

2009 Federal Legislative Issues

A Central Oklahoma Consensus

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Introduction

*“Let it be told to the future world that in the depth of winter,
when nothing but hope and virtue could survive,
that the city and the country, alarmed at one common danger,
came forth to meet [it].”**

*George Washington quoted by President Barack Obama on inauguration day.

Change is inevitable, but never easy. We understand that there is much anticipation on the part of Oklahoma’s Congressional delegation as we face a new Congress, new President and emerging economic challenges. The elected officials of the cities and counties in Central Oklahoma, represented by the ACOG Board of Directors, are hopeful that we can collectively develop some unity of purpose, and that you will view us as partners in that effort.

To that end, we believe that all levels of government can better serve America’s citizens by building a well-functioning intergovernmental system. ACOG members would like you to consider ways in which we can increase communication. Please view the recommendations in this document as a true beginning of that growing dialog. We look forward to the opportunity to discuss these issues with you and work toward evolving collaboration and engagement.

Federal preemption of local authorities unwise

Telecommunications and eminent domain battles latest in disregard for local role in federal system.



Local government is the level of government with the principal responsibility for providing services, solving day-to-day public problems and responding directly to the needs of citizens. Activities such as franchising, zoning, managing public rights of way, issuing permits and licenses, and local code development are fundamental responsibilities of local governments. Federal policies should not undermine these activities or preempt local authority to protect the health, safety and welfare of local residents. Furthermore, preemptive policies constrain the ability of local elected officials to tailor policies to local needs and demands. Mandates imposed from the top down with no requisite funding opportunities stifle the ability of local governments to meet local needs. In short, Congress' need to control has thrown the federal system of government out of balance.

Telecommunications Franchises

One of the hottest areas of current debate is in the arena of franchising telecommunications and video services. Numerous pieces of legislation have been introduced, most of which would preempt local authority over video/cable franchising and were vehemently opposed by the National League of Cities, U.S. Conference of Mayors, National Association of Counties and the National Association of Telecommunications Officers and Advisors. From a local government perspective, federal legislation and/or Federal Communications Commission (FCC) regulations that eliminate local authority to manage local rights of way and ensure that the public is compensated for the use of rights of way are very short-sighted. In 2007, the FCC issued an order that forced rushed franchising decisions at the local level without giving cities and towns an opportunity to ensure the interests of the public were being

Requested Actions

1. Resist legislative and regulatory efforts to remove local authority for regulating such local issues as zoning, land use and personnel management.
2. Resist efforts to usurp local control in telecommunications proposals or others.
3. Do not support efforts to override states' rights regarding eminent domain.

met. In the order, the FCC created an arbitrary 90-day shot clock to negotiate, review, obtain public comment and enact new franchise agreements even though Congress, under the Communications Act, gives a longer period of time.

While strongly endorsing competition, leaving telecommunications and video providers free to cherry pick the most lucrative communities and customers seems counter to the concept of the public good. Limiting fees that cities and towns can collect, as well as the authority to enforce collection, would directly jeopardize critical public services including police, fire, schools and libraries.

For example, eliminating cable franchise revenue would cost Oklahoma City \$4.2 million annually, and losing telephone franchises would have a \$1.9 million annual impact. Cities must retain their ability to control city rights-of-way in order to manage the many utilities that share space and provide services to citizens.

And, although Congress wisely avoided passage of such preemptive legislation, the Federal Communications Commission (FCC) bypassed Congress by establishing a rule that reduces the amount of time local authorities have to consider applications from new television

providers. From our perspective, the FCC was overstepping its authority and inappropriately usurping local control.

Eminent Domain

In 2005, the U.S. Supreme Court clarified that municipalities may use the power of eminent domain for the public purpose of economic development, even in the absence of blight. This is in addition to the more traditional uses for roads or utility lines. The Court made it clear that states can further restrict condemnation powers if they choose. This ruling has created a political firestorm, but since the state of Oklahoma already limits eminent domain to public purposes, the debate should not really concern us unless, of course, federal action preempts the state's ability to govern this issue, an action we would greatly oppose.

In Oklahoma, localities may condemn private property in only three limited circumstances: (1) for actual use by the public such as for roads or public buildings; (2) for service to the public by common carriers such as utilities; and (3) for the public purpose of removing blight. Efforts to usurp state control of this issue keep cropping up and need to be stopped.

Revenue necessary to meet federal/local goals

Local/regional funding vital to community building.



The hometowns in your district are where your constituents come together as neighbors to build community. They expect and deserve services including public safety, clean water, waste disposal, safe streets and many more. As their local elected officials, we are committed to providing these services, but cannot do it alone, particularly when we are regularly handed expensive mandates from the federal level. The intergovernmental partnership established in our system of American governance is dependent upon development of mutual goals and responsibilities. We need you, our partners at the federal level, to support us at the local level in finding resources for meeting local needs and goals. Many of the resources devoted to community building in the past have gone in recent years to the war in Iraq, disaster recovery and economic bailouts. It will all be

for naught if we lose the viability of our hometowns.

