

**ASSEMBLY AMENDMENT 4,
TO 2003 SENATE BILL 272**

March 2, 2004 – Offered by Representative WEBER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 7: on page 1, line 8, of the material inserted by senate
3 amendment 2, delete “sub. (3)” and substitute “subs. (3) and (3m)”.

4 **2.** Page 3, line 23: after that line, on page 2 of the material inserted by senate
5 amendment 2, after line 16 insert:

6 “**(3m)** Subsection (2) does not apply to a facility for providing broadband service
7 if all of the following apply:

8 (a) The municipality offers use of the facility on a nondiscriminatory basis to
9 persons who provide broadband service to end users of the service.

10 (b) The municipality itself does not use the facility to provide broadband service
11 to end users.

12 (c) The municipality determines that, at the time that the municipality
13 authorizes the construction, ownership, or operation of the facility, whichever occurs

1 first, the facility does not compete with more than one provider of broadband
2 service.”.

3 **3.** Page 4, line 19: before that line insert:

4 “**SECTION 4w.** 196.204 (5) (ar) 3. of the statutes is created to read:

5 196.204 **(5)** (ar) 3. Subdivision 2. does not apply to a telecommunications
6 service, relevant group of services, or basic network function, that is used to provide
7 broadband service and that is offered by a municipal telecommunications utility, if
8 all of the following apply:

9 a. The municipal telecommunications utility offers the telecommunications
10 service, relevant group of services, or basic network function on a nondiscriminatory
11 basis to persons who provide broadband service to end users.

12 b. The municipality does not provide to end users the telecommunications
13 service, relevant group of services, or broadband service provided by the basic
14 network function.

15 c. The municipal utility determines that, at the time that the municipal utility
16 authorizes the provision of the telecommunications service, relevant group of
17 services, or basic network function, the municipal utility’s provision of the service,
18 group of services, or function does not compete with more than one provider of
19 broadband service.”.

20 (END)