

2009 Oklahoma Legislative Issues

A Central Oklahoma Consensus

Adopted November 2008

Association of Central Oklahoma Governments
21 E. Main Street, Suite 100
Oklahoma City, OK 73104
(405) 234-2264 / FAX: (405) 234-2200
Internet: www.acogok.org

Table of Contents

Introduction	i
Transportation needs eclipse others	1
Sales taxes the lifeblood of municipalities in Oklahoma	3
Public safety remains priority for citizens	5
Water concerns high priority	7
REAP funding important to Central Oklahoma	11
Lawsuit reform can ease financial strain	13
Encourage regional strength	15
State personnel mandates becoming unreasonable	17
Needs for improved transit options increase	19
County jail situation critical	21
It's not easy being green	23
Planning/codes affect quality of life	25

Introduction

When economic times are tough, which they will be this Legislative session, it is more important than ever that public servants communicate, and that the state and its local government partners work together. Resources will be scarce at the federal, state and local levels, making shared priorities and focus critical. Please study the following policy statements prepared by the ACOG Board of Directors with that in mind, and let us know when we can discuss any of these issues with you in person.

In the meantime, we would like to thank you for several bills you approved on our behalf last year. Among the actions for which the ACOG membership is thankful are:

- Increased transportation infrastructure funding.
- Liability immunity for 9-1-1 call-takers/dispatchers.
- Making unauthorized use of taser guns against police/fire officers a felony.
- Clarification of municipal training requirements.
- Removing utility customers' names from public records.
- Reinstating the circuit rider city manager program for small towns.
- Increasing penalties for graffiti.
- Establishing a structure for a state grant program for air quality emissions reductions.

Please take time to consider these thoughts and recommendations from your local government partners (list on inside cover). We would like to hear from you with any questions and/or concerns.

Transportation needs eclipse others

Progress made in past legislative session; needs to continue.

The message that Oklahomans are fed up with bad roads and bridges and want them fixed, seems to have been heard by the Legislature this past year. Thank you for passage of legislation last session to address removal of the 3% growth requirement, allowing an additional \$32.5 million for the Oklahoma Department of Transportation (ODOT) each year, and raising the cap to allow more funds to come directly from road user fees. These were important efforts and we are grateful for the positive outcome, particularly since the state has a \$10 billion backlog in maintenance of state roads and bridges. The ACOG membership would like to see ODOT cover right of way maintenance costs of highways that run through municipal boundaries as well.



Additionally, the Legislature passed HB 2272 to allow for the sale of \$300 million in bonds to maintain funding for ODOT's Eight-Year Construction Plan. This effort is critical to ongoing construction timetables for projects in the Central Oklahoma Region, including the I-40 Crosstown Realignment, major work on the interchanges at Broadway and Memorial, I-35 and I-240 Crossroads, and I-40 and Morgan Road. And, we appreciate the establishment of a \$25 million special revolving fund for county road and bridge maintenance.

Another important project in Central Oklahoma is the Boulevard portion of the I-40 relocation and the Lincoln/Byers interchange. ODOT has committed to these projects, but funding is not yet in place.

Requested Actions

1. Provide significant state support to major expansion projects in the Central Oklahoma area, including funding for I-40 Crosstown realignment and an EIS for the SW Outer Loop.
2. Authorize cities to cite motorists (vehicle owners) for red light running violations caught on camera.
3. Give ODOT authority to provide right-of-way maintenance on state highways that run through municipal city limits.

Residential and business development continues at a rapid pace in western and southwestern parts of the ACOG region. The 2030 Oklahoma City Area Regional Transportation Study (OCARTS) Plan recognizes the future need for an outer loop highway in this area that will connect I-40 and I-35, thus reducing projected traffic on these existing major transportation arteries. The final report for the Outer Loop Corridor Major Investment Study has been completed. If federal funds are to be used for eventual construction of the loop, right-of-way preservation can occur only after an Environmental Impact Study (EIS) has been conducted. An EIS, which refines the final alignment of the recommended highway can be costly, and funding for this next critical step remains unknown. A state appropriation of \$2.5 million for the EIS is requested to keep this project moving forward.

The ACOG membership would like to see ODOT cover maintenance costs of highway rights-of-way that run through municipal boundaries as well.

Traffic Safety

The safety of citizens driving on our streets and highways is also an area of significant concern. One of the most dangerous traffic violations which, unfortunately, is becoming all too common is the practice of running red lights. We request legislative authorization for cities to video intersections, then cite red light violators by mail. The legislation would make a vehicle owner responsible for the citation, establishing a presumption that the registered owner is the driver of the vehicle at the time of the offense. Similar legislation is currently in place for parking citations and turnpike tollgate violations.

