

Lt. Governor's 2013 Policy and Issues Report



A few of Oklahoma's 2012 Accomplishments:

- The state of Oklahoma was ranked the #1 spot for oil and gas investment worldwide
(*Fraser Institute, June 2012*)
- Oklahoma City ranked the #1 lowest unemployment in the nation, March-September 2011; Top 3 for Lowest unemployment of metro cities in U.S. since October 2008.
(*U.S. Dept of Labor, U.S. Census Bureau*)
- Tulsa ranked the #2 city for young people to find a job
(*The Fiscal Times, January 2012*)
- Elk City ranked the #10 Fastest Growing Small Town
(*Forbes Magazine, January 2012*)
- Oklahoma City ranked #1 most cost effective city in the United States
(*KPMG Competitive Alternatives, March 2012*)
- Tulsa ranked #2 for announced new and expanded industries
(*Site Selection, March 2012*)
- Cordell, El Reno, Enid, Newkirk and Okmulgee awarded *Great American Main Street Awards* for being a top five Main Street community in the nation.
- Oklahoma City ranked #1 in job creation
(*Gallup's Job Creation Index, April 2012*)
- Tulsa ranked in the top 25 cities for retirees
(*Forbes, June 2012*)
- Broken Arrow, Edmond, Moore, Norman named in the top 100 best places to live
(*Money Magazine, September 2012*)
- Oklahoma City ranked #1 in overall regulatory friendliness
(*Thumbtack.com, May 2012*)

Oklahoma is on the move. But we must continue to exercise self-examination to address impediments that may stand in the way of potential growth.

“You know, going all the way back to our founder, Jim Casey, we have had this extraordinary culture, this culture of constructive dissatisfaction.”

–Mike Eskew, former UPS chairman and chief executive officer



Todd Lamb

OFFICE OF THE LIEUTENANT GOVERNOR STATE OF OKLAHOMA

Lt. Governor's 2013 Policy and Issues Report

Oklahoma is a resilient state, with a unique heritage, serving as a destination for businesses and families. Oklahoma continues to become a place to head for, not just be from. As Oklahoma's 16th Lt. Governor, and Small Business Advocate, my goal continues to be to make Oklahoma an entrepreneurial heaven on earth. With that conviction, my second year in office as Lt. Governor was spent traveling the state and nation, working to recruit and retain business. Sharing Oklahoma's story as I traveled the nation and visiting all of Oklahoma's 77 counties once again provided the backdrop for what is my second *Lt. Governor's Policy and Issues Report*. The substance of this report was formed through conversations and meetings throughout the state from town hall meetings, summits and individual meetings with business owners.

In working to further strengthen Oklahoma's business climate and visit face to face with the citizens, I partnered with the State Chamber of Oklahoma and the Oklahoma Manufacturing Alliance and hosted a series of Small Business & Small Manufacturer Regional Summits. These summits were held in Enid, Tulsa, Durant, Lawton, Bartlesville and Oklahoma City. Each summit was unique and included discussions and a solution-oriented exchange of ideas that identified key issues impacting Oklahomans in each region. These summits were a natural next step to my previous visits across the state, as they provided the venue to visit directly with Oklahomans who work on a daily basis to move our state forward.

However, I did more than regional meetings. In addition to the summits, I personally traveled to every county. This was my second time as Lt. Governor and fourth time in my career to step foot in all 77 counties within one year. The result: real ideas for real solutions for real challenges from real, everyday Oklahomans.

Each year the *Lt. Governor's Policy and Issues Report* stems from meetings and conversations with Oklahomans from across the state, gleaning their ideas and advice on how to make our state great. The *Lt. Governor's Policy and Issues Report* will once again be presented to Governor Mary Fallin and legislative leaders to help meet legislative goals that address our challenges.

Oklahoma is the best state in the nation. I look forward to working with legislators from both parties, accomplishing the people's business and proposing policy ideas to move Oklahoma forward.

