

HOUSE BILL No. 2326

By Committee on Commerce, Labor and Economic Development

2-13

1 AN ACT concerning certain internet protocol enabled services.

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

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

7 (b) VoIP services shall be subject to:
8 (1) The requirements of K.S.A. 66-2008, and amendments thereto,
9 pertaining to the Kansas universal service fund (KUSF). The provisions of
10 subsection (a) shall not affect or restrict eligibility for KUSF support; and
11 (2) the requirements of the Kansas 911 act, K.S.A. 2012 Supp. 12-
12 5362 et seq., and amendments thereto.

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

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

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

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

26 (d) For the purposes of this section:

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

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

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

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

47 U.S.C. §§

, as in effect on the effective date of this act. 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;
(3) the authority of the state of Kansas or a political subdivision thereof to manage the use of public rights of way pursuant to K.S.A. 17-1902, and amendments thereto; or
(4)

28-137b

- 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.