Community Development Block Grants (CDBG)

From local governments' perspectives, including those in Central Oklahoma, the CDBG program is one of the most versatile and successful programs in the federal/local partnership. The CDBG program is critical to local efforts to reclaim blighted neighborhoods, encourage new business and job creation and support many successful grass-roots community programs.

The program remains vital to communities in Central Oklahoma. The funds are leveraged with other local, state and federal funds to assist low and moderate income families repair homes, extend or repair water and sewer lines in low-income neighborhoods, and provide loan

Requested Actions

1. Continue to fully fund CDBG, law enforcement and workforce development programs, resisting efforts to dismantle such programs with proven effectiveness at the local level.
2. Re-designate Oklahoma City for Enterprise/Empowerment Zones eligibility.
3. Support \$33 million appropriations for the American Indian Cultural Center and Museum.

guarantees for major economic development efforts such as the Skirvin Hotel, American Indian Cultural Center and the Dell plant in Oklahoma City. And, the funds that go to the state have been distributed and used wisely in smaller communities as well. Since 1978, real per capita funding of CDBG has declined by nearly 75%.

CDBG is a jobs creator, a smart long-term investment in communities, a catalyst for creating more affordable housing, and a mechanism for building vital public infrastructure. Please avoid any attempts at dismantling this program during this Congressional session.

Other Grant Priorities

Other federal programs that provide much needed assistance at the local level include Department of Housing and Urban Development housing programs, Department of Commerce and Economic Development Administration grants for public works and economic development activities, Department of Labor workforce investment programs, Environmental Protection Agency Brownfields Assessments, clean-up and revolving loan fund grants and Department of Justice policing, weed and seed and justice assistance grants.

Enterprise/Empowerment Zones

The establishment of Enterprise and Empowerment Zones are designed to increase economic development in blighted areas, and the elected officials of Central Oklahoma are grateful to the Congressional delegation for including Oklahoma City. The City's designation is set to expire in 2009, however, requiring

our Congressional delegation's attention. Particularly with the national economic downturn, the tools offered to Enterprise/Empowerment Zone businesses in the form of employment tax credits and deductions for equipment purchases will become even more useful.

American Indian Cultural Center and Museum

The Native American Cultural and Education Authority (NACEA) selected Oklahoma City as the site for the American Indian Cultural Center & Museum. Construction site work has begun on the project. The museum has been named one of the eight Smithsonian Associates and will receive exhibition assistance from the Smithsonian Institute.

The project is financed by city, state, federal, tribal and private resources. The site is on the south shore of the Oklahoma River at the junction of I-40 and I-35. Oklahoma City provided the prime 298-acre site at no cost and has pledged \$5 million in CDBG funding. The state provided \$6.5 million in an initial appropriation and authorized \$33 million in bonds during the 2003 legislative session. The NACEA secured in excess of \$5 million in private/tribal funding to pay for interest on the state bonds, and additional private and tribal funding is expected.

Federal funding is essential to development of the Center. To date, the federal government has provided a total of \$7.2 million. Appropriations from the \$33 million authorized through Public Law 107-331 are necessary to complete this project.

Mandates, usurped authorities troublesome

Demands on local governments too onerous.



Two major concerns of Central Oklahoma local elected officials relate to (1) rampant federal mandates, and (2) growing federal preemption of responsibilities. We need you to seriously consider the effect that executing mandates has on cities' abilities to manage their own resources.

The number of mandates passed from the federal to the state, then to the local levels is out of hand. In the past few years alone, more stringent requirements have been placed on local governments related to air quality, arsenic in groundwater, and stormwater, just to name a few.

We believe it is unfair for the federal government to initiate laws, rules or regulations that will mandate new costs for local governments without providing

requisite reimbursement. Additionally, cost benefit risk assessments based on sound science, must be done prior to consideration by Congressional committees and bodies.

Additionally, the federal system is undermined by Congress overstepping municipal autonomy and budgeting with respect to making fundamental land use or employment decisions. Zoning and land use issues are entirely local, and decisions relating to them should remain at the local level. Similarly, federal preemption is not needed given the labor protections provided by state laws, local labor agreements, city government civil service systems and municipal personnel procedures. Specifically, the ACOG membership opposes any efforts to federally impose collective bargaining.

Requested Actions

1. Fight temptation to add mandates without adequate funding.
2. Resist efforts to remove local authority for regulating such local issues as zoning, land use and personnel management.

Public safety systems need life support

Next-Generation 9-1-1 requires national approach.



