

HOUSE BILL No. 2462

By Representative Sloan

1-11

1 AN ACT concerning advanced telecommunications services; authorizing
2 the use of dark fiber.

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

5 Section 1. (a) Dark fiber that is owned or operated by the state or a
6 local government shall be leased by such state or local government to any
7 private sector broadband provider on a cost-plus basis upon request from
8 such private sector broadband provider. The state or local government may
9 retain enough dark fiber for reasonably anticipated 50-year fiber needs and
10 shall not be required to enter into any lease agreement that impinges upon
11 such needs.

12 (b) The terms of any lease entered into pursuant to this section may
13 be determined by auction or by negotiations between the state or local
14 government and a private sector broadband provider.

15 (c) As used in this section:

16 (1) "Cost-plus basis" means the prorated cost to install the fiber and
17 any relevant supporting equipment plus a reasonable lease payment for the
18 use of the fiber.

19 (2) "Dark fiber" means fiber within an existing fiber optic cable that
20 has not yet been activated through optronics to render it capable of
21 carrying communications services.

22 (3) "Local government" means any city, county or township located
23 within the state of Kansas.

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