

Amendment - 1st Reading-white - Requested by: Larry Brewster - (H) Energy, Technology and Federal Relations

68th Legislature

Drafter: Rebecca Power,

HJ0026.001.003

1 HOUSE JOINT RESOLUTION NO. 26
2 INTRODUCED BY L. BREWSTER, F. ANDERSON, S. GIST, E. BUTTREY
3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE ABILITY FOR THE STATE TO REGULATE SOCIAL
6 NETWORKING SERVICES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED
7 TO THE 69TH LEGISLATURE.

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9 WHEREAS, in December of 2022, the federal government banned the use of the social networking
10 service TikTok on all devices owned by the federal government due to possible security risks due to the
11 application's connection with the Chinese Communist Party; and

12 WHEREAS, the Montana Legislature introduced and passed ~~House~~ Senate Bill No. 419 during the
13 2023 Legislative Session that banned TikTok from operating within the territorial jurisdiction of the state; and

14 WHEREAS, the ability of a state to regulate an international application such as TikTok has not been
15 proven, a concept made more complex by the nature of the Internet, cellular networks, and federal regulations;
16 and

17 WHEREAS, banning a social networking service may prove difficult for many reasons, including but not
18 limited to how the Department of Justice identifies violations, how violations are validated, how the state
19 assesses and collects penalties on a large, international company, and whether the state becomes at risk for
20 further litigation; and

21 WHEREAS, the complicated nature of regulating a social networking application warrants further study
22 as online applications become more popular, not only for social application but also for business and other
23 economic development, to ensure that Montana citizens are not inadvertently harmed by a ban that may or may
24 not be enforceable.

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26 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
27 THE STATE OF MONTANA:

28 That the Legislative Council be requested to designate an appropriate interim committee or statutory