There is more advanced technology in the cell phone in an average teenager's jeans pocket than there is in most 9-1-1 centers in the country. While public safety agencies throughout the nation, and in Central Oklahoma, have worked diligently to keep their 9-1-1 systems equipped with the latest technology, the marketplace has outpaced the ability to keep up with the various methods people now use to make calls, including emergency calls, as well as the financing structure for paying for these systems. In short, 9-1-1 systems throughout the country are on life-support. The public, however, has come to rely on the ability to call 9-1-1 in a crisis, and assumes that when they make that call, or send that text message, that the emergency responders on the other end have at least equal capabilities.

Next Generation 9-1-1 Needs Attention

Today's 9-1-1 systems were built on an infrastructure of analog technology

that does not support many of the features that most Americans expect are part of an emergency response, such as receiving text messages. And, wouldn't it be great to be able to receive a photo of an assailant sent from a cell phone during a school shooting? The new technologies needed, collectively referred to as Next Generation 9-1-1, or NG9-1-1, should incorporate Internet Protocol (IP) networks and standards. An IP-based emergency communications network that supports 9-1-1 will facilitate interoperability and system resilience; improve connections between 9-1-1 call centers, emergency responders and alert and warning systems; provide more robust capacity; and offer flexibility to receive calls for help in any format.

As one of the leading 9-1-1 agencies in the state and country, the 9-1-1 Association of Central Oklahoma Governments (9-1-1 ACOG) has been very concerned about the effects that this rapidly changing communication technology has had

Requested Actions

1. Reauthorize continuation of the E-9-1-1 Implementation Coordination Office.
2. Support fully authorized funding of the ENHANCE 9-1-1 Act and the recommendations made in the National Plan.

on the viability of our 9-1-1 system. As you know, in recent years we have promoted both legislative and public election remedies for needed system upgrades to equip ourselves to handle emergency calls to 9-1-1 from wireless/cell phones. Much more is needed, however, to effectively move into NG9-1-1.

Your ACOG partners very much appreciate Congress's adoption of the New and Emerging Technologies (NET) 9-1-1 Improvement Act of 2008, which requires the preparation of a National Plan for migrating to an IP-enabled emergency network. The plan is to be prepared by the E-91-1-1 Implementation Coordination Office (ICO), created to meet requirements of an earlier law, the ENHANCE 911 Act of 2004. The office is co-administered by the National Telecommunications and Information Administration and the National Highway Traffic Safety Administration of the U.S. Department of Transportation (DOT).

One serious problem is that the ICO is scheduled to terminate next October, a few short months after the National Plan is to be completed (in April). This leaves little time to implement recommendations or meet other goals. The National Plan is to guide needed policies to strengthen the nation's 9-1-1 system, but it will take leadership for its recommendations to have a chance of implementation. To assure continuity of

leadership, we encourage you to support Congressional efforts to reauthorize the Implementation Coordination Office, and to provide funding for meeting the plan's objectives.

Other Federal Agencies

The ICO is particularly key to a federal response, because other federal agencies have yet to accept responsibility for providing the necessary national direction. The Congressional Research Service (CRS) recently issued a report stating that the Federal Communications Commission (FCC) has so far used its powers primarily as a regulator to enforce requirements for provision of 9-1-1 connections, rather than as a policy making body. And, the Homeland Security Office has not taken an active role in incorporating the country's 9-1-1 systems as integral pieces to the public's ability to connect to vital assistance, or the responders' ability to coordinate their responses. While 9-1-1 is very useful on a day-to-basis for individuals dealing with burglaries, automobile accidents, fires and the like, the magnitude of these systems' importance grows exponentially in a disaster that affects large portions of a community, such as tornados, hurricanes or potential terrorists attacks. For example, we are hearing a resurgence of concern about bio-terrorism. An integrated 9-1-1 system would be the first to show an illness trend developing in a community.

Enact simplified sales and use tax act

States and local governments need shackles unleashed.



A citizen's guide to avoiding paying state and local taxes in Oklahoma: Visit shops, talk to sales clerks and choose your desired item. Then go to the coffee shop next door with WiFi, log onto the Internet from your laptop computer, buy the product from an out-of-state vendor tax free. This by the way, is also "free" of responsibility for supporting your local police and fire, water service or trash pick-up. The reality is, our retail shopping habits as a country have changed dramatically, yet our taxing methods have not kept up.

Main Street Effects

According to Balliet's clothing store president and chief executive officer Robert Benham, "The advent of the Internet and the growth of e-commerce have established a situation where traditional main street sellers are losing sales to competitors on the Internet and also suffering a price disadvantage averaging six percent—the average state sales tax rate. Considering that most retail profit margins are on the scale of three or four percent, a non-negotiable price disad-

vantage of six percent on top of the cost of goods being sold is clearly a significant discrimination against main street sellers." Mr. Benham made these statements in writing for the U.S. Senate Finance Committee last summer. In addition to being a respected local businessman, he is also a veteran member of the Board of Directors of the National Retail Federation and Chairman of the State Chamber of Commerce's retail Council.

