



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4413**

Introduced 02/03/04, by Robert F. Flider

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/5-1095	from Ch. 34, par. 5-1095
65 ILCS 5/11-42-11	from Ch. 24, par. 11-42-11

Amends the Counties Code and the Illinois Municipal Code. Prohibits an existing cable television franchise serving 1,000 or more customers from imposing a rate increase unless the franchise (i) gives its customers at least 60 days' notice, (ii) conducts a public hearing to determine the need for the rate increase at least 14 days after the notice is given, and (iii) publishes notice of the hearing (or, if located in a municipality, prints notice of the rate increase and public hearing on the customer's billing statement). Prohibits an existing cable television franchise with less than 1,000 customers from imposing a rate increase unless the franchise gives its customers at least 60 days' notice. Effective immediately.

LRB093 18564 MKM 44285 b

1 AN ACT concerning cable television.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section  
5 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  
25 only to the county for a period of 5 years or until, by its  
26 terms, the franchise expires, whichever occurs first. After the  
27 5 year period, any franchise fees payable under the franchise  
28 shall be paid to the annexing municipality. In any instance in  
29 which a duly franchised community antenna television system is  
30 providing cable television services within the annexing  
31 municipality at the time of annexation, the annexing  
32 municipality may permit that franchisee to extend its community

1 antenna television system to the annexed area under terms and  
2 conditions that are no more burdensome nor less favorable to  
3 that franchisee than those imposed under any community antenna  
4 television franchise applicable to the annexed area at the time  
5 of annexation. The authorization to extend cable television  
6 service to the annexed area and any community antenna  
7 television system authorized to provide cable television  
8 services within the annexed area at the time of annexation  
9 shall not be subject to the provisions of subsection (e) of  
10 this Section.

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

24 (c) The authority hereby granted does not include the  
25 authority to license or franchise telephone companies subject  
26 to the jurisdiction of the Illinois Commerce Commission or the  
27 Federal Communications Commission in connection with  
28 furnishing circuits, wires, cables or other facilities to the  
29 operator of a community antenna television system.

30 The County Board may, in the course of franchising such  
31 community antenna television system, grant to such franchisee  
32 the authority and the right and permission to use all public  
33 streets, rights of way, alleys, ways for public service  
34 facilities, parks, playgrounds, school grounds, or other  
35 public grounds, in which such county may have an interest, for  
36 the construction, installation, operation, maintenance,

1 alteration, addition, extension or improvement of a community  
2 antenna television system.

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

17 The County Board may, upon written request by the  
18 franchisee of a community antenna television system, exercise  
19 its right of eminent domain solely for the purpose of granting  
20 an easement right no greater than 8 feet in width, extending no  
21 greater than 8 feet from any lot line for the purpose of  
22 extending cable across any parcel of property in the manner  
23 provided for by the law of eminent domain, provided, however,  
24 such franchisee deposits with the county sufficient security to  
25 pay all costs incurred by the county in the exercise of its  
26 right of eminent domain.

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

29 (d) The General Assembly finds and declares that  
30 satellite-transmitted television programming should be  
31 available to those who desire to subscribe to such programming  
32 and that decoding devices should be obtainable at reasonable  
33 prices by those who are unable to obtain satellite-transmitted  
34 television programming through duly franchised community  
35 antenna television systems.

36 In any instance in which a person is unable to obtain

1 satellite-transmitted television programming through a duly  
2 franchised community antenna television system either because  
3 the municipality and county in which such person resides has  
4 not granted a franchise to operate and maintain a community  
5 antenna television system, or because the duly franchised  
6 community antenna television system operator does not make  
7 cable television services available to such person, any  
8 programming company that delivers satellite-transmitted  
9 television programming in scrambled or encrypted form shall  
10 ensure that devices for decryption of such programming are made  
11 available to such person, through the local community antenna  
12 television operator or directly, for purchase or lease at  
13 prices reasonably related to the cost of manufacture and  
14 distribution of such devices.

15 (e) The General Assembly finds and declares that, in order  
16 to ensure that community antenna television services are  
17 provided in an orderly, competitive and economically sound  
18 manner, the best interests of the public will be served by the  
19 establishment of certain minimum standards and procedures for  
20 the granting of additional cable television franchises.

21 Subject to the provisions of this subsection, the authority  
22 granted under subsection (a) hereof shall include the authority  
23 to license, franchise and tax more than one cable operator to  
24 provide community antenna television services within the  
25 territorial limits of a single franchising authority. For  
26 purposes of this subsection (e), the term:

27 (i) "Existing cable television franchise" means a  
28 community antenna television franchise granted by a county  
29 which is in use at the time such county receives an  
30 application or request by another cable operator for a  
31 franchise to provide cable antenna television services  
32 within all or any portion of the territorial area which is  
33 or may be served under the existing cable television  
34 franchise.

