

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB573 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Ryan Martinez

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED  
4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 573

By: Montgomery of the Senate

and

Martinez of the House

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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to cities and towns; creating the  
12 Oklahoma Electrical Access and Resiliency Task Force;  
13 providing for membership of task force; providing  
14 purpose; requiring task force to make recommendations  
15 for energy use; requiring submission of report to  
16 certain persons by certain date; providing for cease  
17 of operations of task force; amending 11 O.S. 2021,  
18 Section 22-107.1, which relates to regulation of  
19 video services systems; modifying definition;  
20 providing for codification; providing an effective  
21 date; and declaring an emergency.

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

23 SECTION 1. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 21-223 of Title 11, unless there  
is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Electrical Access and  
Resiliency (OEAR) Task Force.

1 B. The task force shall consist of thirteen (13) members as  
2 follows:

3 1. The Secretary of Energy and Environment, or designee, who  
4 shall serve as the task force chair;

5 2. Three members appointed by the Governor:

6 a. a representative of an organization representing  
7 municipalities,

8 b. a representative of a nonprofit public power utility  
9 located in this state, and

10 c. a representative of a manager of an electrical grid or  
11 power pool;

12 3. A Corporation Commissioner, or designee;

13 4. Four members appointed by the President Pro Tempore of the  
14 Oklahoma State Senate:

15 a. a representative of an organization representing  
16 electrical cooperatives,

17 b. a professional with academic expertise or at minimum a  
18 master's degree in electrical engineering, grid  
19 management, or a related field, and

20 c. two members of the Oklahoma State Senate who are from  
21 different political parties and who shall serve as ex  
22 officio members; and

23 5. Four members appointed by the Speaker of the Oklahoma House  
24 of Representatives:

- a. a representative of a publicly traded electric utility company,
- b. a member of the public who is not affiliated with the electrical industry, and
- c. two members of the Oklahoma House of Representatives who are from different political parties and who shall serve as ex officio members.

C. The task force shall study nationally recognized best practices for providing additional revenues and local control for communities by having a choice in electric energy suppliers and make recommendations regarding:

1. The removal of the moratorium on the use of municipal condemnation to acquire electric facilities of an incumbent investor-owned utility referred to in Section 21-222 of Title 11 of the Oklahoma Statutes;

2. The authority to give municipal utilities the ability to use the power of eminent domain to allow for community choice of electric energy suppliers;

3. The imposition of new growth taxation of two percent (2%) tax on gross sales beginning tax year 2022 on any provider of wholesale sale of electric power to municipal corporations if the providers were not in operation prior to the effective date of this act;

1 4. Strategies to enable community choice of electric energy  
2 suppliers, whether legislatively or otherwise; and

3 5. Whether a need exists to provide for ongoing evaluation of  
4 the implementation of these rights and, if such a need does exist,  
5 the task force shall:

6 a. identify the scope and nature of the need, and

7 b. make recommendations on how best to fill that need,  
8 whether legislatively or otherwise.

9 D. The task force shall submit a final report of its findings  
10 and any recommendations to the Governor, the President Pro Tempore  
11 of the Oklahoma State Senate, and the Speaker of the Oklahoma House  
12 of Representatives not later one (1) year after the effective date  
13 of this act.

14 E. The provisions of this section shall cease to have the force  
15 and effect of law and the task force shall terminate following the  
16 submission of the final report.

17 SECTION 2. AMENDATORY 11 O.S. 2021, Section 22-107.1, is  
18 amended to read as follows:

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

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

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

1 favorable or less burdensome than those in the existing certificate,  
2 license, permit or franchise and the adopted terms shall become  
3 enforceable by the municipality.

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

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

1 E. A "family friendly" tier of services is a group of channels,  
2 offered to customers pursuant to Federal Communications Commission  
3 (FCC) regulations, that primarily contains programming with a  
4 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 located at least in  
7 part in the public rights-of-way without regard to the delivery  
8 technology, including Internet protocol technology. "Video  
9 services" shall not include video programming ~~provided~~:

10 1. Provided by a commercial mobile service provider as defined  
11 in 47 U.S.C., Section 332(d);

12 2. Provided by a provider of direct broadcast satellite service  
13 as defined in 47 U.S.C., Section 335(b) (5) (A);

14 3. Provided by a provider of digital audiovisual works  
15 delivered over the Internet, including streaming content; or  
16 ~~provided~~

17 4. Provided solely as part of and via a service that enables  
18 users to access content, information, electronic mail, messaging and  
19 other services offered over the public Internet.

20 SECTION 3. This act shall become effective July 1, 2022.

21 SECTION 4. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 58-2-11207 MJ 03/31/22

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