



Adopted in House Comm. on Feb 25, 2004

09300HB4413ham001

LRB093 18564 MKM 47709 a

1 AMENDMENT TO HOUSE BILL 4413

2 AMENDMENT NO. _____. Amend House Bill 4413 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1095 as follows:

6 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

7 Sec. 5-1095. Community antenna television systems;
8 satellite transmitted television programming.

9 (a) The County Board may license, tax or franchise the
10 business of operating a community antenna television system or
11 systems within the County and outside of a municipality, as
12 defined in Section 1-1-2 of the Illinois Municipal Code.

13 When an area is annexed to a municipality, the annexing
14 municipality shall thereby become the franchising authority
15 with respect to that portion of any community antenna
16 television system that, immediately before annexation, had
17 provided cable television services within the annexed area
18 under a franchise granted by the county, and the owner of that
19 community antenna television system shall thereby be
20 authorized to provide cable television services within the
21 annexed area under the terms and provisions of the existing
22 franchise. In that instance, the franchise shall remain in
23 effect until, by its terms, it expires, except that any
24 franchise fees payable under the franchise shall be payable

1 only to the county for a period of 5 years or until, by its
2 terms, the franchise expires, whichever occurs first. After the
3 5 year period, any franchise fees payable under the franchise
4 shall be paid to the annexing municipality. In any instance in
5 which a duly franchised community antenna television system is
6 providing cable television services within the annexing
7 municipality at the time of annexation, the annexing
8 municipality may permit that franchisee to extend its community
9 antenna television system to the annexed area under terms and
10 conditions that are no more burdensome nor less favorable to
11 that franchisee than those imposed under any community antenna
12 television franchise applicable to the annexed area at the time
13 of annexation. The authorization to extend cable television
14 service to the annexed area and any community antenna
15 television system authorized to provide cable television
16 services within the annexed area at the time of annexation
17 shall not be subject to the provisions of subsection (e) of
18 this Section.

19 (b) "Community antenna television system" as used in this
20 Section, means any facility which is constructed in whole or in
21 part in, on, under or over any highway or other public place
22 and which is operated to perform for hire the service of
23 receiving and amplifying the signals broadcast by one or more
24 television stations and redistributing such signals by wire,
25 cable or other means to members of the public who subscribe to
26 such service except that such term does not include (i) any
27 system which serves fewer than 50 subscribers or (ii) any
28 system which serves only the residents of one or more apartment
29 dwellings under common ownership, control or management, and
30 commercial establishments located on the premises of such
31 dwellings.

32 (c) The authority hereby granted does not include the
33 authority to license or franchise telephone companies subject
34 to the jurisdiction of the Illinois Commerce Commission or the

1 Federal Communications Commission in connection with
2 furnishing circuits, wires, cables or other facilities to the
3 operator of a community antenna television system.

4 The County Board may, in the course of franchising such
5 community antenna television system, grant to such franchisee
6 the authority and the right and permission to use all public
7 streets, rights of way, alleys, ways for public service
8 facilities, parks, playgrounds, school grounds, or other
9 public grounds, in which such county may have an interest, for
10 the construction, installation, operation, maintenance,
11 alteration, addition, extension or improvement of a community
12 antenna television system.

13 Any charge imposed by a community antenna television system
14 franchised pursuant to this Section for the raising or removal
15 of cables or lines to permit passage on, to or from a street
16 shall not exceed the reasonable costs of work reasonably
17 necessary to safely permit such passage. Pursuant to
18 subsections (h) and (i) of Section 6 of Article VII of the
19 Constitution of the State of Illinois, the General Assembly
20 declares the regulation of charges which may be imposed by
21 community antenna television systems for the raising or removal
22 of cables or lines to permit passage on, to or from streets is
23 a power or function to be exercised exclusively by the State
24 and not to be exercised or performed concurrently with the
25 State by any unit of local government, including any home rule
26 unit.

27 The County Board may, upon written request by the
28 franchisee of a community antenna television system, exercise
29 its right of eminent domain solely for the purpose of granting
30 an easement right no greater than 8 feet in width, extending no
31 greater than 8 feet from any lot line for the purpose of
32 extending cable across any parcel of property in the manner
33 provided for by the law of eminent domain, provided, however,
34 such franchisee deposits with the county sufficient security to

1 pay all costs incurred by the county in the exercise of its
2 right of eminent domain.

