

1 HOUSE JOINT RESOLUTION NO. 26

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

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA REQUESTING AN INTERIM STUDY OF THE ABILITY FOR THE STATE TO REGULATE SOCIAL
NETWORKING SERVICES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED
TO THE 69TH LEGISLATURE.

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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

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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

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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

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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

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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.

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

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THE STATE OF MONTANA:

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That the Legislative Council be requested to designate an appropriate interim committee or statutory

1 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

2 (1) review the current powers of the Montana Department of Justice to enforce penalties on
3 federally regulated entities;

4 (2) review existing federal policies that govern the regulation of social networking services;

5 (3) examine the policies of other states or entities who have attempted to regulate social
6 networking services and analyze the success of those policies;

7 (4) study the impacts of a statewide ban on an individual social networking service, including any
8 economic, social, or political impacts; and

9 (5) determine whether additional legislative changes are necessary.

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

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

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

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

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