

SENATE BILL No. 144

AN ACT concerning the video competition act; exempting providers of broadcast satellite services and video programming delivered over the internet from the provisions of such act; amending K.S.A. 12-2022 and repealing the existing section.

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

Section 1. K.S.A. 12-2022 is hereby amended to read as follows: 12-2022. For purposes of the video competition act:

(a) "Cable service" ~~is means the same as~~ defined ~~as set forth~~ in 47 U.S.C. § 522.

(b) "Cable operator" ~~is means the same as~~ defined ~~as set forth~~ in 47 U.S.C. § 522.

(c) "Cable system" ~~is means the same as~~ defined ~~as set forth~~ in 47 U.S.C. § 522.

(d) "Communications service" means information service or telecommunications service as defined in 47 U.S.C. § 153.

(e) "Competitive video service provider" means an entity providing video service that is not franchised as a cable operator in the state of Kansas as of the effective date of this act and is not an affiliate, successor or assign of such cable operator.

(f) "Franchise" means an initial authorization, or renewal of an authorization, issued by a municipality, regardless of whether the authorization is designed as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, that authorizes the construction and operation of a cable system.

(g) "Micro wireless facility" means equipment at a fixed location that is:

(1) Installed on cables that are owned and operated by a video service provider between utility poles as defined in K.S.A. 66-2019, and amendments thereto;

(2) used to provide communications service; and

(3) not larger in dimension than 24 inches in length, 15 inches in width and 12 inches in height and does not have any associated exterior antenna longer than 11½ inches.

(h) "Municipality" means a city or county.

(i) "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. § 522.

(j) "Video service" means video programming services provided by a video services provider through wireline facilities owned, controlled, constructed or operated by the provider of such video service and located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. ~~This definition "Video service" does not include any video programming provided by:~~

(1) A commercial mobile service provider defined in 47 U.S.C. § 332(d), unless such programming is determined by the federal communications commission to be cable service;

(2) a provider of direct-to-home satellite services, as defined in 47 U.S.C. 303(v), that are transmitted from a satellite directly to a customer's premises without using or accessing any portion of the public right-of-way; or

(3) a provider of video programming accessed through a service that enables users to access content, information, email or other services offered over the internet including streaming content.

(k) "Video service authorization" means the right of a video service provider to offer video programming to any subscribers anywhere in the state of Kansas.

(l) "Video service provider" means a cable operator or a competitive video service provider that provides a video service.

(m) "Video service provider fee" means the fee imposed upon video

service providers pursuant to K.S.A. 12-2024, and amendments thereto.

Sec. 2. K.S.A. 12-2022 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.