3 Except as specifically provided otherwise in this Section,
4 this Section is not a limitation on any home rule county.

5 (d) The General Assembly finds and declares that
6 satellite-transmitted television programming should be
7 available to those who desire to subscribe to such programming
8 and that decoding devices should be obtainable at reasonable
9 prices by those who are unable to obtain satellite-transmitted
10 television programming through duly franchised community
11 antenna television systems.

12 In any instance in which a person is unable to obtain
13 satellite-transmitted television programming through a duly
14 franchised community antenna television system either because
15 the municipality and county in which such person resides has
16 not granted a franchise to operate and maintain a community
17 antenna television system, or because the duly franchised
18 community antenna television system operator does not make
19 cable television services available to such person, any
20 programming company that delivers satellite-transmitted
21 television programming in scrambled or encrypted form shall
22 ensure that devices for decryption of such programming are made
23 available to such person, through the local community antenna
24 television operator or directly, for purchase or lease at
25 prices reasonably related to the cost of manufacture and
26 distribution of such devices.

27 (e) The General Assembly finds and declares that, in order
28 to ensure that community antenna television services are
29 provided in an orderly, competitive and economically sound
30 manner, the best interests of the public will be served by the
31 establishment of certain minimum standards and procedures for
32 the granting of additional cable television franchises.

33 Subject to the provisions of this subsection, the authority
34 granted under subsection (a) hereof shall include the authority

1 to license, franchise and tax more than one cable operator to
2 provide community antenna television services within the
3 territorial limits of a single franchising authority. For
4 purposes of this subsection (e), the term:

5 (i) "Existing cable television franchise" means a
6 community antenna television franchise granted by a county
7 which is in use at the time such county receives an
8 application or request by another cable operator for a
9 franchise to provide cable antenna television services
10 within all or any portion of the territorial area which is
11 or may be served under the existing cable television
12 franchise.

13 (ii) "Additional cable television franchise" means a
14 franchise pursuant to which community antenna television
15 services may be provided within the territorial areas, or
16 any portion thereof, which may be served under an existing
17 cable television franchise.

18 (iii) "Franchising Authority" is defined as that term
19 is defined under Section 602(9) of the Cable Communications
20 Policy Act of 1984, Public Law 98-549.

21 (iv) "Cable operator" is defined as that term is
22 defined under Section 602(4) of the Cable Communications
23 Policy Act of 1984, Public Law 98-549.

24 Before granting an additional cable television franchise,
25 the franchising authority shall:

26 (1) Give written notice to the owner or operator of any
27 other community antenna television system franchised to
28 serve all or any portion of the territorial area to be
29 served by such additional cable television franchise,
30 identifying the applicant for such additional franchise
31 and specifying the date, time and place at which the
32 franchising authority shall conduct public hearings to
33 consider and determine whether such additional cable
34 television franchise should be granted.

1 (2) Conduct a public hearing to determine the public
2 need for such additional cable television franchise, the
3 capacity of public rights-of-way to accommodate such
4 additional community antenna television services, the
5 potential disruption to existing users of public
6 rights-of-way to be used by such additional franchise
7 applicant to complete construction and to provide cable
8 television services within the proposed franchise area,
9 the long term economic impact of such additional cable
10 television system within the community, and such other
11 factors as the franchising authority shall deem
12 appropriate.

13 (3) Determine, based upon the foregoing factors,
14 whether it is in the best interest of the county to grant
15 such additional cable television franchise.

16 (4) If the franchising authority shall determine that
17 it is in the best interest of the county to do so, it may
18 grant the additional cable television franchise. Except as
19 provided in paragraph (5) of this subsection (e), no such
20 additional cable television franchise shall be granted
21 under terms or conditions more favorable or less burdensome
22 to the applicant than those required under the existing
23 cable television franchise, including but not limited to
24 terms and conditions pertaining to the territorial extent
25 of the franchise, system design, technical performance
26 standards, construction schedules, performance bonds,
27 standards for construction and installation of cable
28 television facilities, service to subscribers, public
29 educational and governmental access channels and
30 programming, production assistance, liability and
31 indemnification, and franchise fees.