Sales taxes the lifeblood of municipalities in Oklahoma

Must focus on evolving trends.



The demands for state and local services continue to accelerate while our current methods for levying taxes fall woefully short. As the state considers its revenue needs, your city, town and county partners sincerely request that you carefully consider how your fiscal actions affect decisions and services rendered at the local level.

Oklahoma's cities and towns are heavily reliant on sales tax as their primary means to fund local services. While the state has a much broader revenue base, only 25% of which comes from sales tax, more than half of municipal revenues come from this form of taxation.

Over the years the legislature has granted 139 exemptions to the sales tax. The Sales Tax Holiday, which was passed last year, thankfully included a provision to reimburse cities and towns for lost

revenue, yet every year a proposal to eliminate sales taxes on groceries also surfaces. Without a similar reimbursement provision, this exemption would cost an estimated \$24 million for Oklahoma City alone, and an estimated \$228 million to local governments statewide.

Two Bills were introduced last session to expand the "Back to School" sales tax holiday to include school supplies and computers which would have cost municipalities around \$6.6 million annually.

Streamline Sales Taxes

Congratulations on the fact that the Oklahoma Legislature has provided great leadership in the Streamline Sales Tax initiative! Oklahoma is one of 19 states currently in compliance with the federal law designed to simplify collection of

Requested Actions

1. Continue to support Congressional validation of the Streamline Sales Tax compact.
2. Require OTC to use zip-plus-four for calculating municipal and county sales tax attributions, and require complete reporting of location from vendors.
3. Expand collection of sales taxes to include services as well as goods.
4. Avoid attempts to eliminate sales taxes on groceries, tax holiday expansions or any additional exemptions.

sales taxes on retail transactions made via the Internet or catalogs. As a state and local governments who rely more heavily than most on sales taxes, ACOG members encourage our state Legislators to aggressively promote Congressional action to mandate participation by all retail catalog and Internet vendors.

OTC Reporting Requirements

It has been the practice of the Oklahoma Tax Commission (OTC) to accept remittances and reports in which the applicable city/county breakdown has been omitted. Without this breakdown, OTC cannot allocate these remittances to the proper municipality or county and the funds are held in the state “Sales Tax Remitting Account” accruing interest until a report is received. When a municipal/county allocation report is eventually received, per OTC General Counsel opinion, these remittances are still eligible for applicable discounts, and penalties cannot be assessed due to the ambiguous nature of the statute. This reality delays timely issuance of taxes to the local governments. We request the Legislature amend the statutes governing sales and use taxes to clarify what constitutes a complete report to the OTC.

Capitalizing on Zip-Plus-4

Part of the work that has been done in the Streamline Sales Tax initiative can also be utilized to greatly improve **all** sales tax collections made for local governments. As the Oklahoma Tax Commission has evolved to more regularly utilize zip-plus-four information in allocating local government taxes collected for Internet and catalog sales, we recommend that the Legislature **require** the agency to begin to use that level of specificity for *all* sales tax attributions. When “community” is determined by the mailing

address alone, using only five-digit zip codes, many ACOG communities (Nicoma Park, Calumet, Nichols Hills, The Village, Union City, Forest Park, Slaughterville and Warr Acres, to name a few) that do not have their own zip codes do not get the taxes that are due them by law.

Broaden the Base/Minimize Threats

Since sales taxes are the primary source of revenue for local governments in our state (over 50% for Oklahoma City and even more for smaller communities), we encourage the legislature to look for ways to broaden the scope of collections, providing more resources for both the state and its sub-entities.

Broadening the scope would be much more desirable than increasing the state rate and/or adding more exemptions. Ours has become a service-based economy rather than goods-based, and we believe the tax structure should reflect that change. By taxing services in addition to products, we can bring our tax system more in line with economic trends and rebuild the resources of the state and its municipalities and counties.

TIF Funding

Proposals to alter the current structure of Tax Increment Financing (TIF) districts would erode cities’ financial positions and would quash efforts to develop land that might not be developed or redeveloped without the help of a TIF. Usually, a TIF involves a tract of blighted or dilapidated land that would not be developed and eventually placed on the tax rolls without the added incentive of the TIF. The tools available to municipalities to encourage business development are relatively few, and TIFs are an effective way to fund infrastructure improvements for potential infrastructure investment that would not occur otherwise.

Public safety remains priority for citizens

9-1-1 systems need to continue to evolve.

