

SENATE AMENDMENT 1 TO SB211.

inserting on line 33 of page 1 after the period "." the following language: "This section shall not apply until January 1, 2002 to multiple residential dwelling units, within which, as of January 1, 1997, all the occupants are receiving cable television service directly from the property owner over facilities owned by the property owner, if said services are reasonably comparable to services provided by the franchised cable television service provider.";

AND

by inserting on line 9 of page 2 between "SECTION 4." and the word "The" the letter "(a)"

AND

by inserting the following subsections on line 20 of page 2 to read as follows:

"(b) If a property owner believes that the loss in value of the property exceeds the compensation contained in the proposal accompanying the original notice of intent to provide service or believes that the terms involving the work to be performed contained in the proposal are unreasonable, or both, the issue of just compensation or reasonableness of terms shall be determined in accordance with the following procedure:

(1) At any time prior to the end of the forty-five (45) day period from the date when the property owner receives the original notice that the operator intends to construct or install a cable television system facility in multiple dwelling premises, the property owner shall serve upon the operator written notice that the property owner demands a greater amount of compensation or believes that the terms involving the work to be performed are unreasonable.

(2) If the operator is dissatisfied with the result of the negotiations at the conclusion of the forty-five (45) day negotiation period, then he shall notify the property owner of the terms which the operator believes to be unreasonable and shall accompany this notice with a formal request for arbitration.

(3) Arbitration proceedings shall be conducted in accordance with the procedures of the American Arbitration Association or any successor thereto. The proceedings shall be held in the county in which the multiple dwelling premises or part thereof are located. Requirements of this act relating to time, presumptions and compensation for loss of value shall apply in the proceedings. The cost of proceedings shall be shared equally by the property owner and the operator. The arbitration proceedings, once commenced shall be concluded and a written decision by the arbitrator shall be rendered within fourteen (14) days of commencement. Judgement upon any award may be entered in any court of competent jurisdiction.

(4) Within thirty (30) days of the date of the notice of the decision of the arbitrators, either party may appeal the decision of the arbitrators to a court of competent jurisdiction, regarding the amount awarded as compensation for loss of value or for physical damages to the property. The court shall order each party to pay one-half (1/2) of the arbitration costs.

(c) In determining reasonable compensation, evidence that a property owner has a specific alternative use for the space occupied or to be occupied by cable television system facilities, the loss of which will result in a monetary loss to the owner, or that installation of cable television system facilities upon such multiple dwelling premises will otherwise substantially interfere with the use and occupancy of such premises to an extent which causes a decrease in the resale or rental value thereof shall be considered. In determining the damages to any property owner in an action under this section, compensation shall be measured by the loss in value of the property owner's property. An amount representing increase in value of the property occurring by reason of the installation of cable television system facilities shall be deducted from the compensation.

(d) The time period set forth in this section may be extended by mutual agreement between the property owner and the operator."