Streamline Sales Tax Status

As a state and localities significantly reliant on sales taxes, Oklahoma has done what states can. We are one of 19 states that are in current compliance with the requirements of the federal Streamline Sales and Use Tax Agreement. This Agreement was originally recommended through Congressional action, but we still need Congressional action to make the rules fair and equitable for all online and catalog retailers.

Not to be confused with taxing access to the Internet or creating a new tax, this issue is no more critical anywhere than Oklahoma. Both our state and local

Requested Action

Leadership in support of Congressional approval of the Simplified Sales and Use Tax Act.

governments rely more heavily than in many other parts of the country on sales tax collections to fund vital government services. For instance, sales taxes fund over 55% of the municipal budget for the city of Oklahoma City, and even a larger portion for many smaller communities who have few, if any, other sources of revenue. Previously proposed U.S. Senate Bill 34 and house companion H.R. 3396 would have granted Streamline Sales Tax member states the authority to compel out of state vendors to collect sales and use taxes. Both bills would respond to the Supreme Court's recom-

mendation in *Quill Corporation v. North Dakota* that Congress act to clarify state sales tax collection rules.

The Simplified Sales and Use Tax Act does not impose new taxes. It simply provides the means for the collection of existing taxes on products sold through catalogs or via the Internet. In addition, it will help maintain parity between the retailers of cyberspace and our brick-and-mortar businesses that employ our citizens, pay property taxes and support the local Boy Scouts and schools, in addition to collecting and remitting sales taxes on sales made.

Maintain strength of Tinker Air Force Base

Recent announcements and land use plan bode well for future.



In November it was announced that in 2012 Tinker Air Force Base will begin performing maintenance on the Pratt & Whitney F-35 afterburning turbofan engine. The engine powers the not-yet-released Lockheed Martin F-35 Lightning II military strike fighter. The aircraft is scheduled to debut in 2011 and will benefit the U.S. Air Force, Navy and Marines as well as the United Kingdom's royal air force and royal navy.

ACOG elected officials are always pleased to hear good news about future missions for the Base. Central Oklahoma's local elected officials have supported the Base since its inception in 1941 when Oklahoma City donated 1,440 acres of land. Oklahoma City continues to provide excellent water and sewer services to the Base, as well as maintains arterials and other infrastructure. Additionally, the citizens of Oklahoma County have approved multiple local elections to support the Base in many ways, the most recent of which was to buy the former GM plant to provide space for expansions.

JLUS Study

ACOG recently released the results of a Joint Land Use Study (JLUS), funded by the U.S. Department of Defense, Office of Economic Adjustment. The study was a cooperative land use planning effort designed to promote community growth and development that is compatible with Tinker's training and operational missions. ACOG served as the study's sponsor with partners being Choctaw, Del City, Midwest City, Nicoma Park, Oklahoma City, Spencer, Oklahoma County, Cleveland County, the Oklahoma Strategic Military Planning Commission and TAFB.

Recommendations included

- create an oversight committee of the partner communities to work closely with the Base on land use and encroachment issues
- review flight path corridors and seek Base input in siting locations for public facilities
- modify comprehensive plans and zoning ordinances to minimize in-

Requested Actions

1. Keep abreast of Base Closure and Realignment efforts and needed federal and local responses.
2. Support Tinker's efforts to modernize equipment and processes.

- compatible land uses around the base
- consider purchasing land within areas with the greatest accident potential and noise levels
 - ensure local building codes meet or exceed DOD recommendations for noise level reduction within noise contours
 - develop a construction guide for builders
 - evaluate feasibility of closing a portion of Douglas Boulevard for future TAFB expansion
 - work with State Department of Agriculture to reduce number of birds circling landfills near the Base

- prohibit new sanitary landfill or wetland mitigation projects within 10,000 feet of aircraft runways

All involved hope that this effort will help preserve the Base's viability for years to come.

With nearly 28,000 employees, Tinker is the state's largest employer and most significant component of Central Oklahoma's economy. As local governments flanking the base, we can facilitate efforts to meet the Air Force's local needs, but **decisions affecting its true prosperity lie in your hands.** Maintaining Tinker's viability is a top priority for the ACOG membership each year.

Accurate taxing requires community-specific addresses

Community name in address seen as solution.

The primary function of the U.S. Postal Service is, of course, to deliver the mail. Yet, its methods and practices affect local governments in several ways, including a couple that hit the pocket book. ACOG members would like to call to your attention two particular issues: how zip codes affect the distribution of local sales taxes and collection of sales taxes on merchandise sold by the post office.



Mailing Addresses Misrepresent Community Name

Postal service addresses, particularly zip codes, are increasingly being used for many purposes other than mail delivery. In a 2006 report by the Congressional Research Service, Library of Congress, it was noted that “Because ZIP Codes are often not aligned with municipal boundaries, millions of Americans have mailing addresses in neighboring

jurisdictions. This can cause higher insurance rates, confusion in voter registration, misdirected property and sales tax revenues for municipalities and property value effects.” The problem of most concern to ACOG members is the misdirection of sales taxes.