Enhanced 9-1-1 systems are a necessary component of Oklahoma's critical infrastructure. They are vital to efficient delivery of public safety services because they connect people in crisis situations to police, fire and ambulance professionals who can help them. E9-1-1 systems throughout the country offer not only the means to connect, but to connect with vital information about where the emergency is occurring—lifesaving information should the caller be unable to describe his or her location.



Oklahoma Beginnings

The quest for the most advanced 9-1-1 system began in Oklahoma in the mid 1980's, followed by *state legislative authorization* for local communities to hold elections to establish service fees on landline telephone customers (basically everyone back then). Central Oklahoma's Enhanced 9-1-1 system became active May 1, 1989, following elections in the spring of 1987 in which voters throughout the metropolitan area voted by an 88% margin in favor of such a service fee on their telephone bills to build out and maintain an E9-1-1 system. In accordance with the state authorizing legislation, these fees were based on a percentage of the basic landline subscription rate.

Deregulation and Wireless Advancements

The federal Telecommunications Act of 1996 deregulated the telephone industry, bringing an onslaught of new players to the scene, and requiring ACOG's

9-1-1 system to begin working with over 50 telecommunications companies rather than our original six. Then came the proliferation of cell phone use and the evolution away from traditional landline to wireless

services. Adapting 9-1-1 systems to this major technological shift required significant overhaul of 9-1-1 systems. A **return to the Legislature** ultimately resulted in authorizing legislation for counties to go back to the people for a vote to charge themselves service fees on wireless phones to adapt the 9-1-1 system to be able to handle those calls and continue to provide the vital location and phone number information on which the E-9-1-1 systems were based. The legislation allowed a 50-cent per month fee but required new local elections. Once again, the citizens of Central Oklahoma showed strong support for funding 9-1-1 by an 80% plurality in elections held throughout the region, Dec. 13, 2005.

The ACOG 9-1-1 system was upgraded accordingly and now provides call-takers with a latitude and longitude

and mapped location of callers, regardless of their calls coming from a traditional landline phone or wireless phone. The **Legislature later adopted language** to specifically add pre-paid wireless phone service customers. These actions and subsequent system improvements were just in time, because well over half of the calls that come into our system are now from wireless phones.

Voice Over Internet Protocol (VOIP)

But, no rest for the weary, as on the heels of this massive upgrade came the ability for voice communication through computer connections (Voice Over Internet Protocol—VOIP). The 9-1-1 advocates **returned to the Legislature** one more time to authorize charges to customers of VOIP for their ability to access an E9-1-1 system. Recognizing that residents had shown strong support for funding viable 9-1-1 systems, the Legislature authorized cities and towns to approve a 50-cent service fee on VOIP customers.

Concerns

While the urbanized areas of the state have done a yeoman's job of keeping up with technology, E9-1-1 services are not ubiquitous throughout our state. Some rural areas have not been willing or able to generate the revenue needed to provide any type of E9-1-1 service.

And, even in the urban areas, the rapid pace of evolving communications technology has necessitated tremen-

dous system investments while revenue sources are eroding. The original source for 9-1-1 funding, landline phone service, is declining rapidly. Unrealistic caps have been placed on the ability to increase revenues from newer technologies, yet adapting 9-1-1 systems to these newer technologies continually requires expensive system upgrades.

While the Oklahoma Corporation Commission has historically had regulatory authority over the landline communications companies, the Federal Communications Commission (FCC) regulates new technologies such as wireless and VOIP companies. This situation hampers state and local efforts to resolve breakdowns in communication regarding processes necessary to best serve their customers and funding necessary for system improvements.

Recommendations

We believe Oklahoma needs to evaluate a new methodology for funding the long-term viability of existing E9-1-1 systems in the state, and developing systems where there are none. Continuing to provide solutions by “chasing” technology is inefficient and inadequate. The issue is complicated and most likely will require a Select Legislative Study to thoroughly consider options for long-term solutions. The citizens of this state expect and deserve a viable 9-1-1 system to connect them with the help they need in their moments of crisis.

Requested Action

Establish a Legislative Select Study Committee to review options for long-term financial support for Next-Generation 9-1-1 systems throughout the state.

Water concerns high priority

The new “oil” or “gold”?



During the summer of 2008, there was a remarkable imaginary line drawn just on the western edges of our Central Oklahoma region that separated one of the wettest years in recorded history for those on the eastern side, and a drought mirroring the Dust Bowl days in the western side. And, although 2007 and 2008 were among the wettest years to date in Central Oklahoma history, it was only a year before that drought ravaged our part of the state as well.

