

As Amended by House Committee

Session of 2013

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 47~~
18 ~~U.S.C. §§ 251 and 252 of the federal communications act of 1934, as in~~
19 ~~effect on the effective date of this act, or its authority to implement rules as~~
20 ~~may be explicitly delegated to the state corporation commission after the~~
21 ~~effective date of this act by way of a final and non-appealable order of the~~
22 ~~federal communications commission or by federal statute. No independent~~
23 ~~state authority concerning interconnection shall be deemed to be created or~~
24 ~~established under state law by this act; and~~

25 ~~(3) —, as in effect on the effective date of this act. For the purposes~~
26 ~~of this paragraph, the term "state commission" used in 47 U.S.C. §§~~
27 ~~251 and 252 shall mean the state corporation commission established~~
28 ~~pursuant to K.S.A. 74-601, and amendments thereto;~~

29 ~~(3) the authority of the state of Kansas or a political subdivision~~
30 ~~thereof to manage the use of public rights of way pursuant to K.S.A.~~
31 ~~17-1902, and amendments thereto; or~~

32 ~~(4) the rights and obligations of subsection (y) of K.S.A. 66-2005,~~
33 ~~and amendments thereto.~~

34 (d) For the purposes of this section:

35 (1) "Internet protocol enabled service" or "IP-enabled service" means
36 any service, capability, functionality, or application using an internet

1 protocol (IP) that enables an end user to send or receive a voice, data or
2 video communication in an IP format.

3 (2) "Political subdivision" shall have the meaning ascribed to such
4 term in K.S.A. ~~28-137~~ **28-137b**, and amendments thereto.

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

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

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

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

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

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