

HB6256



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6256

by Rep. Rich Brauer

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. Eliminates the power of the County Board or corporate authorities of a municipality to tax the business of operating a community antenna television system. Denies home rule powers. Effective immediately.

LRB097 23511 AMC 72470 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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 or franchise, but may not,
10 tax, or franchise the business of operating a community antenna
11 television system or systems within the County and outside of a
12 municipality, as defined in Section 1-1-2 of the Illinois
13 Municipal Code. The changes made to this subsection (a) by this
14 amendatory Act of the 97th General Assembly are a denial and
15 limitation of home rule powers and functions under subsection
16 (g) of Section 6 of Article VII of the Illinois Constitution.

17 When an area is annexed to a municipality, the annexing
18 municipality shall thereby become the franchising authority
19 with respect to that portion of any community antenna
20 television system that, immediately before annexation, had
21 provided cable television services within the annexed area
22 under a franchise granted by the county, and the owner of that
23 community antenna television system shall thereby be

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

24 (b) "Community antenna television system" as used in this
25 Section, means any facility which is constructed in whole or in
26 part in, on, under or over any highway or other public place

1 and which is operated to perform for hire the service of
2 receiving and amplifying the signals broadcast by one or more
3 television stations and redistributing such signals by wire,
4 cable or other means to members of the public who subscribe to
5 such service except that such term does not include (i) any
6 system which serves fewer than 50 subscribers or (ii) any
7 system which serves only the residents of one or more apartment
8 dwellings under common ownership, control or management, and
9 commercial establishments located on the premises of such
10 dwellings.

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

17 (c-1) Each franchise entered into by a county and a
18 community antenna television system shall include the customer
19 service and privacy standards and protections contained in
20 Article XXII of the Public Utilities Act. A franchise may not
21 contain different penalties or consumer service and privacy
22 standards and protections. Each franchise entered into by a
23 county and a community antenna television system before June
24 30, 2007 (the effective date of Public Act 95-9) shall be
25 amended by this Section to incorporate the penalty provisions
26 and customer service and privacy standards and protections

1 contained in Article XXII of the Public Utilities Act.

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

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

25 The County Board may, upon written request by the
26 franchisee of a community antenna television system, exercise

1 its right of eminent domain solely for the purpose of granting
2 an easement right no greater than 8 feet in width, extending no
3 greater than 8 feet from any lot line for the purpose of
4 extending cable across any parcel of property in the manner
5 provided for by the law of eminent domain, provided, however,
6 such franchisee deposits with the county sufficient security to
7 pay all costs incurred by the county in the exercise of its
8 right of eminent domain.

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

11 (d) The General Assembly finds and declares that
12 satellite-transmitted television programming should be
13 available to those who desire to subscribe to such programming
14 and that decoding devices should be obtainable at reasonable
15 prices by those who are unable to obtain satellite-transmitted
16 television programming through duly franchised community
17 antenna television systems.

18 In any instance in which a person is unable to obtain
19 satellite-transmitted television programming through a duly
20 franchised community antenna television system either because
21 the municipality and county in which such person resides has
22 not granted a franchise to operate and maintain a community
23 antenna television system, or because the duly franchised
24 community antenna television system operator does not make
25 cable television services available to such person, any
26 programming company that delivers satellite-transmitted

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

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

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

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

1 (ii) "Additional cable television franchise" means a
2 franchise pursuant to which community antenna television
3 services may be provided within the territorial areas, or
4 any portion thereof, which may be served under an existing
5 cable television franchise.

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

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

12 Before granting an additional cable television franchise,
13 the franchising authority shall:

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

23 (2) Conduct a public hearing to determine the public
24 need for such additional cable television franchise, the
25 capacity of public rights-of-way to accommodate such
26 additional community antenna television services, the

1 potential disruption to existing users of public
2 rights-of-way to be used by such additional franchise
3 applicant to complete construction and to provide cable
4 television services within the proposed franchise area,
5 the long term economic impact of such additional cable
6 television system within the community, and such other
7 factors as the franchising authority shall deem
8 appropriate.

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

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

1 indemnification, and franchise fees.

2 (5) Unless the existing cable television franchise
3 provides that any additional cable television franchise
4 shall be subject to the same terms or substantially
5 equivalent terms and conditions as those of the existing
6 cable television franchise, the franchising authority may
7 grant an additional cable television franchise under
8 different terms and conditions than those of the existing
9 franchise, in which event the franchising authority shall
10 enter into good faith negotiations with the existing
11 franchisee and shall, within 120 days after the effective
12 date of the additional cable television franchise, modify
13 the existing cable television franchise in a manner and to
14 the extent necessary to ensure that neither the existing
15 cable television franchise nor the additional cable
16 television franchise, each considered in its entirety,
17 provides a competitive advantage over the other, provided
18 that prior to modifying the existing cable television
19 franchise, the franchising authority shall have conducted
20 a public hearing to consider the proposed modification. No
21 modification in the terms and conditions of the existing
22 cable television franchise shall oblige the existing cable
23 television franchisee (1) to make any additional payment to
24 the franchising authority, including the payment of any
25 additional franchise fee, (2) to engage in any additional
26 construction of the existing cable television system or,

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

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

1 public hearing concerning modification of the additional
2 cable television franchise within that 45 day period, the
3 franchising authority shall modify the additional cable
4 television franchise to the extent necessary to insure that
5 neither the existing cable television franchise nor the
6 additional cable television franchise, each considered in
7 its entirety, shall have a competitive advantage over the
8 other.

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

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

23 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

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

1 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

2 Sec. 11-42-11. Community antenna television systems;
3 satellite transmitted television programming.

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

21 (1) Give written notice to the owner or operator of any
22 other community antenna television system franchised to
23 serve all or any portion of the territorial area to be
24 served by the municipality's community antenna television
25 system, specifying the date, time, and place at which the

1 municipality shall conduct public hearings to consider and
2 determine whether the municipality should acquire,
3 construct, or commence operation of a community antenna
4 television system. The public hearings shall be conducted
5 at least 14 days after this notice is given.

6 (2) Publish a notice of the hearing in 2 or more
7 newspapers published in the county, city, village,
8 incorporated town, or town, as the case may be. If there is
9 no such newspaper, then notice shall be published in any 2
10 or more newspapers published in the county and having a
11 general circulation throughout the community. The public
12 hearings shall be conducted at least 14 days after this
13 notice is given.

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

18 The changes made to this subsection (a) by this amendatory
19 Act of the 97th General Assembly are a denial and limitation of
20 home rule powers and functions under subsection (g) of Section
21 6 of Article VII of the Illinois Constitution.

22 (b) The words "community antenna television system" shall
23 mean any facility which is constructed in whole or in part in,
24 on, under or over any highway or other public place and which
25 is operated to perform for hire the service of receiving and
26 amplifying the signals broadcast by one or more television

1 stations and redistributing such signals by wire, cable or
2 other means to members of the public who subscribe to such
3 service; except that such definition shall not include (i) any
4 system which serves fewer than fifty subscribers, or (ii) any
5 system which serves only the residents of one or more apartment
6 dwellings under common ownership, control or management, and
7 commercial establishments located on the premises of such
8 dwellings.

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

15 (c-1) Each franchise entered into by a municipality and a
16 community antenna television system shall include the customer
17 service and privacy standards and protections contained in
18 Article XXII of the Public Utilities Act. A franchise may not
19 contain different penalties or consumer service and privacy
20 standards and protections. Each franchise entered into by a
21 municipality and a community antenna television system before
22 June 30, 2007 (the effective date of Public Act 95-9) shall be
23 amended by this Section to incorporate the penalty provisions
24 and customer service and privacy standards and protections
25 contained in Article XXII of the Public Utilities Act.

26 The corporate authorities of each municipality may, in the

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

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

24 The municipality may, upon written request by the
25 franchisee of a community antenna television system, exercise
26 its right of eminent domain solely for the purpose of granting

1 an easement right no greater than 8 feet in width, extending no
2 greater than 8 feet from any lot line for the purpose of
3 extending cable across any parcel of property in the manner
4 provided by the law of eminent domain, provided, however, such
5 franchisee deposits with the municipality sufficient security
6 to pay all costs incurred by the municipality in the exercise
7 of its right of eminent domain.