Compounding the effects of drought, there appears to be a warming trend in our state. According to a report, “Feeling the Heat” released by Environment America this October, temperatures in Oklahoma between 2001-2007 were on average 1.3 degrees Fahrenheit warmer than temperatures from 1971-2000. And, in 2006, temperatures were up 2.2 degrees above historical averages, making it the hottest year in the state’s recorded history.

While preservation of our water supplies has always been important, these trends amplify the need to address supply and quality issues throughout the state.

Surface Water Supplies

Thankfully, the state is in the midst of creating a new Oklahoma Comprehensive Water Plan with the Legislature appropriating \$6.5 million to the Oklahoma Water Resources Board (OWRB) over

five years. Unfortunately, the 50-year plan is not expected to be completed until July, 2011. The ACOG membership has been recommending a new plan for several years, and we would like to suggest that efforts be made to expedite its development.

We are encouraged by efforts to recognize and quantify the interrelationships between ground water and surface water, and the need to look at long-term demands for residents, businesses and agricultural needs. Along those lines, several ACOG communities (Norman, Midwest City, Oklahoma City, Del City, Edmond, Mustang, Shawnee, Seminole, Moore, Chickasha and Goldsby) have formed the Oklahoma Regional Water Utilities Trust to provide additional water supplies to the central part of the state. The evolving state plan should recognize and encourage such regional efforts to meet long-term demands.

Stormwater/Water Quality

The federal Clean Water Act of 1972 requires that states identify streams, rivers and lakes that have not met federal water quality standards. For those that do not, states must develop total maximum daily load allocations (TMDLs). By focusing on reducing point sources of pollution, like industrial plants and municipal facilities, this program has made remarkable improvements in water

quality. In 1988, EPA began exploring methods to reduce nonpoint source pollution, runoff from sources like agriculture, forestry and streets and highways.

The extensive water quality monitoring required to identify non-point sources is very expensive and requires a significant degree of technical expertise. Most communities in Oklahoma cannot afford to take on this financial burden, especially in the wake of aging and failing infrastructure. Even with these significantly increasing costs for cities and towns, the legislature has attempted more than once to re-distribute its support, taking it from local programs such as the Rural Economic Action Program (REAP) funds dedicated to public water supplies, and redirecting the money to the Oklahoma Water Resources Board. While we agree the OWRB's efforts to create a state-wide water plan are critical, so is the ability to keep clean water flowing out of the faucets in your neighborhood, a service provided by your local government.

Groundwater Supplies

Over half of the residents of Central Oklahoma rely on groundwater for their domestic water supplies. Businesses also view abundant groundwater as critical to the future of our state's growth.

In Central Oklahoma, the major groundwater supply is the Garber-Wellington Aquifer. This tremendous resource provides an average of five billion gallons of potable water each year to over 450,000 residents. Additional users include agriculture, industry and commercial businesses.

The Oklahoma Water Resources Board is now initiating a yield study on the Garber-Wellington Aquifer, similar to the recently completed Arbuckle-Simpson study. Although we applaud this long-awaited effort to quantify the resource, the legislature has not yet seen fit to fund this effort on the scale of the Arbuckle-Simpson study. The communities of Central Oklahoma who rely on this resource for our citizens, ask for your support.

Requested Actions

1. Protect and increase state funds dedicated to local water and wastewater system improvements, including REAP funds through the OWRB.
2. Increase appropriations to the OWRB for the State Revolving Loan Fund for infrastructure repair. We also would encourage the OWRB to study ways in which it can help municipalities comply with federal stormwater and drinking water standards.
3. Fund the Garber-Wellington yield study with the same levels as previous yield studies.
4. That cleanup of abandoned oil wells and underground storage tanks remain a high priority. The LUST fund must be used only for environmental remediation.
5. Fund the USGS stream gauge and the OWRB BUMP programs to fully address fully water management needs in the state.

As more residents and businesses drill wells, we would encourage a tightening of licensing and enforcement for water well drillers. In addition to avoiding scams, practitioners are literally drilling holes in one of our most valuable resources, and their competence is critical to protection of those water supplies.

Threats to our groundwater include improperly plugged oil and gas wells and inadequately managed underground storage tanks. We would like to see the state guarantee through law that all the revenue collected for cleanup of leaking underground storage tanks be actually spent toward that end. In recent years, some Legislators have viewed the monies collected for environmental cleanup as a money source to fund programs that have nothing to do with environmental restoration.

