



- 28 (a) provide:
- 29 (i) a cable television service; or
- 30 (ii) a public telecommunications service; or
- 31 (b) purchase, lease, construct, maintain, or operate a facility for the purpose of
- 32 providing:
- 33 (i) a cable television service; or
- 34 (ii) a public telecommunications service.
- 35 (2) ~~[Nothing in]~~ Except as provided in Subsection (3), this chapter [applies] does not
- 36 apply to a municipality purchasing, leasing, constructing, or equipping facilities:
- 37 (a) that are designed to provide services within the municipality; and
- 38 (b) that the municipality:
- 39 (i) uses for internal municipal government purposes; or
- 40 (ii) by written contract, leases, sells capacity in, or grants other similar rights to a
- 41 private provider to use the facilities in connection with a private provider offering:
- 42 (A) cable television services; or
- 43 (B) public telecommunications services.
- 44 (3) (a) As used in this Subsection (3), "municipal entity" means:
- 45 (i) a municipality; or
- 46 (ii) an entity created pursuant to an agreement:
- 47 (A) under Title 11, Chapter 13, Interlocal Cooperation Act; and
- 48 (B) to which a municipality is a party.
- 49 (b) Notwithstanding Subsection (2), a municipal entity shall comply with Subsection
- 50 (3)(c) if the municipal entity purchases, leases, constructs, or equips facilities that the
- 51 municipal entity by written contract leases, sells capacity in, or grants other similar rights to a
- 52 private provider to use the facilities in connection with a private provider offering:
- 53 (i) cable television services; or
- 54 (ii) public telecommunications services.
- 55 (c) A municipal entity described in Subsection (3)(b) shall, with respect to an action
- 56 described in Subsection (3)(b), comply with the obligations imposed on a municipality
- 57 pursuant to:
- 58 (i) Section 10-18-302; and

59            (ii) Subsections 10-18-303(3) and (4).

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**Legislative Review Note**  
**as of 1-23-04 11:26 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

Passage of this bill could limit revenue streams available for local telecommunications projects. Any fiscal impact would be dependant on the extent that these limitations effect the implementation or operations of the local system, or to the extent that local revenues are preserved for other local requirements.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**