

WITHDRAWN AS OF 4/26/2018

Intro. Res. No. 1158-2018
Introduced by Legislator Hahn

Laid on Table 3/6/2018

**RESOLUTION NO. -2018, ADOPTING LOCAL LAW
NO. -2018, A LOCAL LAW TO REQUIRE ADHERENCE TO
NET NEUTRALITY PRINCIPLES BY INTERNET SERVICE
PROVIDERS CONTRACTING WITH THE COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2018, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE ADHERENCE TO NET NEUTRALITY PRINCIPLES BY INTERNET SERVICE PROVIDERS CONTRACTING WITH THE COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2018, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REQUIRE ADHERENCE TO NET
NEUTRALITY PRINCIPLES BY INTERNET SERVICE
PROVIDERS CONTRACTING WITH THE COUNTY**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the internet is an essential service that the 1.5 million residents of Suffolk County rely on for information.

This Legislature also finds and determines that the principles of net neutrality ensure that online content is provided by internet service providers in a free and fair manner without elevating certain materials over others.

This Legislature further finds and determines that the free exchange of information, as governed by net neutrality principles, is expected and relied upon by County residents and businesses alike.

This Legislature finds that Suffolk County residents rely on a free and open internet to obtain news and information which allows them to make informed decisions for their families and communities.

This Legislature determines that Suffolk County based businesses rely on a free and open internet to enter new markets, recruit talent, compete and grow their business.

This Legislature also finds that educational institutions in Suffolk County rely on a free and open internet to provide students with the world-class educational opportunities they deserve.

This Legislature further finds that a free and open internet, however, is not guaranteed – it is subject to erosion by corporate and political interests and constant vigilance

by consumers, market participants and government is essential to prevent the degradation of services.

This Legislature also determines that, while federal regulation has eliminated the legal requirements for net neutrality, many internet service providers have made public pledges to continue to abide by the principles of a free and open internet.

This Legislature further determines that the County of Suffolk is a significant purchaser of internet and broadband services.

This Legislature further finds that Suffolk County has a responsibility to ensure the efficient procurement of goods and services. The principles of net neutrality are inherently tied to the provision of high quality, high speed broadband internet services for the County.

This Legislature also finds that many County government services are available only via the internet, and throttling or paid prioritization would limit the ability of vulnerable County residents to access these services and the internet, generally.

This Legislature concludes that Suffolk County should require all internet service providers it contracts with to adhere to net neutrality principles.

Therefore, the purpose of this law is to require that all internet service providers which contract with the County adhere to net neutrality principles as a condition of such contract.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“Internet Service Provider” – any entity which provides services for accessing and utilizing the internet, including, but not limited to, internet access, internet transit, domain name, registration, web hosting and colocation.

“Net Neutrality Principles” - commitment by an Internet Service Provider that they will not block, throttle, or prioritize internet content or applications or require that end users pay different or higher rates to access specific types of content or applications.

Section 3. Content Requirements.

- A. All agencies and departments of the County of Suffolk shall require that any contract with an Internet Service Provider contain a clause verifying that the Internet Service Provider will adhere to net neutrality principles during the term of the contract and a statement that the provider may not block lawful content, applications, services, non-harmful devices or applications that compete with other services provided by the provider.
- B. No County agency or department may enter into a contract with an Internet Service Provider which does not adhere to net neutrality principles.

Section 4. Applicability.

This law shall apply to all contracts entered into by the County on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: