

# OKC 2022 STATE LEGISLATIVE PROGRAM



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# Priorities

## 1 Maintain local control over local issues

Cities and towns in Oklahoma have situations and policy issues that are best addressed at the local level. Each year the legislature considers bills to address issues specific to one or two communities in the state. The resulting legislation often has the unintended consequence of taking authority away from local elected officials to govern their jurisdictions.

This loss of local control significantly impacts the state's two largest cities, Oklahoma City with a 2020 census population of about 681,000 and Tulsa with 413,000 people. The Oklahoma City metro now has roughly 1.4 million people and the Tulsa metro has nearly a million people. In a state with a total population of almost 4 million, this is a significant share of our state's citizens. Both cities face issues that affect large urbanized areas that may not be applicable to smaller communities.

Even with that distinction, smaller communities in Oklahoma want to respond to their residents and have control over local issues in their towns. Local governments want to stop pre-emption at the state level and maintain local control over local issues.

## 2 Increase funding levels for ODOT's Public Transportation Revolving Fund

The appropriations to the ODOT Public Transportation Revolving Fund have remained stagnant at \$5.75 million annually since 2006. Demands from residents for enhanced Public Transportation in OKC continue to grow as evidenced by: increased public transportation ridership, voter approval to fund a streetcar and MAPS 4 Transit projects and results from our resident survey showing public

transportation should be one of the top City services to receive emphasis in the coming years. Revenues from the ODOT Public Transportation Revolving Fund haven't changed, while the cost to provide service (labor, fuel, repair parts, emission requirements) has increased.

## 3 Continue funding the Heartland Flyer rail service

Passenger rail service has been in place from Oklahoma City to Fort Worth via the Amtrak Heartland Flyer since 1999. Prior to that, passenger rail had been absent from Oklahoma for 20 years. The Heartland Flyer is state-sponsored by Oklahoma and Texas. This important passenger rail link between Oklahoma City and the Dallas/Fort Worth metroplex is currently the only passenger rail service in Oklahoma.

The Heartland Flyer starts in Oklahoma City and then makes station stops in Norman, Purcell, Pauls Valley and Ardmore before stopping in Gainesville, Texas and then Fort Worth. Ridership has continued to grow over the years, with roughly 81,000 passengers per year.

Proposals to expand service to Kansas and to Tulsa are both part of the overall passenger rail conversation on a national level. Passenger and commuter rail service in the metropolitan area is also part of ACOG's regional long-range transportation plan. It is important to keep the service that is currently in place and contemplate options for additional passenger rail service in the future.





#### **4 Preserve the sales tax base and encourage efforts to diversify municipal revenue**

Sales tax is a vital revenue source for Oklahoma municipal governments. Any erosion of this important resource, such as additional sales tax holidays or a grocery exemption, would have a considerable impact on City services. For example, a sales tax exemption for groceries would cost Oklahoma City at least \$42 million in sales tax revenue annually. This translates into funding for about 420 police officer or firefighter positions. Cities are expected to provide these services and cannot afford to lose this funding.

When the sales tax holiday for back-to-school clothing was implemented, the statute included a provision to reimburse cities and towns for lost revenue. In addition, for smaller non-profit groups that desire a sales tax exemption, those issues have been handled as a sales tax rebate through the Oklahoma Tax Commission rather than through an exemption at the point of sale. Either model helps to keep cities and towns' primary revenue source whole and limits fraudulent use of exemptions at the point of sale.

#### **5 Preserve municipal ability to address derelict properties and enforce municipal codes, zoning and residential building design standards**

Each year bills are filed to take away cities' ability to enforce property maintenance codes and zoning. These proposals are in direct conflict with the wishes of our citizens who want to preserve their neighborhoods and retain the value of their property. Land use regulation is fundamental to local control and best managed at the city level.

Oklahoma City neighborhoods have sought to create historic districts and design districts throughout the city. The districts are created to preserve the architectural character of an area as well as preserve historic residential structures that are significant to both the city and the state. There is value in preserving that history and the authentic character of these areas.

Legislation that prohibits municipalities from regulating residential building design elements takes away one of the primary pieces of cities' ability to regulate land use. This is a local control issue for communities throughout Oklahoma who seek affordable housing that is also compatible with the community.

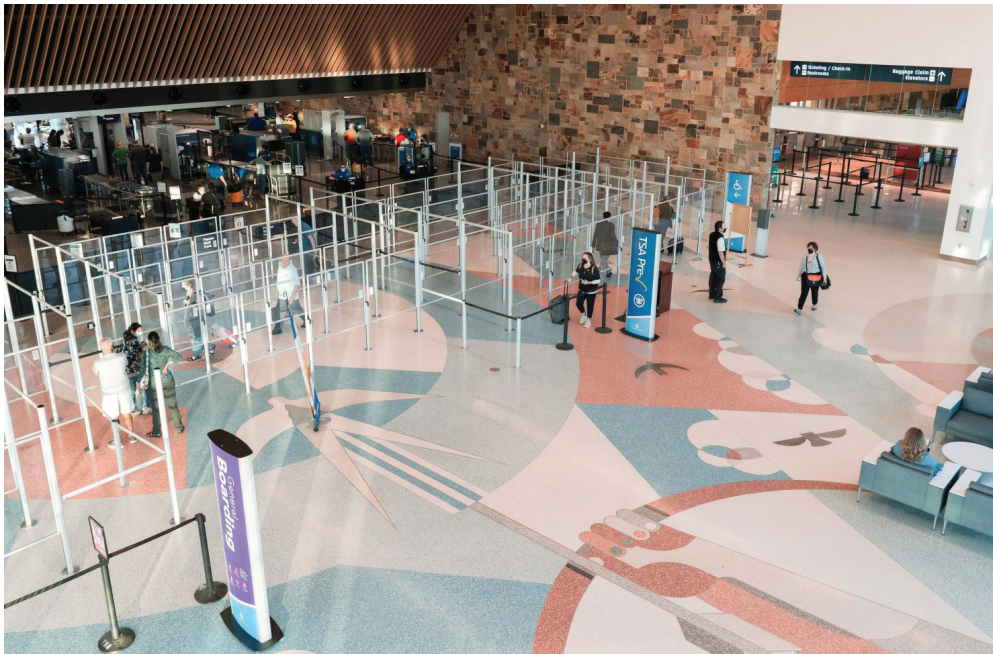
There's also the on-going problem of municipalities that are trying to mitigate situations where certain properties require multiple public safety responses, diverting resources from other areas. This creates hazardous situations in neighborhoods and current remedies in state law may not be adequate.



# Initiatives

## 1 Clarify the statute governing public trusts for consistency with the competitive bidding act

There are conflicts with advertising and competitive bidding requirements for Public Trusts verses The Public Competitive Bidding Act (CBA). Statutory changes are needed to clarify that public trust construction projects are subject to the CBA and remove the conflict with the public trust statute. For example, the Airport Trust is required to bid out contracts for cleaning services and accept the lowest bid. Often, this leads to unacceptable service that must be re-bid with the same results over and over. It would make more sense for this type of service to be selected with a Request for Proposals process that could accept the lowest and best bidder.





## 2 Clean up contradictory language in the statute regarding transport of weapons

The legislative authority to enforce city ordinances pertaining to illegal transport of firearms, 21 O.S. § 1289.24, allows cities to adopt and enforce ordinances prohibiting improper transport of firearms. The City's ordinance expressly incorporates and depends on the language of Section 1289.13A.

The current statute as amended in 2021 is self-contradictory. This, in turn, makes it the enforcement of the City's illegal transport ordinance problematic. The bill language from Senate Bill 672 will go into effect on November 1, 2021 and will make it illegal to transport weapons only if the person is both illegally in possession of a firearm and also in compliance with the Oklahoma Self-Defense Act.



## 3 Amend EMS response statute to address emergency service issues

The challenges of 2020 and 2021 have brought to light areas of service that need statutory changes to operate more effectively. Currently, only ambulance services can transport patients. The Oklahoma City Fire Department has trained paramedics and could be allowed to transport patients if the statute was changed to reflect that.

