

1 SENATE BILL NO. 174
2 INTRODUCED BY W. MCKAMEY, S. GIST, K. SEEKINS-CROWE, K. REGIER, J. SMALL, J. ELLIS, S.
3 FITZPATRICK, D. HAYMAN, D. BARTEL, B. GILLESPIE, M. LANG, D. ZOLNIKOV, J. KASSMIER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN AGENCY OR POLITICAL SUBDIVISION TO
6 PROVIDE FUNDING FOR BROADBAND INFRASTRUCTURE PROJECTS; AND AMENDING SECTION 2-17-
7 603, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 **Section 1.** Section 2-17-603, MCA, is amended to read:

12 **"2-17-603. Government competition with private internet services providers prohibited --**
13 **exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state
14 may not directly or through another agency or political subdivision be an internet services provider.

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

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

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

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

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

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

Amendment - 1st Reading-white - Requested by: Willis Curdy - (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0174.001.003

- 1 (4) Nothing in this section may be construed to prohibit an agency or political subdivision from:
- 2 (a) offering electronic government services to the general public;
- 3 (b) acquiring access to the internet from a private internet services provider in order to offer
- 4 electronic government services to the general public; ~~or~~
- 5 (c) providing funding to private broadband service providers for broadband service infrastructure
- 6 projects ~~consistent with the provisions of Chapter 401, Laws of 2021; or~~
- 7 (d) providing network infrastructure within the contiguous campus of the agency or political
- 8 subdivision. The provisions of this subsection (4)(d) do not apply to a school district as defined in 20-6-101 and
- 9 20-6-701, a community college district, or a unit of the Montana university system."

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