HOUSE JOINT RESOLUTION NO. 26

INTRODUCED BY L. BREWSTER, F. ANDERSON, S. GIST, E. BUTTREY


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

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

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

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

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

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

That the Legislative Council be requested to designate an appropriate interim committee or statutory
committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

1. review the current powers of the Montana Department of Justice to enforce penalties on federally regulated entities;
2. review existing federal policies that govern the regulation of social networking services;
3. examine the policies of other states or entities who have attempted to regulate social networking services and analyze the success of those policies;
4. study the impacts of a statewide ban on an individual social networking service, including any economic, social, or political impacts; and
5. determine whether additional legislative changes are necessary.

BE IT FURTHER RESOLVED, that the study include input from the appropriate stakeholders, including but not limited to the Department of Justice, Internet service providers, and representatives of other private entities who use, manage, or are otherwise involved in social networking services.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

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