Amendment - 1st Reading-white - Requested by: Mike Fox - (S) Business, Labor, and	
Economic Affairs	
- 2023	

68th Legislature 2023		Drafter: Erin Sullivan, 406-444-3594	SB0174.001.002		
1	SENATE BILL NO. 174				
2	INTRODUCED BY W. MCKAMEY, S. GIST, K. SEEKINS-CROWE, K. REGIER, J. SMALL, J. ELLIS				
3	FITZPATRICK, D. HAYMAN, D. BARTEL, B. GILLESPIE, M. LANG, D. ZOLNIKOV, J. KASSMIER				
4					
5	A BILL FOR A	N ACT ENTITLED: "AN ACT ALLOWING AN AGENCY OR POLITICAL SUBD	IVISION TO		
6 PROVIDE FUNDING FOR BROADBAND INFRASTRUCTURE PROJECTS; ADDING REVIEW			<u>EW</u>		
7	REQUIREME	NTS BY AN AGENCY, POLITICAL SUBDIVISION, OR TRIBAL GOVERNMEN	<u>T FOR</u>		
8	BROADBAND	DEVELOPMENT PROJECTS; AND AMENDING SECTION 2-17-603, MCA."			
9					
10	BE IT ENACT	ED BY THE LEGISLATURE OF THE STATE OF MONTANA:			
11					
12	2 Section 1. Section 2-17-603, MCA, is amended to read:				
13	3 "2-17-603. Government competition with private internet services providers prohibited				
14	14 exceptions review requirements. (1) Except as provided in subsection (2)(a) or (2)(b), an agency or				
15	15 political subdivision of the state may not directly or through another agency or political subdivision be an				
16	6 internet services provider.				
17	(2)	(a) An agency or political subdivision may act as an internet services provide	ər if:		
18	(i)	no private internet services provider is available within the jurisdiction served	l by the agency or		
19	political subdivision; or				
20	(ii)	the agency or political subdivision provided services prior to July 1, 2001.			
21	(b)	An agency or political subdivision may act as an internet services provider w	hen providing		
22	advanced serv	vices that are not otherwise available from a private internet services provider v	vithin the		
23	3 jurisdiction served by the agency or political subdivision.				
24	(c)	If a private internet services provider elects to provide internet services in a j	urisdiction where		
25	an agency or p	political subdivision is providing internet services, the private internet services p	provider shall		
26	inform the age	ency or the political subdivision in writing at least 30 days in advance of offering	j internet services.		
27	(3)	Upon receiving notice pursuant to subsection (2)(c), the agency or political s	ubdivision shall		

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1	notify its subsc	ribers within 30 days of the intent of the private internet services provider to bec	gin providing
2	internet service	es and may choose to discontinue providing internet services within 180 days of	the notice.
3	<u>(4)</u>	An agency or political subdivision of the state and, if broadband development	occurs within the
4	exterior bound	aries of a federally recognized Indian reservation, a federally recognized tribal g	overnment shall
5	provide oversig	ght of private internet service provider broadband development, including but no	t limited to:
6	<u>(a)</u>	reviewing federally funded broadband projects prior to approval of funding by	the department of
7	administration;		
8	<u>(b)</u>	requesting a copy of a tribal resolution that states approval and support for an	<u>y funding</u>
9	application for	broadband development for projects that reside within the exterior borders of a	federally
10	recognized Ind	lian reservation located in the state;	
11	<u>(c)</u>	encouraging effective planning and development of statutes, regulations, and	policies that
12	manage the gr	owth of municipal and tribal broadband services;	
13	<u>(d)</u>	promoting projects that provide more efficient and cost-effective delivery of bro	<u>oadband</u>
14	services; and		
15	<u>(e)</u>	ensuring projects that have direct tribal implications adhere to the principles in	<u>2-15-142.</u>
16	(4)<u>(5)</u>	Nothing in this section may be construed to prohibit an agency or political sub-	division from:
17	(a)	offering electronic government services to the general public;	
18	(b)	acquiring access to the internet from a private internet services provider in ord	ler to offer
19	electronic gove	ernment services to the general public; or	
20	(c)	providing funding for broadband service infrastructure projects consistent with	the provisions of
21	Chapter 401, L	.aws of 2021 ."	
22			
23	NEW S	SECTION. Section 2. Notification to tribal governments. The secretary of s	tate shall send a
24	copy of [this ac	ct] to each federally recognized tribal government in Montana.	
25		- END -	

