

THE STATE SENATE
Monday, February 28, 2000

Committee Substitute for
Senate Bill No. 1188

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1188 - By: EASLEY of the Senate and THOMAS and HEFNER of the House.

An Act relating to telecommunications; prohibiting property owner from exercising discrimination based on tenant request for installation of telecommunications service facility; prohibiting property owner from demanding or accepting payment for access to property; prohibiting property owner from preventing or interfering with installation of equipment; providing for enforcement upon application to district court; assigning costs; establishing rebuttable presumption of reasonable compensation to property owner; authorizing Corporation Commission to determine just compensation to property owner; stating legislative declaration; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 139.201 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. If a telecommunications carrier holds a Certificate of Convenience and Necessity issued by the Corporation Commission, a public or private property owner may not:

1. Prevent the carrier from installing on the owner's property a telecommunications service facility a tenant requests;

2. Interfere with the carrier's installation on the owner's property of a telecommunications service facility a tenant requests;

1 3. Discriminate against such a carrier regarding installation,
2 terms, or compensation of a telecommunications service facility to a
3 tenant on the owner's property;

4 4. Demand or accept payment of any kind from a tenant or the
5 carrier for allowing the carrier on or in the owner's property; or

6 5. Discriminate in favor of or against a tenant in any manner,
7 including rental charge discrimination, because of the tenant's
8 preference for or request for a telecommunications service.

9 B. Upon application by a carrier, the district court may issue
10 all appropriate orders to enforce the provisions of subsection A of
11 this section. The prevailing party to any action brought under this
12 subsection shall be entitled to court costs, to include a reasonable
13 attorney fee.

14 C. Notwithstanding the provisions of subsection A of this
15 section, if a telecommunications carrier holds an appropriate
16 Certificate of Convenience and Necessity, a public or private
17 property owner may:

18 1. Obtain an order from the Commission requiring the carrier to
19 indemnify the owner for damage caused by installing, operating, or
20 removing a facility; or

21 2. Obtain an order from the Commission requiring the carrier to
22 pay compensation to the owner that is reasonable and
23 nondiscriminatory among telecommunications carriers. To obtain

1 compensation, the owner shall file an application with the
2 Commission within ninety (90) days after the carrier installs a
3 telecommunications facility upon the owner's property. As presumed
4 reasonable compensation, the owner will be entitled to receive One
5 Dollar (\$1.00) as reasonable compensation per dwelling unit or the
6 commercial equivalent thereof. However, the owner may rebut this
7 presumption by presenting evidence at a hearing before the
8 Commission. In setting the amount of compensation, the Commission
9 shall base its determination on the diminution in the market value
10 of the premises based on the installation of the telecommunications
11 services.

12 SECTION 2. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes reads as follows:

14 Pursuant to the authority vested in the Legislature by Section
15 35 of Article IX of the Oklahoma Constitution, the Legislature
16 hereby expressly declares that the provisions of this act are an
17 amendment to, and alteration of, Sections 18 through 34 inclusive of
18 Article IX of the Oklahoma Constitution.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON SCIENCE & TECHNOLOGY, dated
24 2-22-00 - DO PASS, As Amended and Coauthored.