

Capitol Network News

Today's news from Oklahoma's best government information resource

Daily Edition, Monday, November 18, 1996

HENRY, WILLIAMS TAKE COMMITTEE POSTS

By Shawn Ashley
Staff Writer

■(GIT) Two of the Senate's most powerful committees will be lead by new faces when the 46th Legislature convenes.



Sen. Brad Henry

Sen. Brad Henry, D-Shawnee, will assume leadership of the Senate's Judiciary Committee, while the Senate's Education Committee will be lead by Sen. Penny Williams, D-Tulsa. Henry takes over the post vacated by Bernice Shedrick when she resigned from the Senate, while Williams' appointment comes on the heels of committee chairman Ed Long's defeat during the Nov. 5 general election.

The appointments were made by President Pro Tempore Stratton Taylor, D-Claremore.

"In many respects, this is one of the most powerful committees [Judiciary] in the legislature," said Taylor. "Some of the most difficult issues facing our state are first addressed by the committee that Senator Henry will chair. His proven leadership in other committees, his legal expertise and strong concerns about Oklahoma families made him the perfect choice for this chairmanship."

A chair of the committee, Henry will oversee legislation relating to civil laws and most constitutional amendments. The panel is also responsible for bills dealing with the state judicial system and pension programs.

"I'm very honored to have this opportunity to take on yet another challenge in the state Senate," Henry said, "and look forward to working with the public and fellow lawmakers as we strive to develop policies and legislation that will protect our citizens and continue to strengthen our great state."

Williams, too was praised by Taylor.

"Penny Williams has been fighting for quality education from the first day she

stepped into the legislature," Taylor said. "This is a well-earned, battlefield promotion and no one deserves it more than Penny Williams."

As chair of the committee, Williams will lead the panel through its work on bills dealing with common education, higher education and vocational-technical education.



Sen. Penny Williams

"We need to renew and strengthen our commitment to public education to create a dramatically greater range of educational choices for students and parents," Williams said. "We've made some great strides in education in just the past few years, but we have to continue those efforts if our children are truly going to be ready for the challenges of the 21st Century."

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SENATOR FISHER FILES 46TH LEGISLATURE'S FIRST BILLS

By Shawn Ashley
Staff Writer

■(GIT) Sapulpa's Democratic Sen. Ted Fisher laid claim to the Senate's first and second bill numbers Friday by prefiling two pieces of legislation.



Sen. Ted Fisher

SB1 would create a new section of law that would require the Oklahoma School of Science and Mathematics to solicit proposals and award grants for pilot projects that develop and establish model programs implementing advanced science and math curriculum at local vo-tech or school sites by distance learning. The bill would also create an advisory

council made up of local superintendents to establish student participation criteria in such pilot programs, determining the curriculum needs and to work in the recruitment and hiring of faculty for the pilot program, all in conjunction with the School of Science and Mathematics.

The bill carries an emergency clause.

SB2, which has a proposed Nov. 1, 1997 effective date, would increase the membership of the Physical Therapy Committee from three to five and would require that foreign-trained applicants for a license to practice physical therapy or as an assistant to a physical therapist would have to satisfy the State Board of Medical Licensure that they have completed the necessary education and training. The bill would also require the licensure board to establish a program of continuing education for physical therapists and their assistants.

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As chair of the committee, Williams pledged to place a renewed emphasis on Oklahoma students, whom she called "the most important factor in the education equation."

"It seems as though students often get lost in the shuffle of all the heated debate and discussion over the future of our public schools. I'm going to make sure our educational efforts are focused squarely on them. Improving their learning opportunities should be our number one priority," Williams said.

Henry and Williams will assume their duties as committee chairs following their swearing in on Tuesday.

Other Senate committee members will remain unchanged, including:

- Appropriations: Enoch Kelly Haney, D-Seminole
- Agriculture and Rural Development: Paul Muegge, D-Tonkawa;
- Business and Labor: Lewis Long, D-Glenpool;
- Deregulation: Herb Rozell, D-Tahlequah;
- Economic Development: Ted Fisher, D-Sapulpa;
- Energy, Environmental Resources and Regulatory Affairs, Kevin Easley, D-Broken Arrow;
- Finance: Dick Wilkerson, D-Atwood;
- General Government: Trish Weedn, D-Purcell;
- Government Operations and Agency Oversight: Maxine Horner, D-Tulsa;
- Human Resources: Bernest Cain, D-Oklahoma City;
- Rules: Robert Kerr, D-Altus;

- Sunset Review: J. Berry Harrison, D-Fairfax;
- Tourism and Recreation: Dave Herbert, D-Midwest City;
- Transportation: Gene Stipe, D-McAlester;
- Veterans and Military Affairs: Sam Helton, D-Lawton; and
- Wildlife: Frank Shurden, D-Henryetta.

The futures of the Infrastructure and Strategic Planning Committee, formerly chaired by Williams, and the Science, Technology and Telecommunications, which was previously chaired by Jack Bell, who lost his reelection bid in the August primary, have not yet been determined.

ELECTION BOARD CERTIFIES FINAL RESULTS

By Shawn Ashley
Staff Writer

■(GIT)The State Election Board certified the results of the final two races from the Nov. 5 general election on Monday, setting the stage for the swearing-in Tuesday of all the 46th Legislature's members.

At issue were the results in House District 21, where incumbent Sean Voskuhl, D-Marshall, defeated Curt Roggow, R-Enid, and Senate District 41, where Mike Morgan, D-Stillwater, defeated Randy Wedel, R-Stillwater.

Decisions were reached last week in challenges of those results filed by Roggow and Wedel, respectively, clearing the way for the election board to certify the results as final Monday.

Roggow had requested a recount of the ballots cast in the three counties in the district and also alleged irregularities in some of the votes cast for Voskuhl. In the recount, Voskuhl actually gained seven votes, while Roggow's total was unaffected, giving the incumbent an 18-vote advantage over his opponent.

In a ruling issued last Wednesday, Roggow's irregularities allegations were dismissed.

The situation was similar in Senate District 21, where Wedel alleged voting irregularities. A Lincoln County judge agreed with Wedel on some of the ballots identified in his filing, but it was not enough to overcome the 32-vote difference by which Morgan originally won the contest.

Roggow and Wedel could have appealed those decisions to the Oklahoma Supreme Court.

CORRECTIONS BOARD DISCUSSES NUMBERS

By Shawn Ashley
Staff Writer

■(GIT) Oklahoma's Department of Corrections seemingly found 79 empty beds Monday when department staff members outlined their findings in a recently conducted capacity study.

The findings, which must be reviewed internally before being accepted by the Board of Corrections, were the result of a study requested by board chairman Michael Roark, who asked that department staff review the board's so-called certified capacity number.

The results, Roark and other board members admitted Monday, were both confusing and disturbing.

Using a formula specified in state statutes in combination with the administrative code produced by the Department of Central Services and a nationally-accepted fire and safety code, David Miller, chief of state and operations, told the board that the department has the capacity to house 11,619 inmates. That number, Miller explained, was based on an assumption present in the fire and safety code which required 120-square-foot or gross floor area per person.

However, Miller noted, the standard outlined in the code is often exceeded because the department cannot refuse to accept offenders sentenced to its custody. Working with regional directors, facility wardens and superintendents, the director of the department has established another number reflective of the ability of each facility to take in inmates above the 120-square-foot standard. That figure, Miller told the board, is 15,011 inmates.

Roark summarily rejected the first number, saying its foundation — the 120-square-foot requirement — was unrealistic. The board chairman said he placed greater faith in the second number, which reflected the department director's and facility wardens' hands-on determination of facilities' capacity.

Other members, too, expressed reservations about accepting the first number, citing the 120-square-foot requirement.

Board member Calvino Muse, Sr., however, warned his fellow board members not to look only at the numbers as a solution to the department's problem.

