

SENATE BILL NO. 174

INTRODUCED BY W. MCKAMEY, S. GIST, K. SEEKINS-CROWE, K. REGIER, J. SMALL, J. ELLIS, S. FITZPATRICK, D. HAYMAN, D. BARTEL, B. GILLESPIE, M. LANG, D. ZOLNIKOV, J. KASSMIER

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

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

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

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

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

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

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

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

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

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

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