Sincerely,

A handwritten signature in black ink that reads "Todd Lamb".

Todd Lamb
Lt. Governor of Oklahoma

The Office of Lt. Governor

The position of Lt. Governor has several responsibilities as prescribed via the state constitution and statute. In addition to these responsibilities, there is provided latitude that allows each Lt. Governor the opportunities to form an agenda that is important to his or her administration.

The Lamb administration has compartmentalized the office into three distinct and complimentary parts. The first third of this administration's duties are derived from statute and the state constitution. For example, the office serves constitutionally as the president of the Oklahoma State Senate, Acting-Governor when the Governor is out of state, Chairman of the Tourism and Recreation Commission, and a member of the Board of Equalization, School Land Commission, CompSource, Capitol Improvement Authority, Archives and Records Commission, Oklahoma Film and Music Advisory Commission, Linked Deposit Board, Native American Cultural and Educational Authority, and the Bond Oversight Committee.

The second third of this administration stems from the Governor. Although the office of Governor and Lt. Governor are elected separately in Oklahoma, our state is fortunate to have teamwork in the executive branch. After the 2010 election, Governor Fallin appointed Lt. Governor Lamb to her cabinet as the advocate for small business. Over 97% of all Oklahoma employers are small businesses. Economic development is healthiest when public policy removes impediments to growth.

The final third of this administration is the agenda of economic development: job retention and job creation. This administration's additional focus is policy that will make Oklahoma competitive. Good paying jobs benefit all of Oklahoma and our families. During the past two years, this office assisted numerous communities in economic development. Whether it is a letter, facilitating and hosting a meeting or going with communities to visit potential or existing businesses, this administration has been their advocate.

“Small businesses totaled 325, 725 in Oklahoma in 2009. They represent 97.2 percent of all employers and employ 53.6 percent of the private sector workforce. Being such a large part of the state's economy, these businesses are central to Oklahoma's health and well-being.”

–U.S. Small Business Administration, Office of Advocacy, January 2012

My Vision for Improving Our State

The following ideas and issues are derived from town hall forums and personal meetings I conducted with small business owners from all across Oklahoma. I will continue to work with policymakers to address these issues.

WORKERS' COMPENSATION

Over the years, the state legislature has approved numerous workers' compensation reform measures. However, when Oklahoma businesses compare their cost of doing business with the cost of business in other states, they learn that the cost of workers' compensation in Oklahoma, per worker, is higher. Business owners across the state have mentioned numerous times, that they are in need of real reform—reform that is comprehensive, meaningful, effective and lasting. Whether the reform creates an administrative system, more options for businesses or cracks down on fraud, business owners want and need to see their costs go down. How does an employer define workers' compensation reform? They define it by significant cost savings. Time and time again business owners across the state, say the system is in desperate need of repair.

“In the process from start to finish, the system is broken. Oklahoma needs a total overhaul of the workers' compensation system. Applying new paint over old rust, will no longer work.”

—Clif Cypert, Cimarron Trailers, Inc.

My policy recommendations in the area of workers' compensation reform include calling on the legislature to either create an administrative system that eliminates the current adversarial system, or provide additional coverage options for businesses with a continued policy commitment to investigate and combat fraud. Done efficiently, these suggestions would lead to significant cost savings for businesses.

In an administrative system, Oklahoma would eliminate an adversarial system that immediately poses an employee against an employer. An administrative system provides a climate where workers will get better care, receive benefits quicker for legitimate claims, and employers will see their employees back to work faster. **Oklahoma is one of only two states that still retain the adversarial system.**

- **Oklahoma's workers' compensation system is the sixth most expensive in the nation.**
- **In 1990 our average court order was permanent partial disability order was \$12,069; in 2011 it was \$33,681.**
- **In 1990 Oklahoma had 1.97 workers' compensation claims filed per 100 workers; in 2011 that rate was 0.93.**
- **As indicated above—less claims are being filed, however, monetary court orders are continuing to climb.**

Fraud burdens an employer and employee, stalling the productivity and success of a business. Fraud also slows down the process for workers with legitimate claims. Increasing our fraud investigative unit in the Attorney General's office will benefit the injured worker, lessen some burden on the employer and lead to a healthier business climate. As stated and explained in the first *Lt. Governor's Policy and Issues Report*, this can be accomplished without adding one FTE or additional benefits on the state pension system.

