

## HOUSE BILL No. 2066

By Committee on Water and Environment

1-17

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1 AN ACT concerning use of state highway right-of-way; relating to  
2 reimbursement for certain relocation costs; public wholesale water  
3 supply districts; amending K.S.A. 68-415 and repealing the existing  
4 section.

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

7 Section 1. K.S.A. 68-415 is hereby amended to read as follows: 68-  
8 415. (a) Whenever any person, firm or any corporation created for the  
9 purpose of constructing and maintaining magnetic telegraph or telephone  
10 lines or other telecommunication facilities or for the purpose of  
11 constructing and maintaining lines for the transmission of electric current  
12 or for the purpose of transporting oil or gas or water by pipelines, or  
13 municipal corporations, shall construct or maintain poles, piers, abutments,  
14 pipelines or other fixtures along, upon or across any state highway, such  
15 poles, wires, piers, abutments, pipelines and other fixtures shall be located  
16 upon that part of the right-of-way of the state highway designated by the  
17 secretary of transportation. The secretary of transportation may require the  
18 removal of such poles, piers, abutments, wires and pipelines and other  
19 fixtures upon state highways from any location on the state highways to  
20 such part of the right-of-way of the state highways as the secretary of  
21 transportation shall designate, and if such person, firm or corporation,  
22 upon receiving notice of the requirement of the secretary of transportation  
23 that such poles, piers, abutments, wires, pipelines or other fixtures be  
24 moved, fails to comply with any such requirement, the secretary of  
25 transportation may remove such poles, piers, abutments, wires, pipelines  
26 and other fixtures to such place on the right-of-way of the state highways  
27 as may be designated by the secretary of transportation, and the cost of  
28 such removal shall be paid to the secretary of transportation by such  
29 person, firm or corporation upon a statement of cost being furnished to  
30 such person, firm or corporation.

31 If such person, firm or corporation refuses to pay the charges, the  
32 secretary of transportation shall notify the attorney general, who shall  
33 bring suit against such person, firm or corporation in the name of the state  
34 to recover the amount. Any amounts received from such persons, firms or  
35 corporations shall be deposited in the state treasury and credited to the  
36 fund from which the cost of such removal was paid.

1 (b) In addition to the powers provided in subsection (a), the secretary  
2 may advance moneys to a public utility or entity when the utilities,  
3 structures or facilities of such public utility or entity are being moved,  
4 modified or relocated and in the secretary's opinion the expeditious  
5 movement, modification or relocation of such utilities, structures or  
6 facilities, from current or proposed highway right-of-way, is necessitated  
7 by a current or proposed highway project. The secretary shall not advance  
8 moneys to a public utility or entity, unless such public utility or entity can  
9 demonstrate a financial need for the advancement of such moneys.

10 The secretary shall not advance moneys in excess of \$20,000, per  
11 project, to any one public utility or entity. Such public utility or entity  
12 advanced money by the secretary shall pay interest upon such money at  
13 the rate of interest equal to the average yield before taxes received on 91-  
14 day United States treasury bills as determined by the federal reserve banks  
15 as fiscal agents of the United States at its most recent public offering of  
16 such bills prior to the date of the advancement of such money. The term  
17 for the repayment of such money by such public utility or entity shall not  
18 exceed 60 months.

19 Nothing in this subsection shall give any public utility or entity any  
20 standing on rights of compensation not currently available under law, and  
21 all such payments are deemed a matter of legislative policy to rest solely  
22 within the discretion of the secretary of transportation for the purpose of  
23 expediting the construction, reconstruction or maintenance of the state  
24 highway system.

25 The secretary of transportation shall adopt rules and regulations  
26 establishing the procedure and criteria for the advancement of moneys  
27 under the provisions of this subsection.

28 (c) Notwithstanding the provisions of subsection (a), any rural water  
29 district created under the provisions of K.S.A. 82a-612 et seq., and  
30 amendments thereto, *or any public wholesale water supply district created*  
31 *pursuant to K.S.A. 19-3545 et seq., and amendments thereto*, which, after  
32 excluding such water lines that cross a highway, has 90% or more of its  
33 remaining water lines on private right-of-way and is required to relocate  
34 such district's water lines in accordance with subsection (a): (1) Shall be  
35 reimbursed for such district's costs for relocating such water lines; or (2) if  
36 the secretary of transportation relocates the district's water lines, such  
37 district shall not be required to reimburse the secretary of transportation  
38 the costs for relocating such water lines. The provisions of this subsection  
39 shall apply to all state highway funded projects, including any highway  
40 projects currently in progress.

41 Sec. 2. K.S.A. 68-415 is hereby repealed.

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