For example, a new store recently opened at 10650 U.S. Highway 77, in Slaughterville, actually across the street from Town Hall. When the Town Administrator made a purchase there, the sales tax for her purchase was destined for Lexington, likely because the mailing address of the store shows Lexington. This story is repeated numerous times throughout the region, affecting several communities such as The Village, Nichols Hills, Forest Park, Warr Acres and Slaughterville. In meetings with staff from Senator Tom Coburn’s office, post office, tax commission and Slaughterville representatives, it was determined that the main problem rests in the community name used in mailing addresses not being the

Requested Actions

1. Direct the U.S. Postal Service to establish a system for specific identification of the correct community in mailing addresses.
2. Authorize local and state sales taxes to be collected on merchandise sold in post offices.

same as the actual community in which the business/individual resides. For instance, Slaughterville mailing addresses indicate Noble or Lexington, due to postal service boundaries rather than municipal boundaries.

We are not aware of any progress related to the Postal Service's working more closely with local communities. However, progress on the simplified sales and use tax initiative (see page 10) has been a significant step in the right direction (establishes tax apportionment by Zip+4). Postal Service concurrence is still necessary to encompass sales made by all vendors (not just large Internet retailers). Data and maps already established for the Streamline Sales Tax Initiative should make the transition less difficult.

It would be our strong hope that our Congressional delegation would take this effort to the next level and ensure that the U.S. Postal Service addresses this problem by beginning to identify

true community names within mailing addresses. Requiring Zip+4 for commercial transactions to more specifically identify a community might also help with tax attributions.

Sales Taxes on P.O. Merchandise

The Postal Service has become somewhat creative in its merchandising of stamp-related memorabilia. Local post offices now sell and promote T-shirts, stamp collecting sets, mugs and other merchandise.

There is certainly no local objection to this new merchandising approach other than the fact that no local or state sales tax is remitted on these sales. While there is logic to the stamps themselves being tax-exempt, that same logic does not seem to apply to clothing and other items marketed in the post office setting.

We would encourage the delegation to ensure that such merchandise meets local and state taxation requirements.

Transportation needs eclipse others

Roadways and transit both need attention.

The good news for the environment is that people are driving less. The bad news for America's transportation infrastructure funding is that people are driving less. As Americans, we have competing goals: to reduce emissions and their effect on the environment, and to have a safe, efficient road and highway system that allows business and individual mobility.

The U.S. Department of Transportation says that gasoline taxes paid into the highway trust fund fell by \$3 billion

in the 2008 federal fiscal year. Secretary Mary Peters was quoted in the *Wall Street Journal* as saying, "We need a new approach that compliments, instead of

contradicts, our energy policies and infrastructure needs."

And with the reauthorization of the federal surface transportation legislation due

this year, now is the time to consider new ways of framing transportation funding. As a state that has historically received a smaller piece of the pie in both highway and transit funding over the years,



Requested Actions

1. Approve FY09 appropriations in line with SAFETEA-LU authorizations.
2. Continue to fund federal contributions to the rebuilding of I-40 and the Downtown Corridor.
3. Take a creative look at funding options in transportation reauthorization bills, curtailing the disparity between environmental and infrastructure goals.
4. Add language in reauthorization bills to link Norman with the rest of Central Oklahoma's urbanized area.
5. Consider the value of Intelligent Transportation Systems, funding railroad grade separations and maintaining truck size limits in relieving congestion.
6. Support the expansion of transit options through more flexibility in funding operations, appropriations related to Fixed Guideway implementation and Regional Transit Dialog outcomes.

we are in desperate need of our Congressional delegation's focus as these debates and decisions move forward.

Oklahoma Highway Funding and ITS

In Oklahoma, we are still playing catch-up from years of being a \$1 billion donor state (sending more transportation money to the federal treasury than receiving in transportation improvements). And, Central Oklahoma's needs are substantial and immediate.

A continuing pressing concern is completion of the urgently needed realignment of the I-40 Crosstown Expressway between I-235 and Agnew, now estimated to cost \$602 million. Approximately \$100 million is still needed to complete.

In future appropriations and rule-making, we encourage adequate funding for Intelligent Transportation Systems (ITS), enhancement projects such as trails and bikeways, funding of railroad grade separations, maintenance of truck weight and length limits, and required special insurance for hazardous materials haulers.

A technicality as a result of the U.S. Census Bureau's revised criteria for determining urban and rural territories after the 2000 Census had the inadvertent effect of separating the City of Norman from the transportation urbanized area. This situation was corrected in SAFETEA-LU language that states: "for the purpose of any applicable program under Title 23, United States Code, the city of Norman [Norman urbanized area] shall be considered to be part of the Oklahoma City Urbanized area." In order to avoid the loss of funding that is used by ACOG's member governments to improve roadways, bridges and implement numerous safety projects, it is imperative that similar language be included in the next surface transportation reauthorization bill.

