

HOUSE BILL No. 2682

By Representatives Parker, Clayton, Curtis, Highberger, Ohaebosim and Probst

2-7

1 AN ACT concerning advanced telecommunications services; relating to
2 internet service providers and net neutrality; relating to state contracts;
3 requirements to receive state contracts.
4

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

6 Section 1. (a) The legislature finds and declares that:

7 (1) The state of Kansas is a significant purchaser of internet services;

8 (2) implementation of the principles of net neutrality is necessary for
9 the state to ensure efficient procurement of goods and services and to
10 ensure delivery of predictable, stable and high quality internet services;
11 and

12 (3) a majority of state services are exclusively online and, without
13 principles of net neutrality in place, internet service providers could limit
14 Kansas citizens' ability to receive state services, which could dramatically
15 deepen the digital divide and exacerbate challenges faced by the poorest
16 citizens in accessing state services.

17 (b) The state shall not enter into a contract with any internet service
18 provider that fails to meet the requirements of this section. To be eligible
19 to receive a contract from the state for the provision of internet services:

20 (1) An internet service provider shall not:

21 (A) Block lawful content, applications, services or nonharmful
22 devices, subject to reasonable network management that is disclosed to the
23 consumer;

24 (B) throttle, impair or degrade lawful internet traffic on the basis of
25 internet content, application or service, or use of a nonharmful device,
26 subject to reasonable network management that is disclosed to the
27 consumer;

28 (C) engage in paid prioritization; or

29 (D) unreasonably interfere with or unreasonably disadvantage:

30 (i) End users' ability to select, access and use internet services or
31 lawful internet content, applications, services or devices of their choice; or

32 (ii) a content, application, service or device provider's ability to make
33 lawful content, applications, services or devices available to end users.

34 (2) An internet service provider shall publicly disclose to all of its
35 customers in the state:

36 (A) Information upon the network and internet transport management

1 practices for all internet services; and

2 (B) performance and commercial terms of the provider's internet
3 services sufficient for consumers to make informed choices regarding the
4 use of such services and for content, application, service or device
5 providers to develop, market and maintain internet offerings.

6 (c) The secretary of administration may adopt rules and regulations
7 for the administration of this act.

8 (d) As used in this section:

9 (1) "Internet service" means a mass-market retail service that
10 provides the capability to transmit data to and receive data from all or
11 substantially all internet endpoints without regard to delivery technology
12 or infrastructure used to provide such service.

13 (2) "State" means this state or any agency, institution, department,
14 board, commission, office or officer of this state.

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