68th Legislature 2023 SB 174.1

1	SENATE BILL NO. 174		
2	INTRODUCED BY W. MCKAMEY, S. GIST, K. SEEKINS-CROWE, K. REGIER, J. SMALL, J. ELLIS, S.		
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5	A BILL FOR A	N ACT ENTITLED: "AN ACT ALLOWING AN AGENCY OR POLITICAL SUBDIVISION TO	
6	PROVIDE FUNDING FOR BROADBAND INFRASTRUCTURE PROJECTS; AND AMENDING SECTION 2-1		
7	603, MCA."		
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
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11	Sectio	n 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 service		
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.		
28	(4)	Nothing in this section may be construed to prohibit an agency or political subdivision from:	

68th Legislature 2023 SB 174.1

1	(a)	offering electronic government services to the general public;
2	(b)	acquiring access to the internet from a private internet services provider in order to offer
3	electronic government services to the general public; or	
4	(c)	providing funding for broadband service infrastructure projects consistent with the provisions of
5	Chapter 401, Laws of 2021."	
6		- FND -