Rather than continue the history of mandate after mandate on businesses, stakeholders should discuss and debate options in obtaining alternative coverage for their workers. A "one size fits all" system might have been appropriate when the workers' compensation system was originally established decades ago. However, in today's fast-changing business environment, companies need to have flexibility and latitude when providing benefits for their employees. The goal, desire, and result of comprehensive workers' comp reform is obviously clear: address a broken system so small companies can have more freedom to operate their business; save their customers; expedite rewards to injured workers; all while creating opportunity for workers to keep the jobs they have as business expands, creating more jobs for more Oklahoma workers and families.

- **Oklahoma employers pay the sixth highest premiums in the nation.** Texas employers pay the 38th highest.¹
- Average Lost-Time Claim Frequency per 100,000 Workers:
 - Arkansas = 653
 - Texas = 732
 - **Oklahoma = 1,415²**
- Average Indemnity (non-medical) Cost per Case:
 - Arkansas = \$13,000
 - Texas = 14,000
 - **Oklahoma = \$29,000³**
- Average Permanent Partial Indemnity (non-medical) per Case:
 - Arkansas = \$23,000
 - Texas = \$21,000
 - **Oklahoma = \$47,000⁴**
- Trials/Contested Case Hearings:
 - Arkansas = 4,000
 - Texas = 4,157
 - **Oklahoma = 28,590**
- Assuming a conservative estimate of the total workers' compensation premiums of \$900 million per year; a twenty percent savings by going to an administrative system (and other changes) would result in **savings to state and local government, schools and hospitals of \$33,300,000**...more than enough to off-set any potential increased costs of transitioning to such an administrative system.

¹ Oregon Department of Consumer and Business Services (2012)

² National Council on Compensation Insurance Oklahoma State Advisory Forum October 4, 2012, p. 48

³ National Council on Compensation Insurance Oklahoma State Advisory Forum October 4, 2012, p. 69

⁴ National Council on Compensation Insurance Oklahoma State Advisory Forum October 4, 2012, p. 71

TAX REFORM

Oklahoma has made recent strides in forming a tax structure that generates growth and competition. But our work is not done. With the ever changing tax structures of regional states, it is our duty to maintain a business climate where Oklahoma remains a viable destination for employers. By measuring the overall tax burden, we can evaluate what taxation areas need reform and reduce the load on businesses and families across the state. Efficient and effective public policy serves as a catalyst for growth.

Staying competitive with surrounding states is always important.

- Effective in 2013, the state of Kansas lowered their personal income tax rate spurring other states to do the same.
- Four states in our region currently have lower personal income tax burdens than Oklahoma.
- Legislation has been filed in the Missouri legislature for the 2013 session that, if passed, will lower their rate below Oklahoma's current 5.25%.
- New Mexico has lowered their personal income tax from 8.2% in 2003 to the current rate 4.9% which was lowered in 2009.

2013 Regional Personal Income Tax

State	Rate
Arkansas	7.0%
Colorado	4.63%
Kansas	4.9%
Missouri	6.0%
New Mexico	4.9%
Texas	0.0%

Oklahoma Personal Income Tax History

Year	Rate
2003	7.0%
2004	6.65%
2006	6.25%
2007	5.65%
2008	5.5%
2012	5.25%

An additional tax reform policy recommendation to come out of the small business and small manufacturer summits pertains to the manufacturing industry. Allowing the Department of Commerce (DOC) to determine qualifications for "manufacturer" and subsequently authorizing the DOC to direct the Tax Commission to issue a Sales Tax Exemption Permit will establish a more efficient, business friendly system.

