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SENATE BILL NO. 531

INTRODUCED BY D. SALOMON, E. BUTTREY, M. HOPKINS, S. FITZPATRICK, J. ELLSWORTH, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COMMUNICATIONS ADVISORY COMMISSION; REVISING THE CHALLENGE PROCESS; PROVIDING RULEMAKING AUTHORITY; ~~PROVIDING FOR AN APPLICATION FEE;~~ ~~PROVIDING FOR AN APPLICATION FEE;~~ PROVIDING DEFINITIONS; AMENDING SECTIONS 90-1-602, 90-1-603, 90-1-604, 90-1-605, 90-1-606, 90-1-607, 90-1-608, AND 90-1-609, MCA; AMENDING SECTION 13, CHAPTER 449, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 90-1-602, MCA, is amended to read:

"90-1-602. (Temporary) Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) (a) "Broadband" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints. The term includes capabilities that are incidental to and enable the operation of the communications service.

(b) The term does not include dial-up internet access service.

~~(1)(2) "Broadband service" means any commercially mature, universally available, terrestrially deployed technology having the capacity to transmit data from or to the internet at minimum speeds downstream and upstream at low latency to accommodate adequate and commonly used internet-based applications for residential, commercial, or government use. "Broadband equity, access, and deployment program" means the program established by the Infrastructure Investment and Jobs Act, Public Law 117-58, and implemented by the national telecommunications and information administration.~~

~~(2)(3) "Broadband service infrastructure" means the signal transmission facilities and associated~~

Amendment - Reference-white - Requested by: Edward Buttrey - Conference Committee on SB 531

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0531.004.001

1 (c) The governor may accept and shall deposit to the account any penalties allocated to the
2 department of ~~commerce~~ administration for funding of broadband communications projects.

3 (d) Notwithstanding any other provision of law, funds allocated under this section may not be
4 transferred or expended for any purpose other than to provide funding for projects authorized pursuant to this
5 part. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

6
7 ~~NEW SECTION. Section 9. — Application fees. An eligible provider submitting an application shall~~
8 ~~include a completed form that must be accompanied by a nonrefundable \$100 application fee and all other~~
9 ~~required documents and information. The form must be approved by the governor's chief economic~~
10 ~~development and by the commission.~~

11
12 ~~NEW SECTION. SECTION 9. — APPLICATION FEES. AN ELIGIBLE PROVIDER SUBMITTING AN APPLICATION~~
13 ~~SHALL INCLUDE A COMPLETED FORM THAT MUST BE ACCOMPANIED BY A NONREFUNDABLE \$100 APPLICATION FEE AND~~
14 ~~ALL OTHER REQUIRED DOCUMENTS AND INFORMATION. THE FORM MUST BE APPROVED BY THE GOVERNOR'S CHIEF~~
15 ~~ECONOMIC DEVELOPMENT AND BY THE COMMISSION.~~

16
17 **Section 9.** Section 13, Chapter 449, Laws of 2021, is amended to read:
18 **"Section 13. Contingent termination.** [Sections 1 through 9] terminate when the budget director
19 certifies to the code commissioner that all funds received from the American Rescue Plan Act of 2021, Public
20 Law 117-2, the Infrastructure Investment and Jobs Act of 2021, Public Law 117-58, or subsequent funding
21 pursuant to [section 3(2)] allocated to the department of ~~commerce~~ administration for communications until
22 funds have been expended."

23
24 ~~NEW SECTION. Section 10. Saving clause.~~ [This act] does not affect rights and duties that
25 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

26
27 ~~NEW SECTION. Section 11. NOTIFICATION TO TRIBAL GOVERNMENTS. THE SECRETARY OF STATE SHALL~~