35 (ii) "Additional cable television franchise" means a  
36 franchise pursuant to which community antenna television

1 services may be provided within the territorial areas, or  
2 any portion thereof, which may be served under an existing  
3 cable television franchise.

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

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

10 Before granting an additional cable television franchise,  
11 the franchising authority shall:

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

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

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

36 (4) If the franchising authority shall determine that

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

16           (5) Unless the existing cable television franchise  
17      provides that any additional cable television franchise  
18      shall be subject to the same terms or substantially  
19      equivalent terms and conditions as those of the existing  
20      cable television franchise, the franchising authority may  
21      grant an additional cable television franchise under  
22      different terms and conditions than those of the existing  
23      franchise, in which event the franchising authority shall  
24      enter into good faith negotiations with the existing  
25      franchisee and shall, within 120 days after the effective  
26      date of the additional cable television franchise, modify  
27      the existing cable television franchise in a manner and to  
28      the extent necessary to ensure that neither the existing  
29      cable television franchise nor the additional cable  
30      television franchise, each considered in its entirety,  
31      provides a competitive advantage over the other, provided  
32      that prior to modifying the existing cable television  
33      franchise, the franchising authority shall have conducted  
34      a public hearing to consider the proposed modification. No  
35      modification in the terms and conditions of the existing  
36      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  
35 neither the existing cable television franchise nor the  
36 additional cable television franchise, each considered in



1 its entirety, shall have a competitive advantage over the  
2 other.

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

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

17 (f) An existing cable television franchise serving 1,000 or  
18 more customers shall not impose a rate increase unless the  
19 franchise:

20 (1) gives its customers at least 60 days' notice of the  
21 increase;

22 (2) conducts a public hearing to determine the need for  
23 the rate increase at least 14 days after the notice is  
24 given; and

25 (3) publishes a notice of the hearing in 2 or more  
26 newspapers published in the county or municipality in which  
27 the customers of the franchise reside. If there is no  
28 newspaper published in the county or municipality in which  
29 the customers of the franchise reside, then notice of the  
30 hearing must be published in any 2 or more newspapers  
31 having a general circulation in the community.

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

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

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

3 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

4 Sec. 11-42-11. Community antenna television systems;  
5 satellite transmitted television programming.

6 (a) The corporate authorities of each municipality may  
7 license, franchise and tax the business of operating a  
8 community antenna television system as hereinafter defined. In  
9 municipalities with less than 2,000,000 inhabitants, the  
10 corporate authorities may, under the limited circumstances set  
11 forth in this Section, own (or lease as lessee) and operate a  
12 community antenna television system; provided that a  
13 municipality may not acquire, construct, own, or operate a  
14 community antenna television system for the use or benefit of  
15 private consumers or users, and may not charge a fee for that  
16 consumption or use, unless the proposition to acquire,  
17 construct, own, or operate a cable antenna television system  
18 has been submitted to and approved by the electors of the  
19 municipality in accordance with subsection (f). Before  
20 acquiring, constructing, or commencing operation of a  
21 community antenna television system, the municipality shall  
22 comply with the following:

23 (1) Give written notice to the owner or operator of any  
24 other community antenna television system franchised to  
25 serve all or any portion of the territorial area to be  
26 served by the municipality's community antenna television  
27 system, specifying the date, time, and place at which the  
28 municipality shall conduct public hearings to consider and  
29 determine whether the municipality should acquire,  
30 construct, or commence operation of a community antenna  
31 television system. The public hearings shall be conducted  
32 at least 14 days after this notice is given.

33 (2) Publish a notice of the hearing in 2 or more  
34 newspapers published in the county, city, village,

1 incorporated town, or town, as the case may be. If there is  
2 no such newspaper, then notice shall be published in any 2  
3 or more newspapers published in the county and having a  
4 general circulation throughout the community. The public  
5 hearings shall be conducted at least 14 days after this  
6 notice is given.

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

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

24 (c) The authority hereby granted does not include authority  
25 to license, franchise or tax telephone companies subject to  
26 jurisdiction of the Illinois Commerce Commission or the Federal  
27 Communications Commission in connection with the furnishing of  
28 circuits, wires, cables, and other facilities to the operator  
29 of a community antenna television system.