32 (5) Unless the existing cable television franchise
33 provides that any additional cable television franchise
34 shall be subject to the same terms or substantially

1 equivalent terms and conditions as those of the existing
2 cable television franchise, the franchising authority may
3 grant an additional cable television franchise under
4 different terms and conditions than those of the existing
5 franchise, in which event the franchising authority shall
6 enter into good faith negotiations with the existing
7 franchisee and shall, within 120 days after the effective
8 date of the additional cable television franchise, modify
9 the existing cable television franchise in a manner and to
10 the extent necessary to ensure that neither the existing
11 cable television franchise nor the additional cable
12 television franchise, each considered in its entirety,
13 provides a competitive advantage over the other, provided
14 that prior to modifying the existing cable television
15 franchise, the franchising authority shall have conducted
16 a public hearing to consider the proposed modification. No
17 modification in the terms and conditions of the existing
18 cable television franchise shall oblige the existing cable
19 television franchisee (1) to make any additional payment to
20 the franchising authority, including the payment of any
21 additional franchise fee, (2) to engage in any additional
22 construction of the existing cable television system or,
23 (3) to modify the specifications or design of the existing
24 cable television system; and the inclusion of the factors
25 identified in items (2) and (3) shall not be considered in
26 determining whether either franchise considered in its
27 entirety, has a competitive advantage over the other except
28 to the extent that the additional franchisee provides
29 additional video or data services or the equipment or
30 facilities necessary to generate and or carry such service.
31 No modification in the terms and conditions of the existing
32 cable television franchise shall be made if the existing
33 cable television franchisee elects to continue to operate
34 under all terms and conditions of the existing franchise.

1 If within the 120 day period the franchising authority
2 and the existing cable television franchisee are unable to
3 reach agreement on modifications to the existing cable
4 television franchise, then the franchising authority shall
5 modify the existing cable television franchise, effective
6 45 days thereafter, in a manner, and only to the extent,
7 that the terms and conditions of the existing cable
8 television franchise shall no longer impose any duty or
9 obligation on the existing franchisee which is not also
10 imposed under the additional cable television franchise;
11 however, if by the modification the existing cable
12 television franchisee is relieved of duties or obligations
13 not imposed under the additional cable television
14 franchise, then within the same 45 days and following a
15 public hearing concerning modification of the additional
16 cable television franchise within that 45 day period, the
17 franchising authority shall modify the additional cable
18 television franchise to the extent necessary to insure that
19 neither the existing cable television franchise nor the
20 additional cable television franchise, each considered in
21 its entirety, shall have a competitive advantage over the
22 other.

23 No county shall be subject to suit for damages based upon
24 the county's determination to grant or its refusal to grant an
25 additional cable television franchise, provided that a public
26 hearing as herein provided has been held and the franchising
27 authority has determined that it is in the best interest of the
28 county to grant or refuse to grant such additional franchise,
29 as the case may be.

30 It is declared to be the law of this State, pursuant to
31 paragraphs (h) and (i) of Section 6 of Article VII of the
32 Illinois Constitution, that the establishment of minimum
33 standards and procedures for the granting of additional cable
34 television franchises as provided in this subsection (e) is an

1 exclusive State power and function that may not be exercised
2 concurrently by a home rule unit.

3 (f) An existing cable television franchise serving 1,000 or
4 more customers shall not impose a rate increase unless:

5 (1) the cable television franchise gives its customers
6 at least 60 days' notice of the increase;

7 (2) the county board conducts a public hearing to
8 determine the need for the rate increase at least 14 days
9 after the notice is given; and

10 (3) the cable television franchise includes notice of
11 the rate increase and public hearing on the customer's
12 billing statement.

13 The requirements of this subsection do not preempt
14 conditions included in a franchise agreement between a
15 county and the business operating a community antenna
16 television system within the county and outside of a
17 municipality.

18 (g) An existing cable television franchise serving less
19 than 1,000 customers shall not impose a rate increase unless
20 the franchise gives its customers at least 60 days' notice of
21 the increase.

22 (Source: P.A. 90-14, eff. 7-1-97; 90-285, eff. 7-31-97.)

