

**SENATE BILL No. 456**

By Committee on Assessment and Taxation

3-27

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1 AN ACT concerning state highways; relating to the secretary of  
2 transportation; use of rights-of-way; amending K.S.A. 68-413b and  
3 repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 68-413b is hereby amended to read as follows: 68-  
7 413b. All rights-of-way of state highways shall be used exclusively for  
8 public highway purposes: ~~*Provided, but*~~ the secretary of transportation  
9 ~~*may shall*~~ authorize ~~such~~ other uses of such rights-of-way ~~as will not~~  
10 ~~*interfere with public travel thereon and which by a public utility, as*~~  
11 ~~*defined in K.S.A. 66-104, and amendments thereto, in a competitively*~~  
12 ~~*neutral and nondiscriminatory manner; that*~~ are in conformity with  
13 applicable state and federal laws; law and rules and regulations relating to  
14 highways, ~~*unless the secretary of transportation determines that such use*~~  
15 ~~*will interfere with public travel on such highways.*~~ The secretary of  
16 transportation is authorized to remove unauthorized structures, objects and  
17 facilities which are located upon the rights-of-way of state highways.  
18 Nothing herein shall be construed to affect the rights of public utilities and  
19 persons or associations maintaining facilities on state highway rights-of-  
20 way pursuant to law.

21 Sec. 2. K.S.A. 68-413b is hereby repealed.

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