Water Quality and Quantity Monitoring

In Oklahoma, two programs are the backbone of our knowledge concerning

surface water in our state – the USGS Stream Gauge program and the OWRB BUMP program. The USGS Stream Gauge program consists of 171 locations across the state that continuously monitor flow in strategic waterbodies. This information is used by water managers in many occupations ranging from navigation to recreational use. The OWRB BUMP program documents beneficial use impairments, identifies impairment sources, detects water quality trends, provides needed information for the Oklahoma Water Quality Standards, and provides critical information for the prioritization of pollution control activities by state and local entities.

Both of these programs have suffered from budget cuts over the past few years. Participants in the State Water Plan process have continuously stated the public need for more and better information about the water resources of this state. These proven quality programs need to be well funded and expanded.

REAP funding important to Central Oklahoma

Program restoration important legislative goal.



The two metropolitan area councils of government in the state, ACOG and INCOG, have in some ways been treated unfairly by receiving only *half* their share in the state's highly successful Rural Economic Action Plan (REAP) program for development of small communities. Last year the Legislature approved making ACOG and INCOG "whole" when, and if, additional appropriations were made (which did not happen). We respectfully request whole status this year.

REAP is very important to community leaders because it allows adequate flexibility, and gives them the opportunity to address the needs *they* determine to be most pressing in their towns or county

areas. Even at its peak funding level, there were significantly more requests for project funding than there was money available. Following are some examples of the types of projects funded in the ACOG region this past year with REAP funds:

- Fire hydrants for Lake Aluma
- Storm sirens for Oklahoma County and Cedar Valley
- Fire fighting equipment for Slaughterville and Arcadia
- Sewer system improvements for Marshall and Jones City
- Road improvements for Okarche, Union City, Cedar Valley, Jones City, Luther, Logan County, Lexington, Oklahoma County and Piedmont.

Requested Actions

1. Make whole the REAP appropriations made to ACOG and INCOG.
2. Fully fund the program.

Lawsuit reform can ease financial strain

State encouraged to continue efforts.

Our litigious society has gotten out of control in terms of expense to the taxpayers, not only related to the financial consequences, but also in terms of the slow processing of the judicial system. The Legislature has made some positive steps toward reform the past few years, and we respectfully request continuation in the following ways.

Reform Attempts

Legislators have made serious attempt to adopt lawsuit reform the past two legislative sessions, but legislation passed by both houses has been vetoed by the Governor. Local governments and businesses continue to support reform that would include stricter definition of “frivolous” lawsuits, a cap on non-economic damages (including sewer back-up claims), new standards for expert witnesses and the elimination of joint and several liability. Such reform would hold down escalating insurance premium

costs paid by the state’s physicians, which would improve Oklahoma’s health sector. It would also make a positive impact on the state’s ability to attract new businesses and expand existing companies.



Municipal Court Options

Municipal courts serve an important role in handling minor offenses and reducing the burden of the beleaguered court system. We would like to see more sentencing flexibility for municipal courts

to include community service and other creative options for certain infractions, particularly in cases where the offender has no monetary means to repay society. Community service is often more effective in the long-run anyway.

Eminent Domain

In 2005, the U.S. Supreme Court ruled that a public entity could condemn

Requested Actions

1. Adopt lawsuit reform that can withstand potential Gubernatorial veto.
2. Allow community service as municipal court sentencing option.
3. Keep current state law regarding Eminent Domain (protects private property owners).

private property through eminent domain in order to redevelop such property for economic development purposes. This case had legislators all over the country up in arms, often without a realistic understanding of state law and its effect. Such is the case in Oklahoma, where the state law already prohibits local governments from condemning private property purely for economic development. State law limits such action to use for roads or public building, service to the public by common carriers such as utilities, and

for removing blight.

The legality of these terms was tested by the Oklahoma Supreme Court in the spring of 2006 in a Muskogee County case where the court ruled that Oklahoma governments cannot use eminent domain to seize property and grant easements to a private company in the name of economic development. The Court stated that Oklahoma's law goes beyond the U.S. Constitution in protecting private property rights. Therefore, we ask the Legislature to leave the current law as it is.

Encourage regional strength

Linking community resources throughout a region can expand opportunities and enhance efficiency.

Today's communities face problems that reach beyond a single municipality or county. Transportation, water and air quality, and emergency assistance are among many issues that can be addressed more effectively on an areawide basis.

Such cooperation does not just "happen" but must result from concerted efforts to coordinate and collaborate among the region's entities. The Association of Central Oklahoma Governments (ACOG) was formed in 1966 under the state's Interlocal Cooperation Act. Today, ACOG represents a strongly woven fabric of local governments in Central Oklahoma that have learned to face challenges and seize opportunities together.

The network of substate planning districts also provides a valuable mechanism for the state to approach problem-solving on a regional basis, involving its local government partners.

