

As Amended by House Committee

HOUSE BILL No. 2326

By Committee on Commerce, Labor and Economic Development

2-13

Proposed Amendment
Senate Commerce
March 12, 2013
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1 AN ACT concerning certain internet protocol enabled services.

2
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

the state corporation commission's authority under 47 U.S.C. §§ 251 and 252, as in effect on the effective date of this act, including its authority to require interconnection with the incumbent and its affiliates in IP format, or successor technology, for voice services upon request. For the purposes of this paragraph, the term, "state commission" used in 47 U.S.C. §§ 251 and 252 shall mean the state corporation commission established pursuant to K.S.A. 74-601, and amendments thereto

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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.