"If we're overcrowded," Muse said, "we have to seek sources to get un-crowded. This study does not mean anything unless we do

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Capitol Network News

A division of

GIT, Inc.

P.O. Box 61206

Oklahoma City, OK 73146-1206

Office (405) 528-2546

Fax (405) 521-9807

Net: gitinc@ionet.net

Web: <http://www.exoweb.com/git>

Darwin P. Maxey, Publisher

Mary Millen, Editor

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OKLAHOMA 2000: GOVERNMENT MAY CHANGE TO ACCOMMODATE SQ 640 REQUIREMENTS

By Michelle Boyd Waters
Staff Writer

■(GIT) Oklahomans can expect to see increases in fees, public enterprise activity and privatization; reductions in government employees and services; and the shifting of costs from the state government to government employees and local governments in the wake of State Question 640, according to an Oklahoma 2000, Inc. study released on Monday.

"Oklahoma's search for limited government may be over. As the state moves toward the 21st century, the quest will be to identify the most rational and creative pattern of response to the new budget realities," states the two-year study of the implications to Oklahoma state government entitled "In Search of Smaller Government: The Case of State Finance in Oklahoma."

According to the study, 53.5 percent of the state governments \$8,447 million revenue for 1996 came from tax receipts, 20.7

percent came from non-tax receipts (fees, income from money and property, refunds and reimbursements) and 25.8 percent from federal aid.

SQ 640 limits tax increases, so the authors do not expect any growth from the tax receipts revenue. They also do not expect growth from federal aid, since the federal government is also attempting to streamline itself and may give one of its programs — such as Medicaid — back to the states, without much federal aid.

Income from sources that tend to grow with the economy include 33.8 percent of the state tax revenue for 1996 from personal income tax and 11.4 percent from motor vehicle tags. However, the state question limits increases for those taxes.

Inelastic income revenues include 26.5 percent of the 1996 revenue from sales and use taxes, 7.5 percent from motor fuels excise taxes, 6.9 percent from gross production

taxes, 3.8 percent from corporate income taxes, 3.0 percent from tobacco and alcohol taxes and 7.1 percent from other taxes.

Warner said there will be a tendency for those revenues to lag behind the state's economy. The authors said that the motor fuel tax which is taken on a per gallon basis, with today's emphasis on cleaner fuels and building cars that get more to the gallon, this source of revenue is not likely to increase. The authors also said that the gross production tax is not likely to be a big supply of revenue since things like oil and gas have a limited supply.

Corporate taxes do not respond rapidly to the economy and the tobacco and alcohol taxes will not grow significantly with today's emphasis on leading cleaner lives, the authors said.

The authors projected that in the year 2002, Oklahoma general fund revenue expenditures will have risen to \$5,523 million while the revenues will only be \$5,081 million, leaving a shortfall of \$442 million.

Despite seeming doomsday theorizing, the authors said they are not trying to claim "the sky is falling."

"One of the healthiest things in government has been a conservative revolution — 'Let's worry about efficiency, cutting costs.'" Larkin Warner, professor of economics at Oklahoma State University, said at Monday's news conference. "It's a nationwide trend."

Oklahoma voters approved State Question 640 in March 1992, which placed a constitutional limit on tax increases. By forcing many revenue measures to a vote of the people, the state question is arguably the most strict measure so far. The question was one in a long history of attempts by the state's voters to limit the size of state government through fiscal controls.

In the past, tools for limiting government have included rate caps for property taxes, limits on the range and type of taxation available to both state and local jurisdictions, specifications of budgeting procedures, a balanced budget amendment and constraints on the use of debt finance. The latest measure in this tradition, the constitutional amendment known as SQ 640, requires legislative supermajorities, or statewide referenda for state tax increases.

These attempts to limit government may result in the state having to resort to other methods of creating revenue.

"We will have a complete shift in the way

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something. We can't just dump them in like a bunch of cattle."

