

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING STATE BONDING FOR BROADBAND SERVICES;
5 REVISING THE DEFINITION OF "PROJECT"; AND AMENDING SECTION 90-5-101, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 **Section 1.** Section 90-5-101, MCA, is amended to read:

10 **"90-5-101. Definitions.** As used in this part, unless the context otherwise requires, the following
11 definitions apply:

12 (1) "Agricultural enterprises" includes but is not limited to producing, warehousing, storing,
13 fattening, treating, handling, distributing, or selling farm products or livestock.

14 (2) "Bonds" means bonds, refunding bonds, notes, or other obligations issued by a municipality or
15 county under the authority of this part, including without limitation short-term bonds or notes issued in
16 anticipation of the issuance of long-term bonds or notes.

17 (3) "Electric energy generation facility" means any combination of a physically connected
18 generator or generators, associated prime movers, and other associated property and transmission facilities
19 and upgrades and improvements of transmission facilities, including appurtenant land and improvements and
20 personal property, that are normally operated together to produce and transfer electric power. The term
21 includes but is not limited to generating facilities that produce and transfer electricity from coal-fired steam
22 turbines, oil or gas turbines, wind turbines, solar power sources, fuel cells, or turbine generators that are driven
23 by falling water.

24 (4) "Family services provider" means organizations, including nonprofit corporations, that provide
25 human services for children and adults, including but not limited to early care services for children, youth
26 services, health services, social services, habilitative services, rehabilitative services, preventive care, and
27 supportive services, and training, educational, and referral activities in support of human services.

28 (5) "Governing body" means the board or body in which the general legislative powers of the

1 municipality or county are vested.

2 (6) "Higher education facilities" means any real or personal properties required or useful for the
3 operation of an institution of higher education.

4 (7) "Institution of higher education" means any private, nonprofit corporation or institution within the
5 state of Montana:

6 (a) authorized to provide or operate educational facilities; and

7 (b) providing a program of education beyond the high school level.

8 (8) "Mortgage" means a mortgage or deed of trust or other security device.

9 (9) "Municipality" means any incorporated city or town in the state.

10 (10) "Project" means:

11 (a) any land, any building or other improvement, and any other real or personal property
12 considered necessary in connection with the improvement, whether or not now in existence, that must be
13 suitable for use for commercial, manufacturing, agricultural, or industrial enterprises;

14 (b) recreation or tourist facilities;

15 (c) local, state, and federal governmental facilities;

16 (d) multifamily housing, hospitals, long-term care facilities, community-based facilities for
17 individuals who are persons with developmental disabilities as defined in 53-20-102, or medical facilities;

18 (e) higher education facilities;

19 (f) electric energy generation facilities;

20 (g) family services provider facilities;

21 (h) any facilities that are used or considered necessary to create or produce any intangible item, as
22 defined in section 197(d)(1)(C)(iii) of the Internal Revenue Code, 26 U.S.C. 197(d)(1)(C)(iii), including any
23 patent, copyright, formula, process, design, pattern, knowledge, format, or other similar intangible item;

24 (i) the production of energy using an alternative renewable energy source as defined in 15-6-225;

25 and

26 (j) facilities to provide broadband service exclusively to locations where broadband service is not
27 offered with a speed of at least 100 megabits per second for downloads, a speed of at least of 20 megabits per
28 second for uploads, and latency less than or equal to 100 milliseconds; and

