

CS for SB 389

1 THE STATE SENATE
2 Tuesday, February 11, 2003

3 Committee Substitute for
4 Senate Bill No. 389

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389 - By: SHURDEN of the
6 Senate and LEIST of the House.

7 [telecommunications - defining terms - codification -
8 effective date]

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 146 of Title 17, unless there is
12 created a duplication in numbering, reads as follows:

13 As used in this act:

14 1. "Accessory support facilities" means support buildings,
15 structures and equipment cabinets for telecommunications facilities
16 containing electrical and mechanical equipment and devices used for
17 the reception of or transmission of voice, data, image, graphic and
18 video programming information between or among points by wire,
19 cable, fiber optics, laser, microwave, radio, satellite or similar
20 facilities;

21 2. "Alternative tower structure" means artificial trees, clock
22 towers, bell steeples, building structures or building equipment
23 normally maintained above the roof line of a primary structure,
24 light poles and similar alternative design mounting structures

1 designed to conceal the presence of antennas or towers. This term
2 also includes any antenna or antenna array attached to the
3 alternative tower structure;

4 3. "Antenna" means any exterior transmitting or receiving
5 device mounted on a tower, building or structure and used in
6 communications that radiate or capture electromagnetic waves,
7 digital signals, analog signals, radio frequencies, excluding radar
8 signals, wireless telecommunications signals or other communication
9 signals;

10 4. "Telecommunications facilities" means the plant, equipment
11 and property, including, but not limited to, cables, wires,
12 conduits, ducts, pedestals, antennae, towers, alternative tower
13 structures, electronics and other appurtenances used to transmit,
14 receive, distribute, provide or offer telecommunications services;

15 5. "Telecommunications service" means the providing or offering
16 for rent, sale or lease, or in exchange for other value received, of
17 the transmittal of voice, data, image, graphic and video programming
18 information between or among points by wire, cable, fiber optics,
19 laser, microwave, radio, satellite or similar facilities, with or
20 without benefit of any closed transmission medium; and

21 6. "Tower" means any structure designed and constructed
22 primarily for the purpose of supporting one or more antennas,
23 including self-supporting lattice towers, guy towers, or monopole

1 towers. The term includes radio and television transmission towers,
2 microwave towers, common carrier towers, cellular telephone towers,
3 and other similar structures. This term also includes any antenna
4 or antenna array attached to the tower structure.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 147 of Title 59, unless there is
7 created a duplication in numbering, reads as follows:

8 A. No tower, alternative tower structure, antenna or accessory
9 support facilities shall be erected in any area which is not
10 otherwise subject to local zoning ordinances or regulations without
11 first obtaining a permit from the Department of Environmental
12 Quality.

13 B. No tower, alternative tower structure, antenna or accessory
14 support facilities shall be erected within a distance of one-fourth
15 (1/4) mile of any occupied residence, unless the owner or owners of
16 the residence or residences first provide written consent.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 148 of Title 17, unless there is
19 created a duplication in numbering, reads as follows:

20 Pursuant to 47 U.S.C., Section 332, the Department of
21 Environmental Quality is hereby authorized to promulgate rules to
22 implement the provisions of this act.

23 SECTION 4. This act shall become effective November 1, 2003.

1 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENT &
2 COMMUNICATIONS, dated 2-6-03 - DO PASS, As Amended and Coauthored.