50 feet;

(6) cutouts or extensions shall be permitted on legal conforming signs at a size not to exceed 30% of the size of the main display area, with a maximum extension of five feet along the top edge, two feet along the sides and 1½ feet along the bottom of the main display area. Cutouts or extensions shall not be permitted where the configuration and size requirements of this subsection will be exceeded.

(c) *Spacing.* (1) Signs shall conform to all applicable building codes and ordinances of the city, county or state, whichever is applicable by reason of the locations of the signs;

(2) signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic;

(3) except for official and on-premise signs, as defined in 23 U.S.C. § 131(c) and as provided for in K.S.A. 68-2233, and amendments thereto, any signs or sign structures visible from any primary highway without fully controlled access:

(A) Shall not be spaced less than 300 feet apart outside of incorporated cities;

(B) shall not be spaced less than 200 feet apart within incorporated cities;

(4) any signs or sign structures visible from any interstate highway or freeway with fully controlled access:

(A) Shall not be spaced less than 500 feet apart, except for official and on-premise signs, as defined in 23 U.S.C. § 131(c), and as provided in K.S.A. 68-2233, and amendments thereto;

(B) outside the corporate limits of cities, shall not be located within 500 feet of an interchange, feeder, intersection at grade, safety rest area or information center regardless of whether the main traveled way is within or outside the city limits. The 500 feet spacing shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of pavement away from the interchange, collector, intersection at grade, safety rest area or information center. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant at the edge of the intersection is located at the edge of the intersection;

(5) the minimum distance between two signs prescribed by paragraphs (3) and (4) of this subsection shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the highway. Such minimum distance shall not apply to signs described by subsection (a), (b) or (c) of K.S.A. 68-2233, and amendments thereto, nor shall such signs be counted or be used in measuring distances for the purpose of determining compliance with the spacing requirements of this subsection;

(6) the minimum distances between two signs prescribed by paragraphs (3) and (4) of this subsection shall not apply where such signs are separated by a building, structure, roadway or other obstruction which prevents a view of both signs at the same time by traffic proceedings on any one highway; and

(7) nothing in this subsection shall be construed as preventing the erection of double-faced, back-to-back or V-type signs with a maximum of two sign displays per sign facing, as permitted by subsection (b). Nothing in this subsection shall prevent the owner of a single face sign to change the position of the sign face to a different or opposite direction of traffic flow so long as an additional face or additional square feet are not added to the sign structure. No such change may be affected until approval is

granted by the department.

(d) *Lighting.* (1) Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except those giving public service information such as, but not limited to, time, date, temperature, weather or news; steadily burning lights in configuration of letters or pictures are not prohibited;

(2) signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; and

(3) signs shall not be erected or maintained which are so illuminated that they obscure any official traffic sign, device or signal, or imitate or may be confused with any official traffic sign, device or signal.

(e) *Automatic changeable facing signs.* (1) Automatic changeable facing signs shall be permitted within adjacent or controlled areas under the following conditions:

(A) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising;

(B) the changeable facing remains in a fixed position for at least eight seconds;

(C) if a message is changed electronically, it must be accomplished within an interval of two seconds or less;

(D) the sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;

(E) if the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with these standards and approval by the department. A nonconforming structure shall not be modified to create an automatic changeable facing sign;

(F) if the sign contains a default design that will freeze the sign in one position if a malfunction occurs; and

(G) if the sign application meets all other permitting requirements.

(2) The outdoor advertising license shall be revoked for failure to comply with any provision in this subsection.

(f) *Application to local zoning authorities.* Nothing in article 22 of chapter 68 of Kansas Statutes Annotated, and amendments thereto, shall be construed as prohibiting a local zoning authority from controlling the erection, maintenance, size, spacing and lighting of signs in all areas within its jurisdiction by adopting standards which may be consistent with, or more or less restrictive than the highway advertising control act, and amendments thereto, except that along interstate highways, the size and spacing requirements of subsections (b) and (c) of K.S.A. 68-2234, and amendments thereto, shall be met. The standards adopted by a local zoning authority shall include the regulation of size, of lighting and of spacing of all such signs and shall restrict the erection of new signs, other than signs described by subsections (a), (b) and (c) of K.S.A. 68-2233, and amendments thereto, to zoned commercial or industrial areas.

(g) *Prohibition against zoning to permit outdoor advertising.* Zoning action after June 30, 2006, which is not part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for purposes of this

act.

(h) Unzoned commercial or industrial area qualifications for signs.

(1) To qualify an area as unzoned commercial or industrial for the purpose of outdoor advertising control, one commercial or industrial activity shall meet all of the following criteria prior to submitting an outdoor advertising permit application:

(A) The activity shall maintain all necessary business licenses as may be required by applicable state, county or local law or ordinances;

(B) the property used for the activity shall be listed for *ad valorem* taxes with the county and municipal taxing authorities as required by law;

(C) the activity shall be served by utilities, power, telephone, water and sewer or septic and well;

(D) the activity shall have direct or indirect vehicular access;

(E) the activity must be visible from, and located within 660 feet of the nearest edge of the right-of-way of the controlled route;

(F) the commercial or industrial activity must be in operation for a period of 12 months prior to the date of submitting an application for an outdoor advertising permit and license;

(G) the activity shall be in operation for at least nine months per year; and

(H) the owner or employee shall be present at the site for 20 hours per week;

(2) the unzoned area shall include areas on both sides of any two-lane highway, but shall be limited to land on the same side as the commercial or industrial activity on any highway with four or more traffic lanes. All measurements shall begin from the outer edges of regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity, not from the property line of the activity and shall be along the nearest edge of the main traveled way of the controlled route. The proposed sign location must be within 600 feet of the commercial or industrial activity.

Sec. 6. K.S.A. 2011 Supp. 68-2232, 68-2233 and 68-2234 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "memorial bridges"; and inserting "the highway advertising control act"; in line 5, after "bridge" by inserting "; amending K.S.A. 2011 Supp. 68-2232, 68-2233 and 68-2234 and repealing the existing sections"; and the bill be passed as amended.

On motion of Senator V. Schmidt, the Senate adjourned until 10:00 a.m., Tuesday, March 27, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