23 Section 10. The Illinois Municipal Code is amended by
24 changing Section 11-42-11 as follows:

25 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

26 Sec. 11-42-11. Community antenna television systems;
27 satellite transmitted television programming.

28 (a) The corporate authorities of each municipality may
29 license, franchise and tax the business of operating a
30 community antenna television system as hereinafter defined. In
31 municipalities with less than 2,000,000 inhabitants, the
32 corporate authorities may, under the limited circumstances set

1 forth in this Section, own (or lease as lessee) and operate a
2 community antenna television system; provided that a
3 municipality may not acquire, construct, own, or operate a
4 community antenna television system for the use or benefit of
5 private consumers or users, and may not charge a fee for that
6 consumption or use, unless the proposition to acquire,
7 construct, own, or operate a cable antenna television system
8 has been submitted to and approved by the electors of the
9 municipality in accordance with subsection (f). Before
10 acquiring, constructing, or commencing operation of a
11 community antenna television system, the municipality shall
12 comply with the following:

13 (1) Give written notice to the owner or operator of any
14 other community antenna television system franchised to
15 serve all or any portion of the territorial area to be
16 served by the municipality's community antenna television
17 system, specifying the date, time, and place at which the
18 municipality shall conduct public hearings to consider and
19 determine whether the municipality should acquire,
20 construct, or commence operation of a community antenna
21 television system. The public hearings shall be conducted
22 at least 14 days after this notice is given.

23 (2) Publish a notice of the hearing in 2 or more
24 newspapers published in the county, city, village,
25 incorporated town, or town, as the case may be. If there is
26 no such newspaper, then notice shall be published in any 2
27 or more newspapers published in the county and having a
28 general circulation throughout the community. The public
29 hearings shall be conducted at least 14 days after this
30 notice is given.

31 (3) Conduct a public hearing to determine the means by
32 which construction, maintenance, and operation of the
33 system will be financed, including whether the use of tax
34 revenues or other fees will be required.

1 (b) The words "community antenna television system" shall
2 mean any facility which is constructed in whole or in part in,
3 on, under or over any highway or other public place and which
4 is operated to perform for hire the service of receiving and
5 amplifying the signals broadcast by one or more television
6 stations and redistributing such signals by wire, cable or
7 other means to members of the public who subscribe to such
8 service; except that such definition shall not include (i) any
9 system which serves fewer than fifty subscribers, or (ii) any
10 system which serves only the residents of one or more apartment
11 dwellings under common ownership, control or management, and
12 commercial establishments located on the premises of such
13 dwellings.

14 (c) The authority hereby granted does not include authority
15 to license, franchise or tax telephone companies subject to
16 jurisdiction of the Illinois Commerce Commission or the Federal
17 Communications Commission in connection with the furnishing of
18 circuits, wires, cables, and other facilities to the operator
19 of a community antenna television system.

20 The corporate authorities of each municipality may, in the
21 course of franchising such community antenna television
22 system, grant to such franchisee the authority and the right
23 and permission to use all public streets, rights of way,
24 alleys, ways for public service facilities, parks,
25 playgrounds, school grounds, or other public grounds, in which
26 such municipality may have an interest, for the construction,
27 installation, operation, maintenance, alteration, addition,
28 extension or improvement of a community antenna television
29 system.

30 Any charge imposed by a community antenna television system
31 franchised pursuant to this Section for the raising or removal
32 of cables or lines to permit passage on, to or from a street
33 shall not exceed the reasonable costs of work reasonably
34 necessary to safely permit such passage. Pursuant to

1 subsections (h) and (i) of Section 6 of Article VII of the
2 Constitution of the State of Illinois, the General Assembly
3 declares the regulation of charges which may be imposed by
4 community antenna television systems for the raising or removal
5 of cables or lines to permit passage on, to or from streets is
6 a power or function to be exercised exclusively by the State
7 and not to be exercised or performed concurrently with the
8 State by any unit of local government, including any home rule
9 unit.

10 The municipality may, upon written request by the
11 franchisee of a community antenna television system, exercise
12 its right of eminent domain solely for the purpose of granting
13 an easement right no greater than 8 feet in width, extending no
14 greater than 8 feet from any lot line for the purpose of
15 extending cable across any parcel of property in the manner
16 provided by the law of eminent domain, provided, however, such
17 franchisee deposits with the municipality sufficient security
18 to pay all costs incurred by the municipality in the exercise
19 of its right of eminent domain.

20 (d) The General Assembly finds and declares that
21 satellite-transmitted television programming should be
22 available to those who desire to subscribe to such programming
23 and that decoding devices should be obtainable at reasonable
24 prices by those who are unable to obtain satellite-transmitted
25 television programming through duly franchised community
26 antenna television systems.

27 In any instance in which a person is unable to obtain
28 satellite-transmitted television programming through a duly
29 franchised community antenna television system either because
30 the municipality and county in which such person resides has
31 not granted a franchise to operate and maintain a community
32 antenna television system, or because the duly franchised
33 community antenna television system operator does not make
34 cable television services available to such person, any

1 programming company that delivers satellite-transmitted
2 television programming in scrambled or encrypted form shall
3 ensure that devices for description of such programming are
4 made available to such person, through the local community
5 antenna television operator or directly, for purchase or lease
6 at prices reasonably related to the cost of manufacture and
7 distribution of such devices.

