An Act

ENROLLED SENATE
BILL NO. 460

By: Thompson (Roger) of the Senate

and

Martinez of the House

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

SUBJECT: Powers of municipalities

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

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

Section 22-107.1. A. A municipality may by ordinance or otherwise grant a certificate, license, permit or franchise for the operation of a video services system, unless such authority is already provided for by law. Any certificate, license, permit or franchise granted pursuant to this section shall constitute a bargained contract between the municipality and the video services provider and shall provide for a consideration payment to the municipality as rental for the privileges granted to the provider to use the public ways and grounds within the municipality in furtherance of its video services business. The rental payment shall be set at the amount bargained between the municipality and the video services provider but shall not exceed five percent (5%) of the annual gross revenues derived by the video services provider from the provision of video services within the municipality. Any certificate, license, permit or franchise issued by the governing

body shall be nonexclusive and shall not exceed a period of twenty-five (25) years and may be revocable by the governing body if ~~said~~ the body determines that the holder of the certificate, license, permit or franchise has willfully failed or neglected to perform duties pursuant to the terms of the grant of the certificate, license, permit or franchise. Nothing herein shall limit the authority of a municipality to comply with state or federal law.

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

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

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

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

F. "Video services" means video programming, including cable services, provided through wireline facilities owned, controlled, constructed, or operated by the provider of such video service and located at least in part in the public rights-of-way without regard to the delivery technology, including Internet protocol technology. ~~"Video services"~~ Video services shall not include:

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

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

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

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

Passed the Senate the 6th day of March, 2023.

Brent Howard
Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th
day of April, 2023, at 4:12 o'clock p. M.
By: [illegible]

Approved by the Governor of the State of Oklahoma this 28th
day of April, 2023, at 4:25 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th
day of April, 2023, at 5:32 o'clock P. M.
By: _____