

OKC 2023 STATE LEGISLATIVE PROGRAM



Contact Info
Jane Abraham
City Manager's Office
jane.abraham@okc.gov
405.297.2345

Mayor & Council

David Holt, Mayor
Craig Freeman, City Manager
Bradley Carter, Ward 1
James Cooper, Ward 2
Barbara Young, Ward 3
Todd Stone, Ward 4
David Greenwell, Ward 5
JoBeth Hamon, Ward 6
Nikki Nice, Ward 7
Mark Stonecipher, Ward 8

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 2021 census population of about 688,000 and Tulsa with 411,000 people. The Oklahoma City metro now has roughly 1.4 million people, and the Tulsa metro a little more than a million people. In a state with a total population of almost 4 million, this is a significant share of our state's residents. Both cities face issues that affect large urbanized areas that may not be applicable to smaller communities.

Even with that distinction, all 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 Maintain funding levels for ODOT's Public Transportation Revolving Fund

From 2006 to 2021, appropriations to the ODOT public transportation Revolving Fund remained stagnant. An increase was approved in 2022, and the enhanced level of funding should be maintained.

Demands for enhanced Public Transportation from OKC residents continue to grow as evidenced by voter approval to fund a modern streetcar and MAPS 4 Transit projects.

Resident survey results also indicate public transportation should be one of the top City services to receive emphasis in the coming years. The cost to provide service (labor, fuel, repair parts, emission requirements) has increased and funding should keep pace with these expenses.

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 makes station stops in Norman, Purcell, Pauls Valley and Ardmore before stopping in Gainesville, Texas and 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, which has received attention through the federal Infrastructure Investment and Jobs Act (IIJA). Passenger and commuter rail service in the metropolitan area is also part of central Oklahoma's regional long-range transportation plan. It is important to keep the service 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 use comprehensive plans, address derelict properties and enforce municipal codes

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 residents 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.

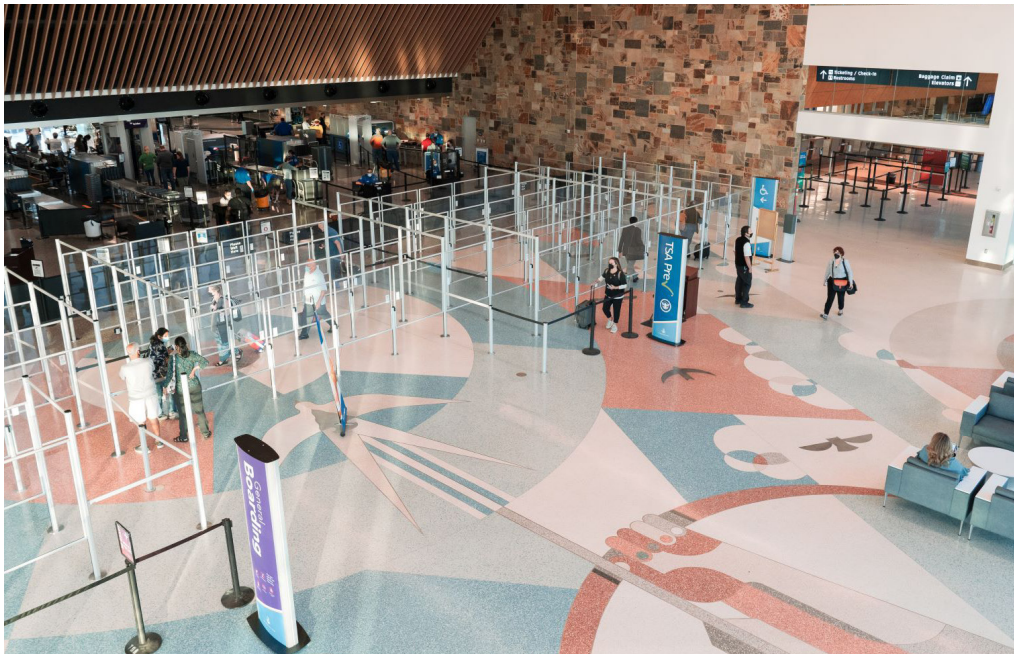
There's also the on-going problem of municipalities that are trying to mitigate situations where certain properties require multiple public safety responses, diverting resources from other areas. This creates hazardous situations in neighborhoods and current remedies in state law may not be adequate.

