

Legislative Bill Drafting Commission  
13982-02-7

S. -----  
Senate  
-----

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*PUBSERLA\***  
(Relates to instituting internet  
service neutrality)

-----

Pub Serv. internet neutrality

AN ACT

to amend the public service law and  
the state finance law, in relation  
to instituting internet service  
neutrality

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s03 Croci	s54 Helming	s05 Marcellino	s56 Robach
s52 Akshar	s50 DeFrancisco	s27 Hoylman	s43 Marchione	s10 Sanders
s31 Alcantara	s32 Diaz	s60 Jacobs	s25 Montgomery	s23 Savino
s46 Amedore	s18 Dilan	s09 Kaminsky	s40 Murphy	s41 Serino
s11 Avella	s17 Felder	s26 Kavanagh	s58 O'Mara	s29 Serrano
s36 Bailey	s02 Flanagan	s63 Kennedy	s62 Ortt	s51 Seward
s30 Benjamin	s55 Funke	s34 Klein	s21 Parker	s16 Stavisky
s42 Bonacic	s59 Gallivan	s28 Krueger	s13 Peralta	s35 Stewart-
s04 Boyle	s12 Gianaris	s24 Lanza	s19 Persaud	Cousins
s44 Breslin	s22 Golden	s39 Larkin	s07 Phillips	s49 Tedisco
s08 Brooks	s47 Griffo	s37 Latimer	s61 Ranzenhofer	s53 Valesky
s38 Carlucci	s20 Hamilton	s01 LaValle	s48 Ritchie	s57 Young
s14 Comrie	s06 Hannon	s45 Little	s33 Rivera	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a065 Niou	a076 Seawright
a092 Abinanti	a070 Dickens	a116 Jenne	a037 Nolan	a087 Sepulveda
a084 Arroyo	a054 Dilan	a135 Johns	a144 Norris	a052 Simon
a035 Aubry	a081 Dinowitz	a115 Jones	a130 Oaks	a036 Simotas
a120 Barclay	a147 DiPietro	a077 Joyner	a069 O'Donnell	a104 Skartados
a030 Barnwell	a016 D'Urso	a040 Kim	a051 Ortiz	a099 Skoufis
a106 Barrett	a004 Englebright	a131 Kolb	a091 Otis	a022 Solages
a060 Barron	a133 Errigo	a105 Lalor	a132 Palmesano	a114 Stec
a082 Benedetto	a109 Fahy	a013 Lavine	a002 Palumbo	a110 Steck
a042 Bichotte	a126 Finch	a134 Lawrence	a088 Paulin	a127 Stirpe
a079 Blake	a008 Fitzpatrick	a050 Lentol	a009 Pellegrino	a071 Taylor
a117 Blankenbush	a124 Friend	a125 Lifton	a141 Peoples-	a001 Thiele
a098 Brabenc	a095 Galef	a123 Lupardo	Stokes	a061 Titone
a026 Braunstein	a137 Gantt	a010 Lupinacci	a058 Perry	a031 Titus
a119 Brindisi	a007 Garbarino	a121 Magee	a023 Pheffer	a033 Vanel
a138 Bronson	a148 Giglio	a129 Magnarelli	Amato	a055 Walker
a093 Buchwald	a080 Gjonaj	a064 Malliotakis	a086 Pichardo	a143 Wallace
a118 Butler	a066 Glick	a090 Mayer	a089 Pretlow	a112 Walsh
a094 Byrne	a150 Goodell	a108 McDonald	a073 Quart	a146 Walter
a103 Cahill	a075 Gottfried	a014 McDonough	a019 Ra	a041 Weinstein
a044 Carroll	a005 Graf	a017 McKeVitt	a012 Raia	a024 Weprin
a062 Castorina	a100 Gunther	a107 McLaughlin	a006 Ramos	a059 Williams
a047 Colton	a046 Harris	a101 Miller, B.	a043 Richardson	a113 Woerner
a032 Cook	a139 Hawley	a038 Miller, M.G.	a078 Rivera	a056 Wright
a085 Crespo	a083 Heastie	a020 Miller, M.L.	a068 Rodriguez	a096 Zebrowski
a122 Crouch	a028 Hevesi	a015 Montesano	a027 Rosenthal, D.	a074
a021 Curran	a048 Hikind	a136 Morelle	a067 Rosenthal, L.	a102
a063 Cusick	a018 Hooper	a145 Morinello	a025 Rozic	a142
a045 Cymbrowitz	a128 Hunter	a057 Mosley	a149 Ryan	
a053 Davila	a029 Hyndman	a039 Moya	a111 Santabarbara	
a072 De La Rosa	a097 Jaffee	a003 Murray	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. The article heading of article 11 of the public service  
2 law, as added by chapter 83 of the laws of 1995, is amended to read as  
3 follows:

4 PROVISIONS RELATING TO CABLE TELEVISION AND INTERNET

5 SERVICE COMPANIES

6 § 2. Section 212 of the public service law is amended by adding a new  
7 subdivision 15 to read as follows:

8 15. "Internet service provider" shall mean any person, business or  
9 organization qualified to do business in this state, including municipal  
10 broadband providers, that provides individuals, corporations, or other  
11 entities with the ability to connect to the internet.

12 § 3. The section heading of section 215 of the public service law, as  
13 added by chapter 83 of the laws of 1995, is amended and a new subdivi-  
14 sion 14 is added to read as follows:

15 Duties of the commission in respect to cable television and internet  
16 service companies.

17 14. Develop and maintain a statewide plan for the monitoring of inter-  
18 net service providers, including the annual certification that internet  
19 service providers comply with the internet service neutrality require-  
20 ments established in section two hundred thirty-one of this article.

21 § 4. The state finance law is amended by adding a new section 148 to  
22 read as follows:

23 § 148. Internet service neutrality requirements in certain procurement  
24 contracts. Notwithstanding any other provision of law to the contrary,  
25 where a contract that includes internet connection services is to be  
26 awarded by a state agency, public authority or municipality pursuant to  
27 a competitive bidding process or a request for proposal process, such  
28 competitive bidding process or request for proposal and the subsequent

1 awarded contract shall require that such internet connection services  
2 are compliant with the internet service neutrality requirements estab-  
3 lished in section two hundred thirty-one of the public service law.

4 § 5. The public service law is amended by adding a new section 231 to  
5 read as follows:

6 § 231. Internet service neutrality. 1. For purposes of this section,  
7 "reasonable network management" shall mean a network management practice  
8 is a practice that has a primarily technical network management justi-  
9 fication, but does not include other business practices. A network  
10 management practice is reasonable if it is primarily used for and  
11 tailored to achieving a legitimate network management purpose, taking  
12 into account the particular network architecture and technology of the  
13 broadband internet access service.

14 2. The commission shall certify annually that any internet service  
15 provider qualified to do business in this state, does not:

16 (a) block lawful content, applications, services, or non-harmful  
17 devices, subject to reasonable network management.

18 (b) impair or degrade lawful internet traffic on the basis of internet  
19 content, application, or service, or use of a non-harmful device,  
20 subject to reasonable network management.

21 (c) engage in paid prioritization, including, but not limited to,  
22 traffic shaping, prioritization, resource reservation, or other forms of  
23 preferential traffic management, either (i) in exchange for consider-  
24 ation (monetary or otherwise) from a third party, or (ii) to benefit an  
25 affiliated entity.

26 § 6. This act shall take effect on the thirtieth day after it shall  
27 have become a law.