

212 (i) uses for internal municipal government purposes; or
 213 (ii) by written contract, leases, sells capacity in, or grants other similar rights to a
 214 private provider to use the facilities in connection with a private provider offering:
 215 (A) cable television services; or
 216 (B) public telecommunications services.
 217 (3) (a) As used in this Subsection (3), "municipal entity" means:
 218 (i) a municipality; or
 219 (ii) an entity created pursuant to an agreement:
 220 (A) under Title 11, Chapter 13, Interlocal Cooperation Act; and
 221 (B) to which a municipality is a party.
 222 (b) Notwithstanding Subsection (2), a municipal entity shall comply with Subsection
 223 (3)(c) if the municipal entity purchases, leases, constructs, or equips facilities that the
 224 municipal entity by written contract leases, sells capacity in, or grants other similar rights to a
 225 private provider to use the facilities in connection with a private provider offering:

226 (i) cable television services; or
 227 (ii) public telecommunications services.
 228 (c) A municipal entity described in Subsection (3)(b) shall, with respect to an action
 229 described in Subsection (3)(b), comply with the obligations imposed on a municipality
 230 pursuant to:

231 (i) Section 10-18-302; and
 232 (ii) Subsections 10-18-303(3) and (4).
 233 (4) A municipality described in Subsection 10-18-105(2) may call an election under
 234 Section 10-18-204 with respect to the provision of public telecommunications service facilities.

235 Section 4. Section **10-18-204** is amended to read:

236 **10-18-204. Vote permissible -- Referendum.**

237 (1) (a) (i) A legislative body of a municipality may, by a majority vote [~~may~~], call an
 238 election on whether [~~or not~~] the municipality shall provide [~~the~~] proposed:

239 [(~~+~~)] (A) cable television services; or
 240 [(~~+~~)] (B) public telecommunications services.

241 (ii) A ~~§~~→ municipal ←~~§~~ legislative body ~~§~~→ [of a municipality] that, before July 1,
 241a 2016, approves the provision of public telecommunications service facilities ←~~§~~ may, by a
 241b majority vote, call an election on
 242 whether the municipality shall provide proposed public telecommunications service facilities.

243 (b) If under Subsection (1)(a) the legislative body calls an election, the election shall be
244 held:

245 (i) (A) at the next municipal general election; or

246 (B) as provided in Subsection 20A-1-203(1), at a local special election the purpose of
247 which is authorized by this section; and

248 (ii) in accordance with Title 20A, Election Code, except as provided in this section.

249 (c) (i) The notice of the election called under Subsection (1)(a)(i) shall include with
250 any other information required by law:

251 [(i)] (A) a summary of the cable television services or public telecommunications
252 services that the legislative body of the municipality proposes to provide to subscribers residing
253 within the boundaries of the municipality;

254 [(ii)] (B) the feasibility study summary under Section 10-18-203;

255 [(iii)] (C) a statement that a full copy of the feasibility study is available for inspection
256 and copying; and

257 [(iv)] (D) the location in the municipality where the feasibility study may be inspected
258 or copied.

259 (ii) The notice of an election called under Subsection (1)(a)(ii) shall include a summary
260 prepared by the municipality describing the proposed public communications service facilities.

261 (d) ~~[The ballot at]~~ (i) For an election called under Subsection (1)(a)(i), the ballot for the
262 election shall pose the question substantially as follows:

263 "Shall the [name of the municipality] provide [cable television service or public
264 telecommunications service] to the inhabitants of the [municipality][:]?"

265 (ii) For an election called under Subsection (1)(a)(ii), the ballot for the election shall
266 pose the question substantially as follows:

267 "Shall the [name of the municipality] provide public telecommunications service
268 facilities within [name of the municipality] by [brief description of the method or means and
269 financing terms ~~it~~ , including total principle and interest costs, ~~it~~ by which the public
communications service facilities will be provided]?"

270 (e) The ballot proposition may not take effect until submitted to the electors and
271 approved by the majority of those voting on the ballot.

272 (2) In accordance with Title 20A, Chapter 7, Issues Submitted to the Voters, a
273 [municipality] municipal legislative body's action to have the municipality over which the

274 legislative body presides provide cable television services or public telecommunications
275 services is subject to local referenda.

276 (3) ~~H~~→ (a) ←~~H~~ The results of an election called under Subsection (1)(a)(ii) are not
276a binding and do
277 not:

278 ~~H~~→ [(a)] (i) ←~~H~~ require the municipality that called the election to take, or refrain
278a from taking, any
279 action; or

280 ~~H~~→ [(b)] (ii) ←~~H~~ limit the municipality that called the election from taking any action
280a authorized
281 under Section 10-8-14 or 10-18-105.

281a ~~H~~→ (b) **An election called under Subsection (1)(a)(ii) does not exempt a municipality**
281b **from the applicable requirements of this Title 10, Chapter 18, Municipal Cable Television and**
281c **Public Telecommunications Services Act.** ←~~H~~