"With growing economies in neighboring states, Oklahoma must be diligent in maintaining a competitive tax structure. We must continue to create a healthy business climate that is precipitated from a tax climate that will not hinder business."

–Chuck Mills, President and Owner, Mills Machine Company, Inc.

WORKFORCE DEVELOPMENT

An important building block to a thriving Oklahoma is the quality and quantity of a skilled workforce. Our investment in the next generation will result in an even stronger, even more competitive Oklahoma.

Many employers have the positions to fill, but they often expressed they lack the desired workforce to fill them.

Some additional ideas from the past year's town hall meetings:

- Initiatives such as marketing the job opportunities that await needed high school, college and career tech graduates in Oklahoma and helping them develop individual career plans set the stage for keeping our best and brightest at home.
- Integrating the business community into the education system through internships, apprenticeships and technology training will create awareness of available career opportunities.
- Employers should be provided opportunities and encouragement for participating in career exploration programs.
- Additionally, skill certification programs should be widely accessible to potential employees throughout the state of Oklahoma.

“If it were not for CareerTech, I could not run my business. High school graduates, CareerTech students and college students should have a greater awareness of opportunities that await them in their hometown.”

--Marva Morris, President, Bramco, Inc.

UNEMPLOYMENT COMPENSATION

Oklahoma small business owners requested reforms in the unemployment compensation system. Areas specifically mentioned include a stronger fraud enforcement division within the Oklahoma Employment Securities Commission, and a way to have an employment grace period before unemployment payments are charged against employers. Fraud hurts everyone. Fraud causes employees to pay more money for unemployment, and at the same time lowers benefits received by claimants. Employers must have the ability to easily report fraud and abuse in the unemployment compensation system. As a state we must provide a system where employers are confident that fraud will be acted on immediately and directly.

By implementing a more user friendly unemployment compensation system with greater accountability, positive results occur such as lower rates, increased productivity, the reduction of fraud and an overall more sound system for all.

“Oklahoma’s unemployment compensation system needs to be more user-friendly for the employer. Our system must be updated to recognize current labor-market realities. When fraud occurs within unemployment compensation, employers and employees both suffer.”

--Doug Schones, President and Owner of DYNA-TURN of Oklahoma, Inc.

TOURISM

Oklahoma tourism is the third highest revenue generating industry in the state. As Chairman of the Tourism and Recreation Commission I have the privilege of promoting Oklahoma as I travel throughout the nation and across the world. By highlighting Oklahoma’s strengths and focusing on our assets here at home, we can showcase what a great state we have.

Tourism has seen great growth over the past two years, which can be attributed to the great marketing efforts of public and private tourism professionals.

Oklahoma Tourism Industry National Recognitions

- *TravelOK.com* ranked #4 among all state tourism department websites based on number of visits
- *Oklahoma Today*, awarded Magazine of the Year (40,000 and under), 2012 International Regional Magazine Awards
- *Oklahoma Today*, awarded Great Plains Magazine of the Year, 2012 Great Plains Journalism Awards
- *Oklahoma Today*, awarded Best Magazine, 2012 Society of Professional Journalists Awards

“Oklahoma is a diverse state, with endless possibilities and opportunities. Our job should be to showcase Oklahoma and bring more and more people to our great state.”

--Dennis Patrick, Owner, Clanton’s Café

Oklahoma served as host to numerous national organizations’ conventions and annual meetings in 2012. Some of those include the National Sports Forum Conference, the National Association of Postmasters of the United States National Convention, and the National AMBUCS, Inc. Annual Conference.

Oklahoma will once again attract many great conventions in 2013, including the National Lieutenant Governors Association’s annual meeting and the Bassmaster Classic.

*For your convenience we have included the contact information for the
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