

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2857

6 By: Wallace of the House

7 and

8 Green of the Senate

9 **[municipal franchise agreements - consideration -
10 fees - codification -**

11 **emergency]**

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

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

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

21 B. Franchise fees under an expired or otherwise terminated
22 municipal franchise shall continue to be paid by the former
23 franchise holder to the municipality during the term of an implied
24 contract, but shall be held by the municipality in a separate
account until the term of the implied contract has expired.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
11 April 13, 2023 - DO PASS AS AMENDED
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