

HOUSE BILL No. 2326

By Committee on Commerce, Labor and Economic Development

2-13

1 AN ACT concerning certain internet protocol enabled services.

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

4 Section 1. (a) Except as otherwise provided in this section, no VoIP
5 service, IP-enabled service, or any combination thereof, shall be subject to
6 the jurisdiction of, regulation by, supervision of or control by any state
7 agency or political subdivision of the state.

8 (b) VoIP services shall be subject to:

9 (1) The requirements of K.S.A. 66-2008, and amendments thereto,
10 pertaining to the Kansas universal service fund (KUSF). The provisions of
11 subsection (a) shall not affect or restrict eligibility for KUSF support; and

12 (2) the requirements of the Kansas 911 act, K.S.A. 2012 Supp. 12-
13 5362 et seq., and amendments thereto.

14 (c) No provision of this section shall be construed to modify:

15 (1) The requirements of the video competition act, K.S.A. 2012 Supp.
16 12-2021 et seq., and amendments thereto;

17 (2) the state corporation commission's authority under section 251
18 and 252 of the federal communications act of 1934, as in effect on the
19 effective date of this act, or its authority to implement rules as may be
20 explicitly delegated to the state corporation commission after the effective
21 date of this act by way of a final and non-appealable order of the federal
22 communications commission or by federal statute. No independent state
23 authority concerning interconnection shall be deemed to be created or
24 established under state law by this act; and

25 (3) the rights and obligations of subsection (y) of K.S.A. 66-2005,
26 and amendments thereto.

27 (d) For the purposes of this section:

28 (1) "Internet protocol enabled service" or "IP-enabled service" means
29 any service, capability, functionality, or application using an internet
30 protocol (IP) that enables an end user to send or receive a voice, data or
31 video communication in an IP format.

32 (2) "Political subdivision" shall have the meaning ascribed to such
33 term in K.S.A. 28-137, and amendments thereto.

34 (3) "State agency" shall have the meaning ascribed to such term in
35 K.S.A. 75-3701, and amendments thereto.

36 (4) "Voice over Internet Protocol" or "VoIP" is any service that:

1 (A) Uses an internet protocol (IP) to enable real-time, two-way voice
2 communication that originates from, or terminates at, the user's location in
3 an IP;

4 (B) utilizes a broadband connection from the user's location; and

5 (C) permits a user to receive a call that originates on the public
6 switched telephone network (PSTN) and to terminate a call to the PSTN.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the statute book.