30 The corporate authorities of each municipality may, in the  
31 course of franchising such community antenna television  
32 system, grant to such franchisee the authority and the right  
33 and permission to use all public streets, rights of way,  
34 alleys, ways for public service facilities, parks,  
35 playgrounds, school grounds, or other public grounds, in which  
36 such municipality may have an interest, for the construction,

1 installation, operation, maintenance, alteration, addition,  
2 extension or improvement of a community antenna television  
3 system.

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

18 The municipality may, upon written request by the  
19 franchisee of a community antenna television system, exercise  
20 its right of eminent domain solely for the purpose of granting  
21 an easement right no greater than 8 feet in width, extending no  
22 greater than 8 feet from any lot line for the purpose of  
23 extending cable across any parcel of property in the manner  
24 provided by the law of eminent domain, provided, however, such  
25 franchisee deposits with the municipality sufficient security  
26 to pay all costs incurred by the municipality in the exercise  
27 of its right of eminent domain.

28 (d) The General Assembly finds and declares that  
29 satellite-transmitted television programming should be  
30 available to those who desire to subscribe to such programming  
31 and that decoding devices should be obtainable at reasonable  
32 prices by those who are unable to obtain satellite-transmitted  
33 television programming through duly franchised community  
34 antenna television systems.

35 In any instance in which a person is unable to obtain  
36 satellite-transmitted television programming through a duly

1 franchised community antenna television system either because  
2 the municipality and county in which such person resides has  
3 not granted a franchise to operate and maintain a community  
4 antenna television system, or because the duly franchised  
5 community antenna television system operator does not make  
6 cable television services available to such person, any  
7 programming company that delivers satellite-transmitted  
8 television programming in scrambled or encrypted form shall  
9 ensure that devices for description of such programming are  
10 made available to such person, through the local community  
11 antenna television operator or directly, for purchase or lease  
12 at prices reasonably related to the cost of manufacture and  
13 distribution of such devices.

14 (e) The General Assembly finds and declares that, in order  
15 to ensure that community antenna television services are  
16 provided in an orderly, competitive and economically sound  
17 manner, the best interests of the public will be served by the  
18 establishment of certain minimum standards and procedures for  
19 the granting of additional cable television franchises.

20 Subject to the provisions of this subsection, the authority  
21 granted under subsection (a) hereof shall include the authority  
22 to license, franchise and tax more than one cable operator to  
23 provide community antenna television services within the  
24 corporate limits of a single franchising authority. For  
25 purposes of this subsection (e), the term:

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

34 (ii) "Additional cable television franchise" means a  
35 franchise pursuant to which community antenna television  
36 services may be provided within the territorial areas, or

1 any portion thereof, which may be served under an existing  
2 cable television franchise.

3 (iii) "Franchising Authority" is defined as that term  
4 is defined under Section 602(9) of the Cable Communications  
5 Policy Act of 1984, Public Law 98-549, but does not include  
6 any municipality with a population of 1,000,000 or more.

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

10 Before granting an additional cable television franchise,  
11 the franchising authority shall:

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

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

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

36 (4) If the franchising authority shall determine that

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

16           (5) Unless the existing cable television franchise  
17          provides that any additional cable television franchise  
18          shall be subject to the same terms or substantially  
19          equivalent terms and conditions as those of the existing  
20          cable television franchise, the franchising authority may  
21          grant an additional cable television franchise under  
22          different terms and conditions than those of the existing  
23          franchise, in which event the franchising authority shall  
24          enter into good faith negotiations with the existing  
25          franchisee and shall, within 120 days after the effective  
26          date of the additional cable television franchise, modify  
27          the existing cable television franchise in a manner and to  
28          the extent necessary to ensure that neither the existing  
29          cable television franchise nor the additional cable  
30          television franchise, each considered in its entirety,  
31          provides a competitive advantage over the other, provided  
32          that prior to modifying the existing cable television  
33          franchise, the franchising authority shall have conducted  
34          a public hearing to consider the proposed modification. No  
35          modification in the terms and conditions of the existing  
36          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  
35 neither the existing cable television franchise nor the  
36 additional cable television franchise, each considered in



1 its entirety, shall have a competitive advantage over the  
2 other.

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

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

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

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

33 The question must be submitted in substantially the  
34 following form:

35 Shall the ordinance authorizing the municipality to  
36 (insert action authorized by ordinance) take effect?

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

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

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

10 (g) An existing cable television franchise serving 1,000 or  
11 more customers shall not impose a rate increase unless the  
12 franchise:

13 (1) gives its customers at least 60 days' notice of the  
14 increase;

15 (2) conducts a public hearing to determine the need for  
16 the rate increase at least 14 days after the notice is  
17 given; and

18 (3) includes notice of the rate increase and public  
19 hearing on the customer's billing statement.

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

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

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.