

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 460

By: Thompson (Roger)

6 An Act relating to powers of municipalities; amending
7 11 O.S. 2021, Section 22-107.1, which relates to
8 regulation of video services systems; modifying
9 definition; updating statutory language; and
10 providing an effective date.

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

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

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

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

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

23 C. In addition to any other authority granted to municipalities
24 by this section or other applicable law, a municipality may also

1 adopt an ordinance regulating a video services system pursuant to
2 its police power. No municipal provisions regulating a video
3 services system may be adopted which are inconsistent with either
4 state or federal law or with the terms and conditions of the
5 certificate, license, permit or franchise bargained by the
6 municipality and the video services provider.

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

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

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

6 ~~"Video services"~~ Video services shall not include:

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
19 February 9, 2023 - DO PASS AS AMENDED BY CS

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