

King
Bolkcom
Redwine

SSB-1135
Commerce
Succeeded by
HF 338

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
JENSEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access privileges to certain buildings and
2 structures by certified local exchange carriers and franchised
3 cable television providers.

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

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1 Section 1. NEW SECTION. 480B.1 ACCESS TO PREMISES --
2 LOCAL EXCHANGE CARRIERS AND CABLE TELEVISION PROVIDERS.

3 1. An owner or manager of a commercial building or
4 multiple-unit residential building under common ownership,
5 control, or management, or a condominium association or board
6 of directors of a condominium association shall not prohibit
7 or prevent a provider from providing service to a customer or
8 subscriber who is a resident of a commercial building,
9 multiple-unit residential building, or condominium, or
10 interfere with a provider providing service to a customer or
11 subscriber who is a resident of a commercial building,
12 multiple-unit residential building, or condominium.

13 2. A provider, prior to installation of facilities used to
14 provide service, shall consult with the owner or manager of a
15 commercial building or multiple-unit residential building, or
16 with the condominium association or board of directors of a
17 condominium association to establish points of attachment to
18 the building and the method of attachment associated with
19 providing service to a customer or subscriber. A provider
20 shall design such facilities to minimize adverse effects on
21 the aesthetics of the commercial building, multiple-unit
22 residential building, or condominium, and install such
23 facilities in a manner to provide safe and orderly service.
24 Such facilities shall not threaten public safety, damage fire
25 protection systems, or impair fire-resistive construction or
26 components of a multiple-unit residential building or
27 condominium. Ownership of such facilities remains with the
28 provider.

29 3. A provider is responsible for any repairs to a building
30 required because of the construction, installation,
31 disconnection, or servicing of the provider's facilities.

32 4. For purposes of this section, unless the context
33 otherwise requires:

34 a. "Certified local exchange carrier" means a local
35 exchange carrier issued a certificate of public convenience

1 issued by the utilities board pursuant to section 476.29.

2 b. "Franchised provider of cable television" means a
3 person granted a franchise to provide cable television service
4 by a city pursuant to chapter 364.

5 c. "Provider" means a certified local exchange carrier or
6 a franchised provider of cable television.

7 EXPLANATION

8 This bill provides that an owner or manager of a commercial
9 building or multiple-unit residential building under common
10 ownership, control, or management, or the association or board
11 of directors of a condominium, shall not prohibit or prevent a
12 certified local exchange carrier or a franchised provider of
13 cable television from providing service to a customer or
14 subscriber who is a resident of a commercial building,
15 multiple-unit residential building, or condominium, or
16 interfere with such provider providing service to a customer
17 or subscriber who is a resident of a commercial building,
18 multiple-unit residential building, or condominium. A
19 certified local exchange carrier or a franchised provider of
20 cable television, prior to installation of facilities used to
21 provide service, shall consult with the owner or manager of a
22 commercial building or multiple-unit residential building, or
23 with the association or board of directors of a condominium,
24 to establish points of attachment to the building and the
25 method of attachment associated with providing service to a
26 customer or subscriber.

27 The bill requires a provider to design such facilities to
28 minimize adverse effects on the structure, and to install such
29 facilities in a manner to provide safe and orderly service.
30 The bill provides that the provider maintains ownership of the
31 facilities after installation and is responsible for any
32 repairs to a building required because of the construction,
33 installation, disconnection, or servicing of the provider's
34 facilities.

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REPRINTED

FILED MAR 9 1999

SENATE FILE 338
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1135)

Passed Senate, ⁷⁰⁶(P. ~~221~~) Date 3/22/99

Passed House, Date 4/5/99

Vote: Ayes 48 Nays 0

Vote: Ayes 99 Nays 0

Approved _____

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SF 338

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25 protection systems, or impair fire-resistive construction or
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27 condominium. Ownership of such facilities remains with the
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30 required because of the construction, installation,
31 disconnection, or servicing of the provider's facilities.

