

1 ENGROSSED HOUSE
2 BILL NO. 2857

By: Wallace of the House
and
Green of the Senate

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7 An Act relating to municipal franchise agreements;
8 providing consideration as implied contract under
9 certain conditions; providing for the collection,
10 holding, and accounting of certain fees under certain
11 conditions; providing for codification; and declaring
12 an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 151.2 of Title 17, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The terms and conditions of an expired or otherwise
18 terminated municipal franchise granted pursuant to Section 5(a) or
19 5(b) of Article 18 of the Oklahoma Constitution shall continue in
20 effect as an implied contract between the municipality and the
21 franchise holder for a reasonable time.

22 B. Franchise fees under an expired or otherwise terminated
23 municipal franchise shall continue to be paid by the former
24 franchise holder to the municipality during the term of an implied

1 contract, but shall be held by the municipality in a separate
2 account until the term of the implied contract has expired.

3 C. If a civil action is filed challenging the implied contract
4 in subsection A of this section, all franchise fees shall be held by
5 the municipality in a separate account until all challenges are
6 finally resolved by dismissal with prejudice to refiling or un-
7 appealed final judgment.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the House of Representatives the 7th day of March, 2023.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2023.

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Presiding Officer of the Senate

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