



General Assembly

February Session, 2018

***Raised Bill No. 5260***

LCO No. 1702



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT REQUIRING STATE CONTRACTORS TO ADOPT A NET  
NEUTRALITY POLICY.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2018, and applicable to*  
2 *solicitations on and after said date*) (a) For the purposes of this section:

3 (1) "Contractor" means a person, firm or corporation that is an  
4 Internet service provider submitting a competitive bid or proposal in  
5 response to a solicitation of a state agency;

6 (2) "State agency" means each state board, commission, department,  
7 office, institution, council or other agency with the power to contract  
8 for goods or services, itself or through its head;

9 (3) "Contract" means a contract entered into by a state agency and a  
10 contractor under chapter 58 of the general statutes that includes  
11 Internet and broadband services; and

12 (4) "Net neutrality policy" means the policy described in subsection

13 (b) of this section.

14 (b) On and after October 1, 2018, each state agency, when awarding  
15 a contract, shall state in its notice of solicitation for competitive bids or  
16 request for proposals or qualifications for such contract that the  
17 contractor shall be required to comply with the provisions of this  
18 section. Each contractor responding to a state agency's solicitation of  
19 bids, proposals or qualifications for a contract shall provide to the state  
20 agency a copy of its net neutrality policy, in accordance with  
21 subsection (d) of this section. At a minimum, such policy shall include  
22 a certification that the contractor:

23 (1) Shall not block lawful content, applications, services or  
24 nonharmful devices, subject to reasonable network management that is  
25 disclosed to the consumer;

26 (2) Shall not impair or degrade lawful Internet traffic on the basis of  
27 Internet content, application or service or use of a nonharmful device,  
28 subject to reasonable network management that is disclosed to the  
29 consumer;

30 (3) Shall not engage in paid prioritization, or accept any  
31 consideration to manage its network in a way that benefits particular  
32 content, applications, services or devices; and

33 (4) Shall publicly disclose accurate information regarding the  
34 network management practices, performance and commercial terms of  
35 its broadband Internet access services sufficient for consumers to make  
36 informed choices regarding the use of such services.

37 (c) Such policy shall be posted in a prominent and accessible  
38 location at the contractor's place of business and on the contractor's  
39 Internet website, if applicable.

40 (d) When responding to a state agency solicitation for competitive  
41 bids or request for proposals or qualifications for a contract, the  
42 contractor shall provide the awarding agency with any one of the

43 following:

44 (1) Documentation in the form of a company or corporate policy  
45 adopted by resolution of the board of directors, shareholders,  
46 managers, members or other governing body of such contractor that  
47 complies with the net neutrality policy requirements set forth in  
48 subsection (b) of this section;

49 (2) Documentation in the form of a company or corporate policy  
50 adopted by a prior resolution of the board of directors, shareholders,  
51 managers, members or other governing body of such contractor if (A)  
52 the prior resolution is certified by a duly authorized corporate officer  
53 of such contractor to be in effect on the date the documentation is  
54 submitted, and (B) the head of the awarding state agency, or a  
55 designee, certifies that the prior resolution complies with the net  
56 neutrality policy requirements set forth in subsection (b) of this section;  
57 or

58 (3) Documentation in the form of an affidavit signed under penalty  
59 of false statement by a chief executive officer, president, chairperson or  
60 other corporate officer duly authorized to adopt company or corporate  
61 policy that certifies that the company or corporate policy of the  
62 contractor complies with the net neutrality policy requirements set  
63 forth in subsection (b) of this section and is in effect on the date the  
64 affidavit is signed.

65 (e) No state agency shall award a contract to a contractor who has  
66 not provided the representation or documentation required under  
67 subsection (d) of this section. After the initial submission of such  
68 representation or documentation, the contractor shall not be required  
69 to resubmit such representation or documentation unless there is a  
70 change in the information contained in such representation or  
71 documentation. If there is any change in the information contained in  
72 the most recently filed representation or updated documentation, the  
73 contractor shall submit an updated representation or documentation,  
74 as applicable, either (1) not later than thirty days after the effective

75 date of such change, or (2) upon the execution of a new contract with  
76 the awarding state agency, whichever is earlier. Such contractor shall  
77 also certify to the awarding state agency not later than fourteen days  
78 after the twelve-month anniversary of the most recently filed  
79 representation, documentation or updated representation or  
80 documentation, that the representation on file with the awarding state  
81 agency, is current and accurate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018, and applicable to solicitations on and after said date</i>	New section

**Statement of Purpose:**

To require Internet service providers that are state contractors to adopt a net neutrality policy.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*