

Amendment - 1st Reading-white - Requested by: Jason Ellsworth - (S) Energy and Telecommunications

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

HB0804.001.004

1 HOUSE BILL NO. 804
2 INTRODUCED BY T. RUNNING WOLF, F. SMITH, E. MCCLAFFERTY, J. WINDY BOY, S. STEWART
3 PEREGOY, D. ZOLNIKOV, R. LYNCH, W. CURDY, M. DUNWELL, J. ELLIS, D. HAYMAN, E. BOLDMAN, S.
4 MORIGEAU, J. SMALL, J. GROSS, L. BISHOP, D. HARVEY, M. WEATHERWAX, M. MARLER, K. SULLIVAN,
5 P. FLOWERS, M. FOX, E. STAFMAN, A. BUCKLEY, K. KORTUM, D. HAWK, T. FRANCE, S. O'BRIEN, J.
6 ETCHART, S. HOWELL, J. KARLEN, Z. WIRTH

7
8 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING REVIEW REQUIREMENTS BY AN AGENCY, POLITICAL
9 SUBDIVISION, OR TRIBAL GOVERNMENT FOR BROADBAND DEVELOPMENT PROJECTS; REQUIRING
10 APPROVAL FOR AGENCY, POLITICAL SUBDIVISION, OR TRIBAL GOVERNMENT OVERSIGHT OF
11 PRIVATE INTERNET SERVICE PROVIDER BROADBAND DEVELOPMENT; AMENDING SECTION 2-17-
12 603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 2-17-603, MCA, is amended to read:

17 **"2-17-603. Government competition with private internet services providers prohibited --**
18 **exceptions -- review requirements.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or
19 political subdivision of the state may not directly or through another agency or political subdivision be an
20 internet services provider.

21 (2) (a) An agency or political subdivision may act as an internet services provider if:

22 (i) no private internet services provider is available within the jurisdiction served by the agency or
23 political subdivision; or

24 (ii) the agency or political subdivision provided services prior to July 1, 2001.

25 (b) An agency or political subdivision may act as an internet services provider when providing
26 advanced services that are not otherwise available from a private internet services provider within the
27 jurisdiction served by the agency or political subdivision.

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1 (c) If a private internet services provider elects to provide internet services in a jurisdiction where
2 an agency or political subdivision is providing internet services, the private internet services provider shall
3 inform the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

4 (3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall
5 notify its subscribers within 30 days of the intent of the private internet services provider to begin providing
6 internet services and may choose to discontinue providing internet services within 180 days of the notice.

7 (4) An agency or a political subdivision of the state and, if broadband development occurs within
8 the exterior boundaries of a federally recognized Indian reservation, a federally recognized tribal government
9 shall ~~provide seek permission from the communications advisory commission provided for in Chapter 401,~~
10 Laws of 2021, when providing oversight of private internet service provider broadband development. ~~For the~~
11 purposes of this section, oversight of private internet service provider broadband development ~~including~~
12 includes but is not limited to:

13 (a) reviewing federally funded broadband projects prior to the approval of funding by the
14 department of administration;

15 (b) requesting a copy of a tribal resolution that states approval and support for any funding
16 application for broadband development for projects that reside within the exterior borders of a federally
17 recognized Indian reservation located in the state;

18 (c) encouraging effective planning and development of statutes, regulations, and policies that
19 manage the growth of municipal and tribal broadband services;

20 (d) promoting projects that provide more efficient and cost-effective delivery of broadband
21 services; and

22 (e) ensuring projects that have direct tribal implications adhere to the principles in 2-15-142.

23 ~~(4)~~(5) Nothing in this section may be construed to prohibit an agency or political subdivision from:

24 (a) offering electronic government services to the general public;

25 (b) acquiring access to the internet from a private internet services provider in order to offer
26 electronic government services to the general public; or

27 (c) providing funding for broadband service infrastructure projects consistent with the provisions of

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1 Chapter 401, Laws of 2021."

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3 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
4 copy of [this act] to each federally recognized tribal government in Montana.

5

6 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

7

- END -

AMENDED