

SENATE BILL NO. 513
INTRODUCED BY L. MOSS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA MUNICIPAL WIRELESS INTERNET CONNECTIVITY PILOT GRANT PROGRAM TO PROVIDE FUNDING FOR LOCAL GOVERNMENTS THAT PROPOSE PUBLIC-PRIVATE PARTNERSHIPS FOR THE PURPOSE OF PROVIDING WIRELESS INTERNET CONNECTIVITY; PROVIDING GUIDELINES FOR IMPLEMENTING THE PROGRAM; AND PROVIDING AN 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 in order for 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, Native American 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.

THEREFORE, the 60th Montana Legislature establishes the Montana Municipal Wireless Internet Connectivity Pilot Grant Program as a means of pioneering municipal wireless infrastructure and encouraging government, nonprofit, and business partnerships, thereby fostering sustainable wireless internet connectivity in Montana's cities, towns, Native American communities, and rural regions.

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

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

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

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

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

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

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

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

(a) A tier-one recipient receives \$3 from the state for every \$1 that it raises for wireless internet connectivity. A tier-one recipient is a local government in a geographical area that would meet the criteria for an empowerment zone, as provided in 7-21-3704, working with:

- (i) a certified regional development corporation, as defined in 90-1-116; or
- (ii) a tribal economic development organization.

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

- (i) a certified regional development corporation, as defined in 90-1-116;
- (ii) a high-poverty community;

- (iii) a business district, as defined in 61-8-102 and prioritized as provided in 90-1-204;
- (iv) a historic or cultural district meeting the definition of heritage property provided in 22-3-421; or
- (v) a main street program, as provided in 90-1-151.

NEW SECTION. Section 4. Funding -- preference in awards. (1) If the funding for [section 2] in any year is less than the total amount for which grant applicants apply, the department shall provide preference to the applicants that, according to its assessment criteria, propose the most viable wireless internet connectivity plans for serving the greatest public good.

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

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

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

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2007.

NEW SECTION. Section 8. Termination. [This act] terminates June 30, 2009.

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