ACOG's work has been funded through local government dues, state appropriations and federal contracts.

The FY-2009 Oklahoma Department of Commerce appropriations passed by the Oklahoma Legislature included \$50,000 for the Association of Central Oklahoma Governments. An increased level of support would be helpful in continuing to move the region forward.



Capital Improvement Planning (CIP)

Legislation directs each substate planning district to incorporate local capital improvement plans into a regional capital improvement plan. Local governments are given grants through the Oklahoma Department of Commerce to prepare their own local plans, but many of them need assistance from their sub-state staffs.

There is a critical need to continue to fund substate planning districts in completing the CIP process for the smaller communities. The funding would ensure that there are viable local plans and a realistic statewide capital improvement plan.

Requested Actions

1. That the Legislature appropriate funds to substate districts to continue to perform their statutory duties.
2. Support Capital Improvement Plan development and implementation.

State personnel mandates becoming unreasonable

State puts a stranglehold on local government management of personnel.



While the staff of a city or county contribute greatly to the effectiveness of that local government, state mandates related to employee benefits increase costs dramatically while reducing local governments' ability to manage effectively. Issues such as mandatory binding arbitration, mandated benefits, workers compensation and health care costs have an enormous effect on local budgets.

The Legislature dealt local governments a massive blow in 2004 in opening up collective bargaining rights for non-uniformed employees of communities with 35,000 populations and up.

In addition, in arbitration disputes, state law requires that the city's ability to pay be considered. While we agree that consideration of recurring revenues is a reasonable inclusion, we do not be-

lieve revenue in non-recurring accounts should be considered. We also believe that the opportunity to present evidence should be allowed in fire and police arbitration situations.

The ACOG membership supports efforts to increase the number of members to the Public Employees Relation Board (PERB) from three to five, broadening municipal representation.

Of particular concern in the health care arena and skyrocketing costs is state law that requires municipalities to make health plans available to retirees for no more than 125% of the standard premium. With Baby Boom retirees living longer—in greater numbers—this is beginning to place an unrealistic burden on the cost of insurance for municipalities and their active employees.

Requested Actions

1. Resist efforts to broaden collective bargaining for local government office employees.
2. Revise arbitration process to allow the arbitrator the right to include *only* the local governments' recurring revenues in consideration of a settlement.
3. Change PERB membership from three to five and increase municipal representation.
4. Study methods for reducing health care costs, including revision to required retiree benefits.

Needs for improved transit options increase

State woefully behind in supporting public transit.

One of the most significant voids in Central Oklahoma's transportation system is the lack of a viable transit alternative. According to a recent study, the Central Oklahoma Transportation and Parking Authority (COTPA) operates on approximately one-fifth of the amount of operating revenue for transit than do systems in eight comparable cities. This places Central Oklahoma at a distinct disadvantage in the marketplace and also in terms of quality of life.



As the Baby Boom population reaches senior citizen status, our "20-30 somethings" population grows and gas prices fluctuate up to \$4/gallon, the midwestern allure of the automobile is beginning to lose its appeal, and the cries for a viable transit system are rising to the top. In a recent survey of Oklahoma City citizens, improved transit opportunities was the top recommendation.

Yet, local and state transit funding per capita in Oklahoma City is \$10.85 compared to \$48.13 in Albuquerque, \$54.40 in Kansas City, Mo.; and \$159.05 in Austin. A recent eight community comparison showed that only Oklahoma City and Little Rock do not have a local or state revenue stream dedicated to transit services. To exacerbate the situation, federal support for local transit systems has decreased dramatically.

As state legislators, we ask that you increase general transit appropriations and support regional initiatives to develop metropolitan-wide transit systems. ACOG is spearheading a focused discussion, a Regional Transit Dialogue, in the Central Oklahoma region, bringing together public and private interests to examine expanded alliances in the development of a more comprehensive plan for transit development. Funding of such a plan will no doubt require significantly more state and local commitment,

Requested Actions

1. Increase statewide funding for transit and rail services.
2. Support regional transit initiatives.
3. State may want to research creating a separate body for advancing transit and rail transportation.

in addition to capturing more of our federal share. The state may also want to research creating a separate agency for transit and rail transportation, much like was done several years ago for airports.

A multifaceted, safe and efficient system for getting all our citizens from home to work, shopping, medical appointments or entertainment is imperative for a decent quality of life and positive future.

County jail situation critical

State urged to help find solutions for woefully overcrowded jails.

In the game of Monopoly, everyone loves getting a “Get Out of Jail Free” card. In real life, however, the words “free” and “jail” are incongruous. While prisoners are not free to roam the streets, the rest of society must pay dearly for keeping them incarcerated, fed, and to whatever extent possible, healthy.

