

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

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 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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" tier
17 of video services in lieu of channel capacity, facilities, or
18 financial support for public access as a condition of any
19 certificate, license, permit or franchise for video services or
20 renewal thereof. Nothing herein shall affect any channel capacity,
21 facilities, or financial support for educational or governmental
22 access contained in any certificate, license, permit or franchise
23 for video services or renewal thereof.

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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 ~~by a:~~

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2022.

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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/13/2022 - DO PASS,
22 As Amended.