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9 building or multiple-unit residential building under common
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20 cable television, prior to installation of facilities used to
21 provide service, shall consult with the owner or manager of a
22 commercial building or multiple-unit residential building, or
23 with the association or board of directors of a condominium,
24 to establish points of attachment to the building and the
25 method of attachment associated with providing service to a
26 customer or subscriber.

27 The bill requires a provider to design such facilities to
28 minimize adverse effects on the structure, and to install such
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30 The bill provides that the provider maintains ownership of the
31 facilities after installation and is responsible for any
32 repairs to a building required because of the construction,
33 installation, disconnection, or servicing of the provider's
34 facilities.

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SENATE FILE 338

S-3100

1 Amend Senate File 338 as follows:
2 1. Page 1, by inserting after line 31 the
3 following:
4 "3A. A provider, or the owner or manager of a
5 commercial building or multiple-unit residential
6 building, or a condominium association or board of
7 directors of such association may bring an action in a
8 court of competent jurisdiction to determine whether
9 compensation for the direct costs of providing repairs
10 is required under this section, and if so, the amount
11 of the reasonable compensation that should be paid by
12 the provider. Bringing an action under this
13 subsection shall not delay or prevent a provider from
14 establishing points of attachment and providing
15 service to a customer or subscriber located within the
16 commercial building, multiple-unit residential
17 building, or condominium when that customer or
18 subscriber has placed an order for, or requested,
19 service from the provider."
20 2. By renumbering as necessary.

By STEVE KING

S-3100 FILED MARCH 17, 1999⁷⁰⁶

Adopted 3/22/99 (P. 624)

SENATE FILE 338

S-3103

1 Amend Senate File 338 as follows:
2 1. Page 1, line 29, by striking the word "any"
3 and inserting the following: "the direct costs of
4 providing".

By STEVE KING

S-3103 FILED MARCH 18, 1999

*Adopted 3/22/99
(P. 624 706)*

Substitutes for HF 444
4-5-99
(P. 1032)

H. 3/24/99 Passed on file

SENATE FILE 338
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1135)

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1999)

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date 4/5/99
Vote: Ayes _____ Nays _____ Vote: Ayes 99 Nays 0
Approved _____

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

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SENATE FILE 338

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H-1348

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1 Amend Senate File 338, as amended, passed, and
2 reprinted by the Senate, as follows:

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3 1. Page 2, lines 2 and 3, by striking the words
4 "for the direct costs of providing repairs" and
5 inserting the following: "other than that provided
6 for under subsection 3".

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By RAECKER of Polk

H-1348 FILED MARCH 31, 1999

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Adopted
4-5-99 (P. 1033)

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HOUSE AMENDMENT TO
SENATE FILE 338

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S-3228

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1 Amend Senate File 338, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, lines 2 and 3, by striking the words
4 "for the direct costs of providing repairs" and
5 inserting the following: "other than that provided
6 for under subsection 3".

RECEIVED FROM THE HOUSE

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S-3228 FILED APRIL 6, 1999

S.F. 338

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24 Such facilities shall not threaten public safety, damage fire
25 protection systems, or impair fire-resistive construction or
26 components of a multiple-unit residential building or
27 condominium. Ownership of such facilities remains with the
28 provider.

29 3. A provider is responsible for the direct costs of
30 providing repairs to a building required because of the
31 construction, installation, disconnection, or servicing of the
32 provider's facilities.

33 4. A provider, or the owner or manager of a commercial
34 building or multiple-unit residential building, or a
35 condominium association or board of directors of such

1 association may bring an action in a court of competent
2 jurisdiction to determine whether compensation for the direct
3 costs of providing repairs is required under this section, and
4 if so, the amount of the reasonable compensation that should
5 be paid by the provider. Bringing an action under this
6 subsection shall not delay or prevent a provider from
7 establishing points of attachment and providing service to a
8 customer or subscriber located within the commercial building,
9 multiple-unit residential building, or condominium when that
10 customer or subscriber has placed an order for, or requested,
11 service from the provider.

12 5. For purposes of this section, unless the context
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15 exchange carrier issued a certificate of public convenience
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