According to Justin Jones, Director of the State Department of Corrections, Oklahoma is **out** of prison space. County jails have, at times, had more than 1,500 inmates awaiting permission to be delivered to prison. When no prison beds are available, every aspect of the criminal justice system is affected. It places a tremendous financial strain on county governments, delays the judicial process and hampers law enforcement in general.



The state is over-leveraged with the use of private prison space. It has been over 25 years since a new medium or higher security prison has been built, and county jails are crumbling.

Mental Illness

According to a 2006 Report by the U.S. Department of Justice entitled “Mental Health Problems of Prison and Jail Inmates,” more than half of the population incarcerated in prisons and jails, including 56% of state prisoners and 64% of local jail inmates, were found to have a mental illness. Many of these inmates suffer from treatable problems such as major depression, bipolar disorder or substance abuse.

“It is a national tragedy that jails and prisons have become the primary

Requested Actions

1. Improve state prison capacities, reducing the overflow into county jails and increase reimbursement rates for housing state prisoners.
2. Study options for capital financing for county jails.
3. Better identification of prisoners with mental illness during intake, and appropriate treatment following identification.
4. Increase appropriations for PACT teams.

mental health care facilities in the United States today,” according to a statement released in November by the American Psychiatric Association. “Ending the ‘criminalization of the mentally ill’ and the inappropriate incarceration of persons with mental illness could prevent unnecessary building of correctional facilities and make room for violent and repeat offenders.”

In Oklahoma, the initiation of Mental Health Courts is a step in the right direction, but we would encourage the state to continue progress in this area. Providing

better intake services that would more quickly identify mental health issues and subsequent treatment would be one specific recommendation. Secondly, we recommend more investment in proven prevention programs such as the new Program Assertive Community Treatment (PACT), a legislatively funded team approach for helping people “in the system” who are likely to get in trouble with the law. It has been documented as being a highly effective program, proven to work for keeping mentally ill residents out of jail and should be replicated.

It's not easy being green

In the famous words of Kermit the Frog, "it's not easy being green," but environmental stewardship is important to future growth.



One of the most pressing environmental concerns in Oklahoma over the next several years is likely to be air quality. While our state is known for its blue skies—and ever present wind—the U.S. Environmental Protection Agency's issuance of new, tighter standards for ground level ozone in the spring of 2008 means a likely designation of Central Oklahoma and the Tulsa areas as non-attainment by the spring of 2010. Voluntary efforts in the past have been enough to keep our region in attainment, yet we have teetered on the edge, and stricter standards without stricter federal controls on the automobile and utilities industries will increase the pressure on states and local governments to find local solutions.

State Incentive Program

We commend the Legislature for your foresight last year in passage of

SB 1451, establishing the Oklahoma Energy Efficiency and Emission Reduction Program One, creating opportunities for grants to encourage implementation of air pollution reduction measures such as retrofitting truck and bus fleets to cleaner burning fuels. The program requires state funding, however, to have any impact. Given the current tenuous situation Oklahoma is in regarding ozone standards, we highly recommend state funding of this program this year. Such programs have been successful in reducing ozone levels in other states.

Transit/Alternative Fuel Vehicles

Increasing options for travel other than via individual vehicles—transit—is also a very important ingredient to creating a cleaner environment, in addition to the quality of life advantages that are added. The Oklahoma mindset regard-

Requested Actions

1. Create and fund state incentive program for reducing vehicle emissions.
2. Increase funding for transit.
3. Rewrite and expand tax credits encouraging use of alternative fuels, vehicles and infrastructure.
4. Promote recycling by state reuse, recycle and purchasing practices and incentives, including research on e-waste disposal.

ing transit needs to change, and that change can start with financial support from the Legislature (please see related item on page 19).

Oklahoma's Clean-Burning Motor Vehicle Fuel Property credits have been a model for other states since 1990, however, they are due to expire January 1, 2009. The credits encourage the purchase of alternative fuel vehicles and advanced vehicle technologies by helping reduce the higher cost and the installation of any special infrastructure required to fuel them. Building a market for alternative fuels and alternative fuel vehicles helps reduce dependence on imported petroleum, helps keep Oklahoma's skies blue and helps Oklahoma develop industries and jobs to support self-reliance in the transportation fuel sector. In addition to the fact that these credits are close to expiration, they need to be rewritten to take into account the evolution of the technologies. Recreating a current and robust platform for encouraging use of alternative fuels is more critical than ever, and needs your support.

