

(P. 553) 3-9-93
Sub Comm - Local Gov.
Gipp, Hanson, Larkin

4-1-93 Senate - Communications
& Information Policy
4.2.93 Amend/66 Br 2. 2/3 3957

MAR 5 1993

HOUSE FILE 400

LOCAL GOVERNMENT

BY DRAKE

Do Pass 3/12/93

Passed House, (P. 1075) Date 4-6-93

Passed Senate, (P. 1403) Date 4/28/93

Vote: Ayes 86 Nays 13

Vote: Ayes 38 Nays 10

Approved _____

A BILL FOR

1 An Act authorizing city utilities to include cable communication
2 or television systems.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 362.2, subsection 6, Code 1993, is
2 amended to read as follows:

3 6. "City utility" means all or part of a waterworks,
4 gasworks, sanitary sewage system, storm water drainage system,
5 electric light and power plant and system, or heating plant,
6 cable communication or television system, any of which are
7 owned by a city, including all land, easements, rights of way,
8 fixtures, equipment, accessories, improvements, appurtenances,
9 and other property necessary or useful for the operation of
10 the utility.

11 EXPLANATION

12 This bill amends the definition of city utility to include
13 cable communication or television system. This amendment will
14 allow a city utility to install a cable communication or
15 television system using the bonding authority and bond rating
16 of the city.

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HOUSE FILE 400

H-3662

1 Amend House File 400 as follows:
2 1. Page 1, by inserting after line 10 the fol-
3 lowing:
4 "Sec. ____ . Section 364.2, subsection 4, Code 1993,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. g. A city shall not grant a
7 competing cable television franchise, operate its own
8 cable television system, or allow a city utility to
9 operate a cable television system on terms which are
10 more favorable or less burdensome than the terms in
11 any existing cable television franchise in the city."

By GIPP of Winneshiek

H-3662 FILED APRIL 2, 1993

HOUSE FILE 400

H-3702

1 Amend House File 400 as follows:
2 1. Page 1, by inserting after line 10, the
3 following:
4 "Sec. ____ . Section 364.2, subsection 4, Code 1993,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. g. A city shall not grant a
7 franchise for cable communications or television
8 service or operate a city-owned cable communications
9 or television service for an area included in an
10 existing franchise on terms and conditions more
11 favorable or less burdensome than those in an existing
12 franchise pertaining to the following:

13 (1) The area served.
14 (2) Public, educational, or governmental access
15 requirements.
16 (3) Franchise fees or their equivalent.
17 The provisions of this paragraph shall not apply when
18 the area in which the additional franchise is being
19 sought is not actually being served by an existing
20 cable communications company holding a franchise for
21 the area. This paragraph does not prevent a
22 municipality from imposing additional terms and
23 conditions on any additional franchises. This
24 paragraph does not require a city to obtain a
25 franchise to operate a city-owned cable communications
26 or television system."

By GIPP of Winneshiek

H-3702 FILED APRIL 5, 1993

Not German
4-6-93

WITHDRAWN
4-6-93

HOUSE FILE 400

S-3662

1 Amend House File 400, as passed by the House, as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "system" the following: "but not including a
5 telephone system".

Lost 4/28/93 (p. 1402)

By RICHARD VARN

S-3662 FILED APRIL 27, 1993

HOUSE FILE 400

S-3663

1 Amend House File 400, as passed by the House, as
2 follows:
3 1. Page 1, line 10, by inserting after the word
4 "utility." the following: "A city utility does not
5 mean a cable communication or television system
6 operated under terms and conditions more favorable to
7 the city than those terms and conditions for other
8 providers operating under license or franchise issued
9 by the city."

By RICHARD VARN
LINN FUHRMAN

S-3663 FILED APRIL 27, 1993

Lost 4/28/93 (p. 1403)

HOUSE FILE 400

S-3635

1 Amend House File 400, as passed by the House, as
2 follows:

3 1. Page 1, line 6, by inserting after the word
4 "system" the following: "which is operated in a
5 manner consistent with the provisions of section
6 364.2, subsection 4".

7 2. Page 1, by inserting after line 10 the follow-
8 ing:

9 "Sec. ____ . Section 364.2, subsection 4, Code 1993,
10 is amended by adding the following new paragraph:

11 NEW PARAGRAPH. g. A cable communication or tele-
12 vision service shall not be owned or operated by a
13 city, and shall not be considered a city utility, as
14 defined in section 362.2, subsection 6, in a community
15 with an existing cable franchisee on terms more
16 favorable or less burdensome than those of the
17 existing operator pertaining to the following:

18 (1) The area served and comparable timelines for
19 providing service to such area.

20 (2) Public, educational, or governmental access
21 requirements.

22 (3) Franchise fees or the equivalent of such fees.

23 The provisions of this paragraph "g" do not apply
24 to a cable communication or television service which
25 is a city utility when the area in which the
26 additional franchise is being sought is not actually
27 being served by an existing cable communication
28 company holding a franchise for the area. This
29 paragraph "g" does not require a city utility to
30 obtain a franchise to operate a cable communication or
31 television system."

32 2. Renumber as necessary.

By RICHARD VARN

S-3635 FILED APRIL 26, 1993

out of order 4/27/93 (p.1364)

S-3457

1 Amend House File 400, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 10, the
4 following:

5 "Sec. _____. Section 364.2, subsection 4, Code 1993,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. g. A city shall not grant a
8 franchise for cable communications or television
9 service or operate a city-owned cable communications
10 or television service for an area included in an
11 existing franchise on terms and conditions more
12 favorable or less burdensome than those in an existing
13 franchise pertaining to the following:

14 (1) The area served and comparable timelines for
15 providing service.

16 (2) Public, educational, or governmental access
17 requirements.

18 (3) Franchise fees or their equivalent.

19 The provisions of this paragraph shall not apply when
20 the area in which the additional franchise is being
21 sought is not actually being served by an existing
22 cable communications company holding a franchise for
23 the area. This paragraph does not prevent a
24 municipality from imposing additional terms and
25 conditions on any additional franchises. This
26 paragraph does not require a city to obtain a
27 franchise to operate a city-owned cable communications
28 or television system."

By COMMITTEE ON COMMUNICATIONS
AND INFORMATION POLICY
RICHARD VARN, Chairperson

S-3457 FILED APRIL 8, 1993

outg order 4/22/93

and other property necessary or useful for the operation of the utility.

HAROLD VAN HAANEN
Speaker of the House

LRONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 400, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *May 20*, 1993

TERRY E. BRANSTAD
Governor

HOUSE FILE 400

AN ACT

AUTHORIZING CITY UTILITIES TO INCLUDE CABLE COMMUNICATION OR TELEVISION SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 362.2, subsection 6, Code 1993, is amended to read as follows:

6. "City utility" means all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, or heating plant, cable communication or television system, any of which are owned by a city, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances,