

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 460

By: Thompson (Roger) of the
Senate

6 and

7 Martinez of the House

8
9 An Act relating to powers of municipalities; amending
10 11 O.S. 2021, Section 22-107.1, which relates to
11 regulation of video services systems; modifying
12 definition; updating statutory language; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 11 O.S. 2021, Section 22-107.1, is
16 amended to read as follows:

17 Section 22-107.1. A. A municipality may by ordinance or
18 otherwise grant a certificate, license, permit or franchise for the
19 operation of a video services system, unless such authority is
20 already provided for by law. Any certificate, license, permit or
21 franchise granted pursuant to this section shall constitute a
22 bargained contract between the municipality and the video services
23 provider and shall provide for a consideration payment to the
24 municipality as rental for the privileges granted to the provider to

1 use the public ways and grounds within the municipality in
2 furtherance of its video services business. The rental payment
3 shall be set at the amount bargained between the municipality and
4 the video services provider but shall not exceed five percent (5%)
5 of the annual gross revenues derived by the video services provider
6 from the provision of video services within the municipality. Any
7 certificate, license, permit or franchise issued by the governing
8 body shall be nonexclusive and shall not exceed a period of twenty-
9 five (25) years and may be revocable by the governing body if ~~said~~
10 the body determines that the holder of the certificate, license,
11 permit or franchise has willfully failed or neglected to perform
12 duties pursuant to the terms of the grant of the certificate,
13 license, permit or franchise. Nothing herein shall limit the
14 authority of a municipality to comply with state or federal law.

15 B. In the event a municipality grants an overlapping
16 certificate, license, permit or franchise for video services within
17 its jurisdiction on terms or conditions more favorable or less
18 burdensome than those in any existing certificate, license, permit
19 or franchise within the municipality the holder of the existing
20 certificate, license, permit or franchise shall be entitled, upon
21 written notice to the municipality, to adopt the terms in the
22 overlapping certificate, license, permit or franchise that are more
23 favorable or less burdensome than those in the existing certificate,
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1 license, permit or franchise and the adopted terms shall become
2 enforceable by the municipality.

3 C. In addition to any other authority granted to municipalities
4 by this section or other applicable law, a municipality may also
5 adopt an ordinance regulating a video services system pursuant to
6 its police power. No municipal provisions regulating a video
7 services system may be adopted which are inconsistent with either
8 state or federal law or with the terms and conditions of the
9 certificate, license, permit or franchise bargained by the
10 municipality and the video services provider.

11 D. In awarding or renewing a certificate, license, permit or
12 franchise for video services, a municipality may require adequate
13 assurance that the video services system provider will provide
14 adequate public, educational, and governmental access channel
15 capacity, facilities or financial support. A video services system
16 provider may, at its sole option, provide a ~~"family friendly"~~
17 "family-friendly" tier of video services in lieu of channel
18 capacity, facilities, or financial support for public access as a
19 condition of any certificate, license, permit or franchise for video
20 services or renewal thereof. Nothing herein shall affect any
21 channel capacity, facilities, or financial support for educational
22 or governmental access contained in any certificate, license, permit
23 or franchise for video services or renewal thereof.

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1 E. A ~~"family friendly"~~ "family-friendly" tier of services is a
2 group of channels, offered to customers pursuant to Federal
3 Communications Commission (FCC) regulations, that primarily contains
4 programming with a television viewing rating of TV-Y, TV-Y7 or TV-G.

5 F. "Video services" means video programming, including cable
6 services, provided through wireline facilities owned, controlled,
7 constructed, or operated by the provider of such video service and
8 located at least in part in the public rights-of-way without regard
9 to the delivery technology, including Internet protocol technology.

10 ~~"Video services"~~ Video services shall not include:

11 1. ~~video~~ Video programming provided by a commercial mobile
12 service provider as defined in 47 U.S.C., Section 332(d) (1);

13 2. Direct-to-home satellite services as defined in 47 U.S.C.,
14 Section 303(v) that are transmitted from a satellite directly to a
15 customer's premises without using or accessing any portion of the
16 public right-of-way; or provided solely

17 3. Video programing accessed ~~as part of and~~ via a service that
18 enables users to access content, information, electronic mail,
19 messaging and other services offered over the ~~public~~ Internet,
20 including streaming content.

21 SECTION 2. This act shall become effective November 1, 2023.

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23 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND
24 TECHNOLOGY, dated 04/04/2023 - DO PASS.