Another issue is that if a person requests transport by ambulance, the responding agency must transport them even if it's not medically necessary. This leads to a diversion of resources when it may not be necessary.

# Key Support Issues

## 1 Support efforts to enact an annual Sale for Resale permit to enforce existing sales tax exceptions

One of the largest sales tax exemptions in Oklahoma is items that are purchased for resale. The exemption makes sense, goods shouldn't be taxed twice if they are to be resold by a vendor. However, data analysis shows that there is significant leakage in this exemption, which is an enforcement issue. Requiring an annual renewal process for vendors with a Sale for Resale permit would help to address this issue and reduce fraudulent transactions.

## 2 Support changes to the Open Meeting Act to allow virtual public meetings

The Oklahoma Municipal League (OML) has adopted as one of its legislative priorities to amend the Oklahoma Open Meetings Act to allow boards, commissions, and other groups some flexibility to conduct public meetings by teleconference or video conference to the extent authorized by state law.

Emergency provisions were put in place in 2020 and 2021 to allow public entities to hold virtual meetings as a health and safety measure to prevent the spread of COVID-19. Many entities held virtual meetings, including the City of Oklahoma City and were able to conduct business while maintaining transparency and public participation. There are other situations besides global pandemics that would be a good fit for the ability to hold virtual public meetings.

## 3 Support updating the Oklahoma Residential Landlord and Tenant Act to increase protections for tenants facing evictions

Oklahoma's Residential Landlord and Tenant Act (ORLTA) Title 41, is the primary law regulating residential leases in Oklahoma. It's been in place in Oklahoma since 1978 and is based on the 1972 version of the Uniform Residential Landlord and Tenant Act (Uniform Act) developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL). Many states have adopted the Uniform Act and its periodic updates, however; Oklahoma has not.

When initially adopted in 1978, Oklahoma did not adopt some key elements in the model legislation. One provision would allow tenants to withhold rent when landlords don't honor repair and habitability obligations in the statute. A second provision would discourage retaliatory eviction by landlords when tenants report violations to state or local government agencies.

Lack of these provisions negatively impacts vulnerable residents and contributes to the decline of neighborhoods because of neglect and code violations.

Another issue for renters is the presence of mold in rental properties. A provision to require landlords to include a mold disclosure in rental agreements could be included in the rewrite.

Support for this issue was also expressed in the Strategies to Address Homelessness in OKC sponsored by the Mayor's Taskforce on Homelessness.





#### 4 Support changes to Capitol-Medical Center Improvement and Zoning District

Every few years, the Capitol-Medical Center Improvement and Zoning District enabling legislation includes a sunset for the Capitol-Medical Center Improvement and Zoning Commission, which governs the district. It is somewhat deceiving, because even if the commission were to sunset, the district would still exist, but no entity residing in the district could lawfully make changes to their property without approval from the commission.

This is a complicated issue that will require additional study. However it is important because the City has been approached by interested parties that would like to address some of the issues that pertain to the neighborhoods in this area.

#### 5 Support for programs that promote healthy food

There are two programs that have recently received attention that could help Oklahoman's purchase healthy food.

One strategy is to modernize the state sales tax relief credit for low-income families. This tax credit is currently capped at \$40 per person and has some strict requirements for use. Increasing the amount and expanding eligibility could help alleviate the cost of food for families.

Another strategy is to enhance the TSET Double Up Oklahoma (DUO program) which maximizes SNAP funds spent on healthy food. The program allows SNAP recipients to receive a dollar-for-dollar match for fruits and vegetables purchased with SNAP benefits. This concept is in a pilot program in 11 locations throughout the state, including the new Homeland at 36th and Lincoln in OKC.



## 6 Support enabling legislation to address redevelopment of blighted areas

Sponsored by the Mayor's Task Force on Homelessness, the City released its Action Plan of Strategies to Address Homelessness in OKC in the fall of 2021. The Plan is a result of an in-depth study that involved a multi-faceted approach to address homelessness.

One strategy involves emphasizing affordable housing. Since 2013, OKC has shifted the City's homeless services system towards a Housing First approach, prioritizing those who are most vulnerable for services.

