

1 **SENATE FLOOR VERSION**

2 April 6, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1599

By: Martinez of the House

5 and

6 Thompson (Roger) of the
7 Senate

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

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

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

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

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

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

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

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

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

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

8 "Video services" shall not include ~~video~~:

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

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

15 3. Video programming accessed via a service that enables users
16 to access content, information, electronic mail, messaging and other
17 services offered over the ~~public~~ Internet, including streaming
18 content.

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

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
21 April 6, 2023 - DO PASS

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