

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2438**, on page 1, following line 6, by inserting:

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

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

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

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

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

(1) An internet service provider shall not:

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

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

(C) engage in paid prioritization; or

(D) unreasonably interfere with or unreasonably disadvantage:

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

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

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

(A) Information upon the network and internet transport management practices for all internet services; and

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

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

(d) As used in this section:

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

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

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "projects"; also in line 1, after the semicolon by inserting "relating to state agencies; prohibiting state contracts with internet service providers that do not adhere to net neutrality policies;"