

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1921

 By: DeWitt

7 AS INTRODUCED

8 An Act relating to cities and towns; amending 11 O.S.
9 2011, Section 55-103, which relates to municipal
10 ordinances regulating amateur radio antenna and
11 support structures; requiring municipal ordinance to
 be minimal regulation; placing certain burdens upon
 an authority upon the denial of an application; and
 providing an effective date.

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

16 SECTION 1. AMENDATORY 11 O.S. 2011, Section 55-103, is
17 amended to read as follows:

18 Section 55-103. A. As used in this section:

19 1. "Amateur radio" means the use of amateur radio and amateur
20 satellite radio frequencies and services by qualified and federally
21 authorized persons of any age who are interested in radio technique
22 without pecuniary interest;

23 2. "Antenna" means an array of wires, tubing, or the like used
24 for the transmission and reception of radio waves; and

1 3. "Antenna support structure" means a structure or framework
2 that is designed to elevate an antenna above the ground for the
3 purpose of increasing the effective communications range and
4 reliability of an amateur radio station. Amateur radio antenna
5 support structures are removable by design and therefore are a
6 removable structure for assessment purposes.

7 B. A municipal ordinance regulating amateur radio antenna or
8 amateur radio antenna support structures shall ~~comply~~comply:

9 1. Comply with the requirements of 47 C.F.R., Section 97.15(b),
10 as amended from time to time, ~~by allowing~~;

11 2. Allow for the erection of an amateur radio antenna or an
12 amateur radio antenna support structure at a height and dimension
13 sufficient to reasonably accommodate amateur radio service
14 communications, and shall only constitute the minimum practicable
15 regulation necessary to accomplish the intent of this section; and

16 3. Require that, upon denial of an application for approval of
17 an amateur radio antenna or amateur radio antenna support structure,
18 the authority denying the application state the reasons for the
19 denial and on appeal bear the burden of proving that the actions of
20 the authority are consistent with this section.

21 SECTION 2. This act shall become effective November 1, 2013.

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23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
24 02/07/2013 - DO PASS.