

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 573 By: Montgomery of the Senate
3 and
4 Martinez of the House
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7 An Act relating to cities and towns; creating the
8 Oklahoma Electrical Access and Resiliency Task Force;
9 providing for membership of task force; providing
10 purpose; requiring task force to make recommendations
11 for energy use; requiring submission of report to
12 certain persons by certain date; providing for cease
of operations of task force; providing for
codification; providing an effective date; and
declaring an emergency.

13 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
14 and insert:

15
16 "An Act relating to powers of municipalities;
17 amending 11 O.S. 2021, Section 22-107.1, which
18 relates to regulation of video services systems;
19 modifying definition; and providing an effective
date.

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

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

23 Section 22-107.1 A. A municipality may by ordinance or
24 otherwise grant a certificate, license, permit or franchise for the

1 operation of a video services system, unless such authority is
2 already provided for by law. Any certificate, license, permit or
3 franchise granted pursuant to this section shall constitute a
4 bargained contract between the municipality and the video services
5 provider and shall provide for a consideration payment to the
6 municipality as rental for the privileges granted to the provider to
7 use the public ways and grounds within the municipality in
8 furtherance of its video services business. The rental payment
9 shall be set at the amount bargained between the municipality and
10 the video services provider but shall not exceed five percent (5%)
11 of the annual gross revenues derived by the video services provider
12 from the provision of video services within the municipality. Any
13 certificate, license, permit or franchise issued by the governing
14 body shall be nonexclusive and shall not exceed a period of twenty-
15 five (25) years and may be revocable by the governing body if said
16 body determines that the holder of the certificate, license, permit
17 or franchise has willfully failed or neglected to perform duties
18 pursuant to the terms of the grant of the certificate, license,
19 permit or franchise. Nothing herein shall limit the authority of a
20 municipality to comply with state or federal law.

21 B. In the event a municipality grants an overlapping
22 certificate, license, permit or franchise for video services within
23 its jurisdiction on terms or conditions more favorable or less
24 burdensome than those in any existing certificate, license, permit

1 or franchise within the municipality the holder of the existing
2 certificate, license, permit or franchise shall be entitled, upon
3 written notice to the municipality, to adopt the terms in the
4 overlapping certificate, license, permit or franchise that are more
5 favorable or less burdensome than those in the existing certificate,
6 license, permit or franchise and the adopted terms shall become
7 enforceable by the municipality.

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

16 D. In awarding or renewing a certificate, license, permit or
17 franchise for video services, a municipality may require adequate
18 assurance that the video services system provider will provide
19 adequate public, educational, and governmental access channel
20 capacity, facilities or financial support. A video services system
21 provider may, at its sole option, provide a "family friendly" tier
22 of video services in lieu of channel capacity, facilities, or
23 financial support for public access as a condition of any
24 certificate, license, permit or franchise for video services or

1 renewal thereof. Nothing herein shall affect any channel capacity,
2 facilities, or financial support for educational or governmental
3 access contained in any certificate, license, permit or franchise
4 for video services or renewal thereof.

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

9 F. "Video services" means video programming, including cable
10 services, provided through wireline facilities located at least in
11 part in the public rights-of-way without regard to the delivery
12 technology, including Internet protocol technology. "Video
13 services" shall not include video programming provided ~~by a:~~

14 1. By a commercial mobile service provider as defined in 47
15 U.S.C., Section 332(d);

16 2. By a provider of direct broadcast satellite service as
17 defined in 47 U.S.C., Section 335(b)(5)(A);

18 3. By a provider of digital audiovisual works delivered over
19 the Internet, including streaming content; or ~~provided solely~~

20 4. Solely as part of and via a service that enables users to
21 access content, information, electronic mail, messaging and other
22 services offered over the public Internet.

23 SECTION 2. This act shall become effective November 1, 2022."
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1 Passed the House of Representatives the 27th day of April, 2022.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2022.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 573

By: Montgomery of the Senate

and

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6 An Act relating to cities and towns; creating the
7 Oklahoma Electrical Access and Resiliency Task Force;
8 providing for membership of task force; providing
9 purpose; requiring task force to make recommendations
10 for energy use; requiring submission of report to
11 certain persons by certain date; providing for cease
12 of operations of task force; providing for
13 codification; providing an effective date; and
14 declaring an emergency.

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

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 21-223 of Title 11, unless there
18 is created a duplication in numbering, reads as follows:

19 A. There is hereby created the Oklahoma Electrical Access and
20 Resiliency (OEAR) Task Force.

21 B. The task force shall consist of thirteen (13) members as
22 follows:

23 1. The Secretary of Energy, or designee, who shall serve as the
24 task force chair;

2. Three members appointed by the Governor:

a. a representative of an organization representing
municipalities,

1 b. a representative of a non-profit public power utility
2 located in this state, and

3 c. a representative of a manager of an electrical grid or
4 power pool;

5 3. A corporation commissioner, or designee;

6 4. Four members appointed by the President Pro Tempore of the
7 Senate:

8 a. a representative of an organization representing
9 electrical cooperatives,

10 b. a professional with academic expertise or a minimum of
11 a master's degree in electrical engineering, grid
12 management or a related field, and

13 c. two members of the Oklahoma Senate who are from
14 different political parties and shall serve as ex
15 officio members; and

16 5. Four members appointed by the Speaker of the House of
17 Representatives:

18 a. a representative of a publicly traded electric utility
19 company,

20 b. a member of the public who is not affiliated with the
21 electrical industry, and

22 c. two members of the Oklahoma House of Representatives
23 who are from different political parties and shall
24 serve as ex officio members.

1 C. The task force shall study nationally recognized best
2 practices to provide additional revenues and local control for
3 communities by having a choice in electric energy suppliers and make
4 recommendations regarding:

5 1. The removal of the moratorium on the use of municipal
6 condemnation to acquire electric facilities of an incumbent
7 investor-owned utility as defined in Section 21-222 of Title 11 of
8 the Oklahoma Statutes;

9 2. The authority to give municipal utilities the ability to use
10 the power of eminent domain to allow for community choice of
11 electric energy suppliers;

12 3. The imposition of new growth taxation of two percent (2%)
13 tax on gross sales beginning tax year 2022 on any provider of
14 wholesale sale of electric power to municipal corporations if the
15 providers were not in operation prior to the effective date of this
16 act;

17 4. Strategies to enable community choice of electric energy
18 suppliers, whether legislatively or otherwise; and

19 5. Whether a need exists to provide for ongoing evaluation of
20 the implementation of these rights and, if such a need does exist,
21 the task force shall:

22 a. identify the scope and nature of the need, and

23 b. make recommendations on how best to fill that need,
24 whether legislatively or otherwise.

1 D. The task force shall submit a final report of its findings
2 and any recommendations to the Governor, the President Pro Tempore
3 of the Senate and the Speaker of the Oklahoma House of
4 Representatives not later than a year after the effective date of
5 this act.

6 E. The provisions of this section shall cease to have the force
7 and effect of law and the task force shall terminate following the
8 submission of the final report.

9 SECTION 4. This act shall become effective July 1, 2021.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 10th day of March, 2021.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2021.

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Presiding Officer of the House
of Representatives

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