8 (e) The General Assembly finds and declares that, in order
9 to ensure that community antenna television services are
10 provided in an orderly, competitive and economically sound
11 manner, the best interests of the public will be served by the
12 establishment of certain minimum standards and procedures for
13 the granting of additional cable television franchises.

14 Subject to the provisions of this subsection, the authority
15 granted under subsection (a) hereof shall include the authority
16 to license, franchise and tax more than one cable operator to
17 provide community antenna television services within the
18 corporate limits of a single franchising authority. For
19 purposes of this subsection (e), the term:

20 (i) "Existing cable television franchise" means a
21 community antenna television franchise granted by a
22 municipality which is in use at the time such municipality
23 receives an application or request by another cable
24 operator for a franchise to provide cable antenna
25 television services within all or any portion of the
26 territorial area which is or may be served under the
27 existing cable television franchise.

28 (ii) "Additional cable television franchise" means a
29 franchise pursuant to which community antenna television
30 services may be provided within the territorial areas, or
31 any portion thereof, which may be served under an existing
32 cable television franchise.

33 (iii) "Franchising Authority" is defined as that term
34 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549, but does not include
2 any municipality with a population of 1,000,000 or more.

3 (iv) "Cable operator" is defined as that term is
4 defined under Section 602(4) of the Cable Communications
5 Policy Act of 1984, Public Law 98-549.

6 Before granting an additional cable television franchise,
7 the franchising authority shall:

8 (1) Give written notice to the owner or operator of any
9 other community antenna television system franchised to
10 serve all or any portion of the territorial area to be
11 served by such additional cable television franchise,
12 identifying the applicant for such additional franchise
13 and specifying the date, time and place at which the
14 franchising authority shall conduct public hearings to
15 consider and determine whether such additional cable
16 television franchise should be granted.

17 (2) Conduct a public hearing to determine the public
18 need for such additional cable television franchise, the
19 capacity of public rights-of-way to accommodate such
20 additional community antenna television services, the
21 potential disruption to existing users of public
22 rights-of-way to be used by such additional franchise
23 applicant to complete construction and to provide cable
24 television services within the proposed franchise area,
25 the long term economic impact of such additional cable
26 television system within the community, and such other
27 factors as the franchising authority shall deem
28 appropriate.

29 (3) Determine, based upon the foregoing factors,
30 whether it is in the best interest of the municipality to
31 grant such additional cable television franchise.

32 (4) If the franchising authority shall determine that
33 it is in the best interest of the municipality to do so, it
34 may grant the additional cable television franchise.

1 Except as provided in paragraph (5) of this subsection (e),
2 no such additional cable television franchise shall be
3 granted under terms or conditions more favorable or less
4 burdensome to the applicant than those required under the
5 existing cable television franchise, including but not
6 limited to terms and conditions pertaining to the
7 territorial extent of the franchise, system design,
8 technical performance standards, construction schedules,
9 performance bonds, standards for construction and
10 installation of cable television facilities, service to
11 subscribers, public educational and governmental access
12 channels and programming, production assistance, liability
13 and indemnification, and franchise fees.

14 (5) Unless the existing cable television franchise
15 provides that any additional cable television franchise
16 shall be subject to the same terms or substantially
17 equivalent terms and conditions as those of the existing
18 cable television franchise, the franchising authority may
19 grant an additional cable television franchise under
20 different terms and conditions than those of the existing
21 franchise, in which event the franchising authority shall
22 enter into good faith negotiations with the existing
23 franchisee and shall, within 120 days after the effective
24 date of the additional cable television franchise, modify
25 the existing cable television franchise in a manner and to
26 the extent necessary to ensure that neither the existing
27 cable television franchise nor the additional cable
28 television franchise, each considered in its entirety,
29 provides a competitive advantage over the other, provided
30 that prior to modifying the existing cable television
31 franchise, the franchising authority shall have conducted
32 a public hearing to consider the proposed modification. No
33 modification in the terms and conditions of the existing
34 cable television franchise shall oblige the existing cable

1 television franchisee (1) to make any additional payment to
2 the franchising authority, including the payment of any
3 additional franchise fee, (2) to engage in any additional
4 construction of the existing cable television system or,
5 (3) to modify the specifications or design of the existing
6 cable television system; and the inclusion of the factors
7 identified in items (2) and (3) shall not be considered in
8 determining whether either franchise considered in its
9 entirety, has a competitive advantage over the other except
10 to the extent that the additional franchisee provides
11 additional video or data services or the equipment or
12 facilities necessary to generate and or carry such service.
13 No modification in the terms and conditions of the existing
14 cable television franchise shall be made if the existing
15 cable television franchisee elects to continue to operate
16 under all terms and conditions of the existing franchise.

