

HOUSE BILL NO. 426
INTRODUCED BY P. MORGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING LOCAL GOVERNMENTS FROM ESTABLISHING A FACILITY OR OFFERING A SERVICE IN DIRECT COMPETITION WITH A FOR-PROFIT ENTITY ALREADY OPERATING THE FACILITY OR OFFERING THE SERVICE; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. County prohibited from direct competition with for-profit facilities and services.** A county may not establish a facility for or offer a service to the general public if a for-profit entity has already established and is operating a similar facility or is offering a similar service in that county.

NEW SECTION. **Section 2. Municipality prohibited from direct competition with for-profit facilities and services.** A municipality may not establish a facility for or offer a service to the general public if a for-profit entity has already established and is operating a similar facility or is offering a similar service in that municipality.

NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 7, chapter 5, part 21, and the provisions of Title 7, chapter 5, part 21, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 5, part 41, and the provisions of Title 7, chapter 5, part 41, apply to [section 2].

NEW SECTION. **Section 4. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 5. Applicability.** [This act] applies to new facilities established or services offered by a county or municipality after [the effective date of this act].

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