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

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

1 antenna television operator or directly, for purchase or lease
2 at prices reasonably related to the cost of manufacture and
3 distribution of such devices.

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

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

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

24 (ii) "Additional cable television franchise" means a
25 franchise pursuant to which community antenna television
26 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

1 applicant to complete construction and to provide cable
2 television services within the proposed franchise area,
3 the long term economic impact of such additional cable
4 television system within the community, and such other
5 factors as the franchising authority shall deem
6 appropriate.

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

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

26 (5) Unless the existing cable television franchise

1 provides that any additional cable television franchise
2 shall be subject to the same terms or substantially
3 equivalent terms and conditions as those of the existing
4 cable television franchise, the franchising authority may
5 grant an additional cable television franchise under
6 different terms and conditions than those of the existing
7 franchise, in which event the franchising authority shall
8 enter into good faith negotiations with the existing
9 franchisee and shall, within 120 days after the effective
10 date of the additional cable television franchise, modify
11 the existing cable television franchise in a manner and to
12 the extent necessary to ensure that neither the existing
13 cable television franchise nor the additional cable
14 television franchise, each considered in its entirety,
15 provides a competitive advantage over the other, provided
16 that prior to modifying the existing cable television
17 franchise, the franchising authority shall have conducted
18 a public hearing to consider the proposed modification. No
19 modification in the terms and conditions of the existing
20 cable television franchise shall oblige the existing cable
21 television franchisee (1) to make any additional payment to
22 the franchising authority, including the payment of any
23 additional franchise fee, (2) to engage in any additional
24 construction of the existing cable television system or,
25 (3) to modify the specifications or design of the existing
26 cable television system; and the inclusion of the factors

1 identified in items (2) and (3) shall not be considered in
2 determining whether either franchise considered in its
3 entirety, has a competitive advantage over the other except
4 to the extent that the additional franchisee provides
5 additional video or data services or the equipment or
6 facilities necessary to generate and or carry such service.
7 No modification in the terms and conditions of the existing
8 cable television franchise shall be made if the existing
9 cable television franchisee elects to continue to operate
10 under all terms and conditions of the existing franchise.

11 If within the 120 day period the franchising authority
12 and the existing cable television franchisee are unable to
13 reach agreement on modifications to the existing cable
14 television franchise, then the franchising authority shall
15 modify the existing cable television franchise, effective
16 45 days thereafter, in a manner, and only to the extent,
17 that the terms and conditions of the existing cable
18 television franchise shall no longer impose any duty or
19 obligation on the existing franchisee which is not also
20 imposed under the additional cable television franchise;
21 however, if by the modification the existing cable
22 television franchisee is relieved of duties or obligations
23 not imposed under the additional cable television
24 franchise, then within the same 45 days and following a
25 public hearing concerning modification of the additional
26 cable television franchise within that 45 day period, the

1 franchising authority shall modify the additional cable
2 television franchise to the extent necessary to insure that
3 neither the existing cable television franchise nor the
4 additional cable television franchise, each considered in
5 its entirety, shall have a competitive advantage over the
6 other.

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

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

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

1 describe the manner in which the construction, acquisition, and
2 operation of the system will be financed.

3 The ordinance may not take effect until the question of
4 acquiring, construction, owning, or operating a community
5 antenna television system has been submitted to the electors of
6 the municipality at a regular election and approved by a
7 majority of the electors voting on the question. The corporate
8 authorities must certify the question to the proper election
9 authority, which must submit the question at an election in
10 accordance with the Election Code.

11 The question must be submitted in substantially the
12 following form:

13 Shall the ordinance authorizing the municipality to
14 (insert action authorized by ordinance) take effect?

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

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

18 Not more than 30 or less than 15 days before the date of
19 the referendum, the municipal clerk must publish the ordinance
20 at least once in one or more newspapers published in the
21 municipality or, if no newspaper is published in the
22 municipality, in one or more newspapers of general circulation
23 within the municipality.

24 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08.)

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