Transit Now!

One of the most significant voids in Central Oklahoma's transportation system in contrast to other major league cities 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 services in eight comparable cities. This places Central Oklahoma at a distinct disadvantage in the market place and also in terms of quality of life. With the bulky baby boom generation on the cusp of old-age, the need for options to travel by private vehicles is rapidly becoming crucial.

A Congressional action that would help mitigate this inequity would be to provide greater flexibility for allowing federal formula funds to be used for operating expenses in addition to capital expenses. Due to a rule established in the 1970's, no federal formula funds [Section 5307] for Urbanized Areas over 200,000 population can be used for operating expenses, which is a serious penalty for Oklahoma City and Tulsa. HR 6097 would provide greater flexibility in the use of the federal formula program funds. Additionally, Oklahoma City needs to replace 50% of its buses over the next 2.5 years, and will need an infusion of capital to do that.

Finally, we encourage the delegation's support of local and federal efforts to move forward on recommendations of a recently completed Fixed Guideway Study. The study recommends long-term improvements in transit services including 789 miles of enhanced bus service, 40 miles of bus rapid transit, 42 miles of commuter rail transit and five miles of light rail streetcar. Anything Congress can do to promote railroad company

cooperation with the state and cities would be helpful as well.

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 de-

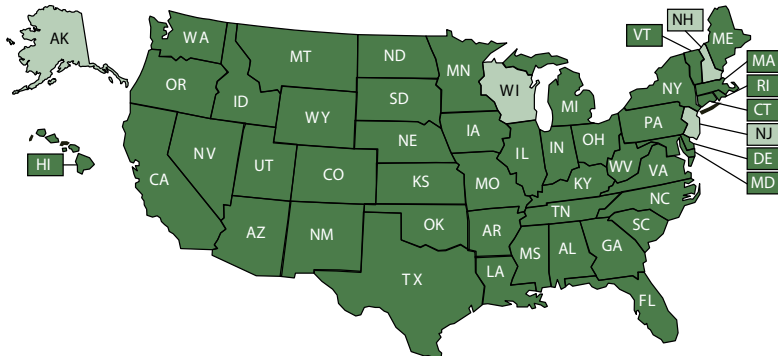
velopment of a more comprehensive plan for transit development. Funding of such a plan will no doubt require significantly more state and local commitment, in addition to capturing more of our federal share.

Immigration heartaches result of federal inaction

Patchwork of new state laws creating havoc and unrealistic expectations.

The irony is that inaction is an action. The vacuum created by federal gridlock and inaction related to the country's immigration situation has resulted in 1,562 pieces of immigration related legislation being considered IN 2007

46 States Enacting Immigration Related Legislation in 2007



among the 50 state legislatures, of which 244 became law in 46 states. Oklahoma has gained notoriety for adoption of one of the toughest laws in the country with its adoption of HB 1804, which:

- Makes it a felony to transport any unauthorized person,

- Prohibits identification cards—including student IDs,
- Requires public employers and those contracting with public employers to use an electronic employment authorization system to verify work eligibility,
- Requires state and local enforcement of federal immigration laws and prohibits local governments from enacting laws to the contrary,
- Prohibits in-state tuition for unauthorized persons at public post-secondary education institutions, and
- Requires verification of legality for certain public social services.

Anecdotal consequences of Oklahoma's law, which became effective Nov. 1, 2007, are unrest and fearfulness among Hispanics related to possible fractured families (mom and/or dad sent back to Mexico, while children who are legal citizens remain), reduced reporting (not reduced incidences) of crimes

Requested Actions

1. Take immediate action to deal with this national problem at the federal level. Immigration is a federal responsibility.
2. Avoid making local law enforcement officials responsible for enforcing federal immigration laws.

in Hispanic neighborhoods, significant rise in sub-contractor charges for certain construction jobs (some contractors have said that they have lost as much as 40% of their crews), additional expenses for social service agencies and employers related to verification of citizenship, and an exodus of many Latino workers to other states.

From a public safety perspective, local law enforcement officials have resisted state and national efforts to push enforcement of immigration laws down to the local law enforcement agencies. In addition to additional expenses involved, the more pressing concern is that a “heavy” local police presence and more restrictive enforcement could serve to push the Hispanic community more underground, reticent to report crimes or concerns for fear of being “busted” for immigration violations. This predicted consequence has proven to be true.

There are also expenses related to illegal immigrants who are jailed in county jails for federal, state or local offenses. The federal government pays only for those held for federal offenses, but many local officials argue that the federal government should pay the cost of in-

carcerating any criminals who entered the country illegally, since that is within federal jurisdiction.