Additionally, ACOG members would like to see a methodology developed to encourage tax exempt Oklahoma entities such as municipalities, counties and non-profits to receive a rebate or pass-through credit/discount in lieu of tax credits for the purchase of alternative fuel vehicles and fueling infrastructure. The Legislature is encouraged to continue Oklahoma's Clean-Burning Motor Vehicle Fuel Property incentives and to increase the use of alternative fueled vehicles and advanced vehicle technologies for government, business and private use.

We caution against expanding credits to electric all-terrain vehicles, however, in that they have not been approved as safe on the roadways, and their purpose is recreational, not intermodal travel.

Vehicles not classified by the federal government as on-road vehicles with accompany safety regulations should not be eligible for state tax credits.

Recycling

An article in the May, 2008, issue of "Public-CIO" reported on an enormous area in the middle of the Pacific Ocean that is filling with plastic trash. Known as the Pacific Garbage Patch or the Pacific Trash Vortex, this floating continent of plastic is the size of Texas, the largest "landfill" in the world. It was created by the clockwise circular pattern of four prevailing ocean currents off the coasts of the Americas and Asia. The currents pick up debris and the vortex concentrates it similar to the way water spins down a drain. This situation is, indeed, a wake-up call that dramatic habit changes, individually and collectively, are needed.

Encouraging recycling at the state, local and individual levels is an important environmental and energy conservation step. Most ACOG communities offer recycling options for their residents, although those programs typically do not pay for themselves and must be subsidized with local funds. State efforts to increase the volume of recycling and use of recycled products could reduce these costs significantly. We encourage the state to take specific actions within state agencies to prevent waste; recycle paper, cans and other products; then purchase items made from recycled materials. State efforts to encourage municipalities and counties to adopt similar programs would be helpful, too. In addition, several states in the country have adopted legislation regarding the disposal of electronic waste—the PCs, laptops, cell phones, etc. that are rampant in our society, and we would encourage our Oklahoma leaders to look into similar legislation.

Planning/codes affect quality of life

Both cities and counties need enforcement authority, fees.

While Oklahomans value their independence and ability to do things their own way, lack of respect for neighbors and bad habits regarding personal property development and maintenance can quickly erode property values of an area, rural or urban. ACOG board members would like to see more local/county options in regulating development with an eye toward aesthetics, property values and safety.



County Codes, Zoning and Environmental Controls

Standard subdivision codes, zoning and environmental controls are important to property values, public safety, health and quality of life for rural neighbors as well as those living in city cores, particularly rural neighborhoods in unincorporated areas of counties adjacent to municipalities experiencing rapid growth.

Some ACOG counties are interested in being able to establish land use and property maintenance standards in unincorporated areas as a means to not

only maintain or raise property values and the aesthetics of the area, but also to manage environmental concerns such as storm-water runoff and

protect public safety and health. The ACOG membership respectfully requests the Legislature grant additional authority to counties that wish to establish building codes, zoning, subdivision and storm-water ordinances, including the ability for county inspectors to issue citations for violation of said ordinances. In addition to improving the aesthetics of the rural areas abutting city neighborhoods,

Requested Actions

1. Allow counties to regulate and enforce zoning, building code and storm-water ordinances.
2. Eliminate restrictions on development fees to be collected, tying them instead to costs of providing related city/county services.
3. Allow county flexibility in determining appropriate lot sizes for developments in the unincorporated areas.

increased property values will add revenues to area school districts.

Counties are also currently restricted to development lot sizes. State law requires that the intensity of use of lands and building shall not be limited to less than one family per lot of two acres. In some situations, county planners would like to limit lot sizes to five acres or more, based on needs for properly spaced water wells, septic tanks and so forth. We would like to see the lot size restrictions be left up to determination by each county based on the location of land being developed.

Fee Increases Needed

Both cities and counties are limited in the fees that they can charge for various subdivision improvements and related processing of paperwork. For instance, the Board of Adjustment fee for counties has been frozen at \$15.00 since 1972. Just the mailing and advertising costs

alone for notifying property owners runs \$300-400 per proposed adjustment. Other states have given local governments the ability to charge impact fees based on the actual cost for processing development requests and providing associated revenue for the various expenses the county/city will endure based on the development. These fees would need to be tied to actual calculated expenses and utilized to pay for county/city improvements that are related to the particular development such as managing stormwater runoff or improving roads or bridges based on projections for increased traffic. The ACOG membership requests that the Legislature evaluate methods for responsibly allowing cities, towns and counties to assess and collect impact fees sufficient to cover the costs of mailing notices and subsequent liabilities to be incurred by the local government by the proposed development.