

SENATE BILL NO. 355

INTRODUCED BY L. MOSS

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA MUNICIPAL WIRELESS INTERNET CONNECTIVITY GRANT PROGRAM TO PROVIDE FUNDING FOR COMMUNITIES THAT PROPOSE PUBLIC-PRIVATE PARTNERSHIPS FOR THE PURPOSE OF PROVIDING WIRELESS INTERNET CONNECTIVITY; PROVIDING GUIDELINES FOR IMPLEMENTING THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, access to advanced telecommunications technology is an integral and increasingly critical component of communities worldwide; and

WHEREAS, public, nonprofit, and business partnerships supporting municipal wireless infrastructure have proved to be successful in delivery, affordability, and sustainability of wireless networks in many communities in the United States; and

WHEREAS, Montana's public safety, public health, and public education systems could benefit significantly from wireless technology; and

WHEREAS, wireless technology is critical to Montana's continued economic development and competitiveness in a global marketplace; and

WHEREAS, wireless infrastructure will allow Montana's students, educators, citizens, local government agency employees, and businesses to achieve greater success and innovation in their pursuit of knowledge, economic growth, security, and efficiency; and

WHEREAS, many cities, towns, Indian communities, and rural regions in Montana and their local government agencies providing emergency, security, and public health services, as well as educational institutions, businesses, and entrepreneurs, will benefit from increased service delivery through wireless infrastructure accessibility; and

WHEREAS, advances in technology, affordability, and broadcast range ensure that wireless infrastructure is suitable for Montana's diverse communities and expansive landscapes; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 may provide significant federal funds to create a new program under the National Telecommunications and Information Administration that would help subsidize the development of wireless and broadband services in unserved and underserved areas of the



1 country.

2 THEREFORE, the 61st Montana Legislature establishes the Montana Municipal Wireless Internet  
3 Connectivity Grant Program as a means of pioneering municipal wireless infrastructure and encouraging  
4 government, nonprofit, and business partnerships, thereby fostering sustainable wireless internet connectivity  
5 in Montana's cities, towns, Indian communities, and rural regions.

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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9 NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Municipal  
10 Wireless Act".

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12 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 4], the following definitions  
13 apply:

14 (1) "Community" means a city, a town, or a tribal government jurisdiction.

15 (2) "Department" means the department of commerce provided for in 2-15-1801.

16 (3) "High-poverty community" means a community in this state in which 20% or more of people of all  
17 ages are living in poverty as determined by the U.S. census bureau's small area income and poverty estimates  
18 program for the most current year available.

19 (4) "Wireless internet connectivity" means provision of the technology required for wireless internet  
20 access throughout rural and urban communities.

21

22 NEW SECTION. Section 3. Montana municipal wireless internet connectivity grant program --  
23 **purpose -- award tiers.** (1) There is a municipal wireless internet connectivity grant program administered by  
24 the department. The purpose of this program is to provide matching funds to a community that proposes a  
25 public-private partnership for advancing wireless internet connectivity in ways that serve the public good.

26 (2) The department shall establish a grant program for communities to establish wireless networks. The  
27 department shall design a competitive application process that identifies communities qualified for grants in one  
28 of the following tiers:

29 (a) A tier-one recipient receives \$3 from the state for every \$1 that the recipient raises for wireless  
30 internet connectivity. A tier-one recipient is a community that would meet the criteria for an empowerment zone,

1 as provided in 7-21-3704, and is working with:

2 (i) a certified regional development corporation, as defined in 90-1-116; or

3 (ii) a tribal economic development organization.

4 (b) A tier-two recipient receives \$1 from the state for every \$1 that the recipient raises for wireless  
5 internet connectivity. A tier-two recipient is a community that is working with:

6 (i) a certified regional development corporation, as defined in 90-1-116;

7 (ii) a high-poverty community;

8 (iii) a business improvement district, the purpose of which is provided in 7-12-1102 and prioritized as  
9 provided in 90-1-204;

10 (iv) a historic or cultural district meeting the definition of heritage property provided in 22-3-421; or

11 (v) the main street program established in 90-1-151.

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13 **NEW SECTION. Section 4. Funding -- preference in awards.** (1) If funding in any year for the  
14 municipal wireless internet connectivity grant program established in [section 3] is less than the total amount for  
15 which grant applicants apply, the department shall provide preference to the applicants that, according to its  
16 assessment criteria, propose the most viable wireless internet connectivity plans for serving the greatest public  
17 good.

18 (2) [Section 3] may not be construed to require the provision of wireless internet connectivity grants  
19 without an appropriation for that purpose.

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21 **NEW SECTION. Section 5. Notification to tribal governments.** The secretary of state shall send a  
22 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
23 Chippewa tribe.

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25 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified  
26 as an integral part of Title 90, chapter 6, and the provisions of Title 90, chapter 6, apply to [sections 1 through 4].

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28 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

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30 **NEW SECTION. Section 8. Termination.** [This act] terminates June 30, 2013.

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