The ACOG membership agrees with the Greater Oklahoma City Chamber and many local religious and secular organizations imploring Congress to take action at the federal level to reverse the trend of inconsistent state approaches and actions. We encourage Congress to

- Increase federal enforcement of immigration laws relating to entry at the borders, visa overstays and working without proper documentation,
- Develop an appropriate and legal means of immigration for foreign nationals who want to work here temporarily, become legal permanent residents or citizenship
- Establish a process for undocumented immigrants currently living in the U.S.
- Provide financial and technical assistance to local governments to cover the costs of providing law enforcement, social services, health care and education to immigrants.

Federal water acts need review, funding

Water the new “oil” or “gold”?

Water is the sustenance of life. Humans, animals nor plants can live without it. Economic development depends upon it. Its availability in adequate supply and at a high enough quality is critically important to Oklahoma’s continued viability.

With that in mind, the ACOG membership sincerely thanks the Oklahoma Delegation for your efforts in 2007 to pass the Water Resources Development Act (WRDA)! We remain hopeful that the appropriations will follow the authorizations included in the Act, funding the work needed and referenced for Edmond, Norman, Bethany, Midwest City and Mustang, as well as the Oklahoma Statewide Comprehensive Water Plan. We recognize and appreciate the courage that it took to override the Presidential veto on this bill.



Funding Concerns

The ACOG membership also appreciates the delegation’s leadership in passage of legislation establishing a feasibility study of alternatives to augment water supplies for the Central Oklahoma Master Conservancy District (manages Lake

Thunderbird). Led by Congressman Cole, the bill authorizes \$900,000 for the feasibility study to find future water sources for Norman, Midwest City and Del City. Lake Thunderbird is approaching the end of its design life, according to

ACOG hydrologist John Harrington, and needs serious attention. Additionally, the City of Oklahoma City has asked that the Oklahoma delegation support transference of McGee Creek facilities from the Bureau of Reclamation to the McGee Creek Authority, to streamline the process of upgrading the facilities

Requested Actions

1. Follow authorizations in WRDA with like appropriations.
2. Authorize funding for Master Conservancy District Feasibility Study.
3. Update and fund measures in the Clean Water Act, including much needed research.
4. Promote business and individual water conservation on a national level.

and possibly increasing future water supply options for those cities in the Master Conservancy District. HR 2085 was passed by the House and now sits in the Senate.

This past year Congress celebrated the 36 year anniversary of the Clean Water Act, yet both the Clean Water Act and Safe Drinking Water Act have been woefully neglected in recent sessions. They each need updating and the funding necessary to achieve their original goals. While mandates from the federal level have been plentiful, corresponding research and necessary funding support have not. Funding for research and in-

frastructure are the most critical at this point.

Conservation

Like so many critical issues our country faces (energy shortage, limited government funds), maintaining an adequate and healthy water supply is very dependent on U.S. citizens changing daily habits to conserve the precious resources we are given. Efforts at the federal level to promote water conservation are not only recommended, but appear to be a critical link to our ability to continue to meet the nearly insatiable appetite for water.

Air quality and energy issues share solutions

Cleaning up the air and reducing dependence on foreign oil have shared approaches.



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. While voluntary efforts in the past have been enough to keep our region in attainment, we have teetered on the edge, and stricter standards without accompanying stricter federal controls on the automobile and utilities industries will increase the pressure on states and local governments to find local solutions.

Despite years of sanctions and federally established milestones, many parts of the country have been unable to meet the previous ozone standard,

much less the new one. Obviously, this is a problem that must be addressed at the national level. It is our belief that tightening of the standard must be accompanied by simultaneous strengthening of national measures (such as regulatory requirements for power plants, mileage/emissions requirements on motor vehicles and standardized cleaner fuels) that will positively affect ozone emissions. It is simply not in the available toolkit at the local level to efficiently effect a change significant enough to meet a .075 ppm standard. Recent Congressional action to increase automobile vehicle fuel efficiency by 40% to an industry average of 35 mpg by 2020 (compared to today’s 25 mpg) was a step in the right direction. Before the December, 2007 action, fuel efficiency requirements had not increased since 1975.

While this would require a re-examination of the Clean Air Act, ACOG believes

Requested Actions

1. Take a new look at the Clean Air Act and develop national approaches to reduction of air pollutants.
2. Support incentives and continued research and development that will increase the production and use of alternative fuels and transportation fuels produced from renewable energy sources.
3. Increase unrestricted funding for DOE’s Clean Cities program.

dismantling the current system of punitive measures for local areas and creating instead a new national approach focused on developing tools that will improve the situation nationwide would be more effective. The resources saved by looking at a national approach versus the tremendous effort required to keep track of hundreds of communities and their local efforts would be enormous. We believe those financial and human resources could be put to far more efficient and better use by Congress and EPA in the development and implementation of a holistic, nationwide plan.