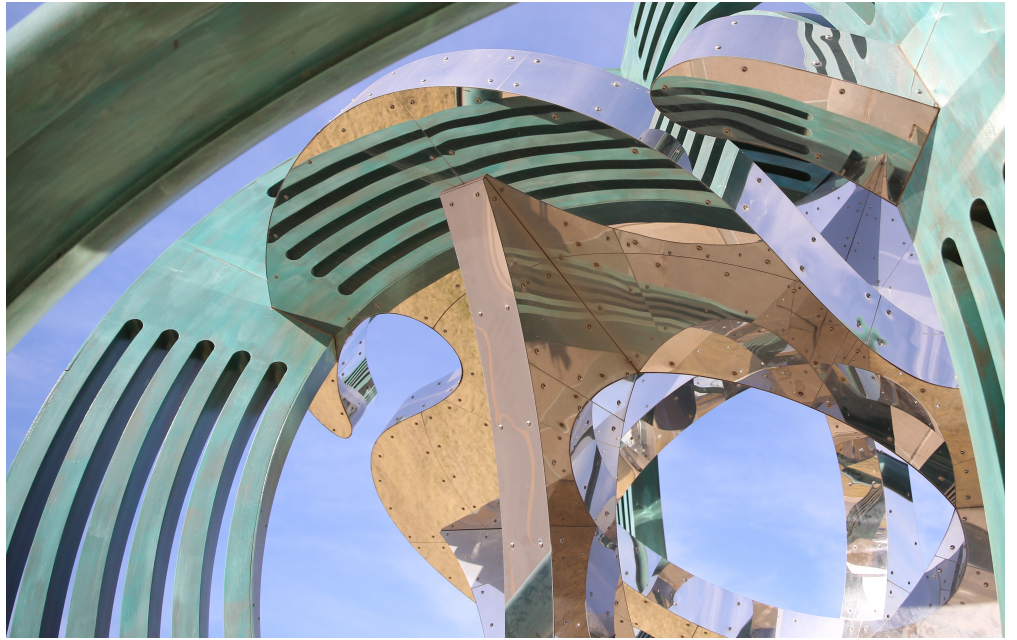
Key Support Issues & Initiatives

1 Modernize the Open Meeting Act to allow virtual public meetings

The Open Meetings Act should be amended to allow boards, commissions and other groups some flexibility to conduct public meetings by teleconference or video conference.

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.





2 Put a cap on damages when there is a nuisance judgement against a municipality

Currently, many municipalities are struggling with judgments that can include exorbitant damages when cities are held liable. A loophole in the statute for certain claims has been exploited and could end up costing taxpayers far beyond what is a reasonable expense.

3 Change firearm possession by persons convicted of domestic abuse from a misdemeanor to a felony

Currently, possession of a firearm after conviction of “assault and battery that qualifies as domestic abuse” is a misdemeanor upon first conviction at the state level, but a felony at the federal level. In 2021, firearms were used five times more frequently than any other weapon in domestic violence-related fatalities and were the identified cause in 68.8% of deaths in Oklahoma.

Oklahoma City Police Department investigators who are working to advocate for Domestic Violence victims must take extra steps and resources to file federal charges. If the state statute is amended to make this crime a felony for the first offense, it will require fewer steps and resources to prevent the cycle of escalation and reduce domestic violence-related fatalities.

4 Update the Oklahoma Residential Landlord and Tenant Act (ORLTA) to address high evictions rates

Oklahoma’s ORLTA is based on the 1972 version of the Uniform Residential Landlord and Tenant Act (URLTA). However, when Oklahoma Legislature adopted ORLTA, it did not include many of the tenant protections set forth in said 1972 URLTA. Weak state laws to protect tenants from evictions without just cause exacerbates their vulnerability and increases homelessness, an undesirable and costly outcome the community.

OKC eviction rates are higher than most of our peer cities and post-pandemic eviction rates in Oklahoma County have increasingly gone up. According to Open Justice Oklahoma data, in the last two years, 24,517 evictions were filed in Oklahoma County court. Much of this can be attributed to our weak tenant protection laws. Increased tenant protection would improve stability and housing habitability.

The new 2015 ULTRA recognizes the contractual nature of the landlord-tenant relationship, allowing fair communication and business between the two.

Under the current law, Oklahoma has fast, easy and cheap eviction processes. Because the process is so cheap, it is in some cases started routinely for tenants with late rent payments. Currently, an eviction stays on a person’s records indefinitely and becomes a barrier to housing. One way to address this is to have the record expunged/sealed after a reasonable time frame.



5 Require 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.

6 Reinstate enforcement of underage tobacco laws

In the 2022 legislative session, HB 3315 removed the fine and ability of local law enforcement to enforce underage tobacco possession. The intent was to shift the focus of enforcement to sellers and require youth to attend a tobacco addiction course through the ABLE Commission. The stated intent was to work with local law enforcement agencies, but legislation rescinded local ability to enforce the law. The Oklahoma Municipal League has adopted this issue as part of their legislative agenda because all municipalities are struggling with this issue.



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 Retain tools for economic development, like Tax Increment Financing, successful tax credits and quality jobs

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 residents. The incentive programs provided by the State work in concert with City-sponsored programs to diversify and stabilize the state's economy.

9 Support efforts to simplify funding for 9-1-1 emergency services

The statewide Oklahoma 9-1-1 Management Authority is seeking to harmonize statutes dealing with funding for the state's 9-1-1 emergency service. Currently, funding streams for this service are separated into various areas of the statute and have been implemented over time to keep up with changing technology. A single fee per device would simplify the system while providing adequate funding.

10 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.

11 Consider and possibly support legislation that empowers municipal boards and commissions

Oklahoma City has several boards and commissions serving various functions for residents. If a majority of a specific board or commission votes to request statutory amendments to Oklahoma statutes, they can send the request in writing to the Council Legislative Committee for consideration. Then, the Legislative Committee may consider and vote to recommend pursuing or not pursuing the requested amendments. The Committee will forward their recommendation to the City Council. Subsequently, any resulting statutory changes may go through the City's ordinance process for possible adoption by the Mayor and City Council.



12 Continue advocacy for Capitol-Medical Center Improvement and Zoning District Changes

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.

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.