Recommendations included enabling legislation to allow establishment of a nonprofit 501c3 that could support affordable housing development in the city. This entity could encourage and accept land donations, as well as reduce transfer fees to create affordable housing opportunities in existing neighborhoods.

## 7 Address mental health issues of first responders through internal programs

During the past few legislative sessions, proposals were made addressing the toll that providing public safety has on the mental health of first responders. The City is also concerned and seeks to address it with effective internal programs that address the issue while protecting a persons privacy.

## 8 Support the Regional Transit Authority (RTA) in exploring revenue sources for operations

The Regional Transit Authority has been working to create a regional transit system that will serve participating communities in central Oklahoma. As planning continues, the RTA will analyze options to acquire revenue for operations. The City supports these efforts, and is an active participant in securing future regional transportation options.



# Support

## 1 Support retaining tools for economic development, like the Quality Jobs Program, Tax Increment Financing and the Film Industry Tax Credit

Economic development incentives should provide the state and cities with a benefit that out-weighs the cost to the public entity. The City supports increased scrutiny, transparency and openness in evaluating the effectiveness of the State's economic development incentives and the current process that is underway to do so.

Oklahoma City has dedicated significant resources to pursuing economic development opportunities and jobs for our residents. The incentive programs provided by the State work in concert with City-sponsored programs to diversify the state's economy and provide high-paying jobs that are the foundation of our future.

## 2 Support efforts to increase resources allocated to cities and towns for infrastructure

Significant damage to municipal roads and bridges is occurring in areas used for drilling and industrial activity. However, the state does not allocate funding to cities and towns from the gross production tax. There is only an apportionment for counties. It makes sense to also include an apportionment for municipal infrastructure affected by this activity.



## 3 Support efforts to maintain Oklahoma's Clean Air Act attainment

The Oklahoma City metro has been close to being out of compliance with the federal Clean Air Act for several years. On the state level, adopting an "all of the above" approach to energy sources is expected to be beneficial in years to come. Oklahoma is in the unique position of having natural resources for energy from fossil fuels, wind and the sun. It makes sense to develop all of these resources.

## 4 Support criminal justice reform efforts

Oklahoma City has been working on this issue for several years, and has made several changes to court administrative procedures. Examples include increasing the frequency of financial hardship hearings, allowing more time for people who need it to pay misdemeanor fines and fees. Various efforts have resulted in fewer people being housed in the county jail for municipal offenses. The City supports statewide efforts to improve the criminal justice system in Oklahoma.



# Monitor

## **1 Monitor water rights and supply issues, treated wastewater reuse proposals and legislation affecting DEQ rules, regulations or general control**

Oklahoma City has the largest municipal water utility in the state. It provides treated water to Oklahoma City residents and 18 additional communities in the Oklahoma. For several of those communities, the addition of Oklahoma City's treated water to their water supply allows them to meet clean water standards.

The total number of people in the State of Oklahoma who are served by the Oklahoma City Water Utility is 1.4 million people out of a state population of about 4 million. Any changes in regulations and fees can have a significant impact on operations and our residents.

## **2 Monitor efforts to limit dates for local elections**

Available dates for local elections have been reduced in recent years, and the length of time for filing has been increased. As various efforts to reform and change election dates are pursued, the ability to hold local elections to fill vacant seats and garner attention to local issues is also important.

## **3 Monitor state fee structure and any effects on municipal operations and projects**

Some City operations are required to submit pass-through fees to the state or pay outright fees for service. These fees must be monitored closely to avoid hampering City operations.

## **4 Monitor medical marijuana implementation and potential impact on municipal operations**

As new regulations governing medical marijuana continue to be implemented, staff will monitor any impacts on City operations or procedures.

## **5 Monitor changes to competitive bidding and construction contracting**

Another area of the statute that has received much attention in recent years are the requirements under the Competitive Bidding Act and the effect it can have on contractors, sub-contractors and others. As stewards of public funds and public trust, the City monitors these changes closely and advocates for retaining common-sense controls in this area.