Energy and the Environment

Over the past several years, Congress has reinvigorated the drive to move the United States toward a more self-reliant energy future with the passage of key legislation including the Energy Independence and Security Act of 2007, the Energy Policy Act of 2005, the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the American Jobs Creation Act of 2004. Those Acts include incentives for our domestic oil and gas industry to develop and utilize domestic, alternative and renewable energy resources.

Rising oil prices and instability in many oil-producing regions continue to illustrate that attaining increased energy self-reliance is not only smart policy, it is an insurance policy for survival. But more than just energy sustenance is needed. Energy production and use must not denigrate air and water quality, or the health of our citizens. The goal of increased energy self-reliance and a clean environment are not mutually exclusive. These goals can be attained and Oklahoma's traditional and renewable energy industries can lead the way.

Oklahoma's traditional oil and gas industry continues to be the pillar of the state's economy and continues to thrive on new technology, more efficient drilling and increased demand. Our emerging renewable energy industries include wind-generated electricity, university and industry collaborative research, development of feedstocks for biofuels production, as well as research and development of feedstock collection and transportation, and conversion technologies and distribution.

Clean Cities Alternative Fuels Program

ACOG supports energy self-reliance, a clean environment, and Oklahoma's energy industries through our regional Clean Cities and air quality programs.

The U. S. Department of Energy's Clean Cities program is one of the most successful and efficient government-industry partnerships operating today. Established in 1993, Clean Cities is the primary deployment arm of the Office of Energy Efficiency and Renewable Energy's Vehicle Technologies Program. Clean Cities works at the national and local level to provide technical, informational and financial resources to both regulated fleets and voluntary adopters of alternative fuels. Its mission is to reduce petroleum consumption in the transportation sector and to advance the economic, environmental, and energy security of the United States.

Since its inception, Clean Cities has displaced more than one billion gasoline gallon equivalents of petroleum through the use of alternative fuels and alternative fuel vehicles, idle reduction technologies, fuel economy measures and fuel blends.

There are more than 90 Clean Cities coalitions across the country. These coalitions are made up of more than 5,500

stakeholder organizations including local, state and federal agencies, commercial fleets, automakers, fuel suppliers and marketers, utility companies, parts and equipment manufacturers, and environmental and business associations. ACOG's award-winning Clean Cities coalition includes some 50 public and private sector stakeholder entities. In 2009, ACOG's Clean Cities will be offering grants to public entities for alternative fuel refueling infrastructure and vehicles (municipali-

ties, counties and school districts), utilizing Congestion Mitigation Air Quality (CMAQ) funds from the U.S. Department of Transportation passed through the state Department of Transportation.

We appreciate the delegation's continued support of legislation that will advance fuel-efficient vehicles, renewable fuels, alternative fuels, and advanced vehicle technologies including hybrids, plug-in hybrids and fuel cell vehicles.

Census data collection remains vital

Funding needed to support new methodologies.

Beginning in 1790, the U.S. Census Bureau began collecting information about our nation's population and where they lived. This information has been very vital not only to local, state and federal government planners over the years, but also to business and industry.



While a snapshot of the country's population is still taken at the beginning of each decade, ongoing data collection has been made possible through the American Community Survey, which collects detailed population and housing data each month and provides this data on an annual basis. The American Community Survey, which began in January, 2006, has allowed the Census Bureau to remove the long form from the plans for the 2010 Census.

Corresponding to the continual data collection is a more frequent method for maintaining boundary/mapping informa-

tion through the Boundary and Annexation Survey. This survey collects and maintains information about the legal boundaries of cities, towns and counties. Accurate identification of geographic areas for the Census Bureau's use in conducting the decennial and economic censuses as well as the American Community Survey is necessary so that the data collected above corresponds with the appropriate local jurisdiction. ACOG's 9-1-1 entity would like to be considered an acceptable resource for transferring boundary information.

ACOG and its member jurisdictions are heavy users of Census data and rely on its accuracy and availability. Without it, multi-million dollar decisions relating to street and highway developments, water resources, homeland security, social services and others would be made poorly and "in the dark". This year will be significant to a successful count in 2010.

Requested Actions

1. Support new methodologies of the American Community Survey and Boundary and Annexation Survey for collection of current Census numbers and maps (allowing 9-1-1 ACOG and other 9-1-1 entities as resources for boundary validation).
2. Provide full funding for an accurate and complete 2010 Census count.

In 2009, the Census Bureau will

- Open and staff 150 “early” local offices
- Canvass all neighborhoods and rural areas to verify addresses
- Finalize data capture, processing and telecommunications
- Print hundreds of millions of Census questionnaires and other forms

- Develop a national advertising campaign, and
- Hire additional staff to oversee field operations

Accounting for its people has been a national priority since shortly after the inauguration of President Washington, and needs to continue to receive financial support and Congressional backing.