17 If within the 120 day period the franchising authority
18 and the existing cable television franchisee are unable to
19 reach agreement on modifications to the existing cable
20 television franchise, then the franchising authority shall
21 modify the existing cable television franchise, effective
22 45 days thereafter, in a manner, and only to the extent,
23 that the terms and conditions of the existing cable
24 television franchise shall no longer impose any duty or
25 obligation on the existing franchisee which is not also
26 imposed under the additional cable television franchise;
27 however, if by the modification the existing cable
28 television franchisee is relieved of duties or obligations
29 not imposed under the additional cable television
30 franchise, then within the same 45 days and following a
31 public hearing concerning modification of the additional
32 cable television franchise within that 45 day period, the
33 franchising authority shall modify the additional cable
34 television franchise to the extent necessary to insure that

1 neither the existing cable television franchise nor the
2 additional cable television franchise, each considered in
3 its entirety, shall have a competitive advantage over the
4 other.

5 No municipality shall be subject to suit for damages based
6 upon the municipality's determination to grant or its refusal
7 to grant an additional cable television franchise, provided
8 that a public hearing as herein provided has been held and the
9 franchising authority has determined that it is in the best
10 interest of the municipality to grant or refuse to grant such
11 additional franchise, as the case may be.

12 It is declared to be the law of this State, pursuant to
13 paragraphs (h) and (i) of Section 6 of Article VII of the
14 Illinois Constitution, that the establishment of minimum
15 standards and procedures for the granting of additional cable
16 television franchises by municipalities with a population less
17 than 1,000,000 as provided in this subsection (e) is an
18 exclusive State power and function that may not be exercised
19 concurrently by a home rule unit.

20 (f) No municipality may acquire, construct, own, or operate
21 a community antenna television system unless the corporate
22 authorities adopt an ordinance. The ordinance must set forth
23 the action proposed; describe the plant, equipment, and
24 property to be acquired or constructed; and specifically
25 describe the manner in which the construction, acquisition, and
26 operation of the system will be financed.

27 The ordinance may not take effect until the question of
28 acquiring, construction, owning, or operating a community
29 antenna television system has been submitted to the electors of
30 the municipality at a regular election and approved by a
31 majority of the electors voting on the question. The corporate
32 authorities must certify the question to the proper election
33 authority, which must submit the question at an election in
34 accordance with the Election Code.

1 The question must be submitted in substantially the
2 following form:

3 Shall the ordinance authorizing the municipality to
4 (insert action authorized by ordinance) take effect?

5 The votes must be recorded as "Yes" or "No".

6 If a majority of electors voting on the question vote in
7 the affirmative, the ordinance shall take effect.

8 Not more than 30 or less than 15 days before the date of
9 the referendum, the municipal clerk must publish the ordinance
10 at least once in one or more newspapers published in the
11 municipality or, if no newspaper is published in the
12 municipality, in one or more newspapers of general circulation
13 within the municipality.

14 (g) An existing cable television franchise serving 1,000 or
15 more customers shall not impose a rate increase unless:

16 (1) the cable television franchise gives its customers
17 at least 60 days' notice of the increase;

18 (2) the corporate authorities of the municipality
19 conduct a public hearing to determine the need for the rate
20 increase at least 14 days after the notice is given; and

21 (3) the cable television franchise includes notice of
22 the rate increase and public hearing on the customer's
23 billing statement.

24 The requirements of this subsection do not preempt
25 conditions included in a franchise agreement between the
26 corporate authorities of a municipality and the business
27 operating a community antenna television system within the
28 municipality.

29 (h) An existing cable television franchise serving less
30 than 1,000 customers shall not impose a rate increase unless
31 the franchise gives its customers at least 60 days' notice of
32 the increase.

33 (Source: P.A. 90-285, eff. 7-31-97; 91-648, eff. 1-1-00.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".