Roark said the study was important to establish credibility with the governor and the legislature, noting that the board and department had talked of overcrowding while the study revealed that more beds were available than previously assumed. Referring to Friday's population count of 14,932 inmates in department facilities, Roark said the new figure means there are 79 empty beds available. Miller noted, however, that more than 300 inmates are awaiting transfer from county jails to department facilities at the present time.

Board member Beverly Young asked whether the department had the staff to adequately supervise the higher number of inmates. Miller and interim department director James Saffle said it did not, saying that the department would ask the legislature to fund an additional three percent of its approved FTE, bringing that funding to 97 percent, and to add and fund 693 correctional officers to its FTE.

"Regardless, then," Young said, "we still have a crisis. I'm not comfortable having this number of inmates without the additional personnel."

Roark agreed, saying he believed the state should look first at funding its internal needs before turning to private prisons to house inmates.

Saffle, however, offered a differing view. "I believe as a state we are going to have to make a decision about what we are going to do about this," the interim director said.

Saffle said the department "cannot continue to pack people in its prisons," and that something more than "dropping down" the number of square-feet per inmate would have to be considered. Saffle also said the department was not saying that 15,011 inmates were easy to handle, "but based on the situation, it's what we can handle."

The board will decide next month what course of action to take regarding its new certified number. According to Roark, it could either accept the lower number, based on the statutorily-cited regulations, or attempt to have the statute altered to more truly reflect department practice.

In a related development, Saffle announced at the beginning of the meeting that he had ordered that inmates be removed from Oklahoma State Penitentiary's east cellhouse. As many as 271 inmates have been housed in the condemned cellhouse. Some 40 inmates were removed from the facility last week, Saffle said, and distributed to other facilities within the system.

The interim director said it was his intention that the cellhouse not be used in the future and that the 231 inmates currently housed there be removed by Dec. 1.

TWO COMPANIES APPROVED FOR LOCAL TELEPHONE SERVICE

By Michelle Boyd Waters
Staff Writer

■(GIT) The Oklahoma Corporation Commission has approved the applications of Western Oklahoma Long Distance Inc., Clinton, and U.S. Long Distance Inc., San Antonio, Texas, to provide local-exchange telephone service in Oklahoma.

They are the sixth and seventh companies approved to compete for local-exchange customers since the Corporation Commission adopted Oklahoma local competition

rules in March.

"We don't know how this will affect anyone," said Patrick Petree, public information officer for the commission.

Petree said the competitors will have to buy certain services from Southwestern Bell — such as phone lines and having their customers names in phone book — and resell them.

The public information officer also said that AT&T, one of the companies already approved to sell local service, is going

through arbitration and the commission will consider its case later in November.

Application information filed with the Corporation Commission indicates Western Oklahoma Long Distance has been a reseller of long-distance services in Oklahoma since 1988.

The five companies approved earlier to compete for local-service telephone customers are AT&T Communications of the Southwest, two Oklahoma subsidiaries of Brooks Fiber Properties, St. Louis; Spring Communications, Kansas City; Dobson Wireless, Oklahoma City; and Chickasaw Telecommunications, Sulphur.

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we do business," Warner said. According to a survey of voter opinions conducted by Oklahoma 2000, voters were entrenched in their attitudes in favor of increased services, but against increased government revenue. However, the survey showed that people were more favorable for local governments to provide services and collect taxes than for state government to do those things.

The study also looks at the conflicting pressures between Oklahomans' desire for services and their emphasis on lower taxes. For the future, the study projects that events will undoubtedly heighten the fundamental tension between these two polar desires.

Warner said that if Oklahomans want to maintain the current level of services, they will have to accept some changes.

By identifying and tracking revenue enhancing actions of state government since the passage of SQ 640, the study identifies wide-range methods to increase funding for state projects that would skirt the constitutional requirements of SQ 640.

This indicates that state officials have already adapted to SQ 640 in ways that maintain the level of government spending.

"Oklahomans will have to be more willing to accept user fees if they want to pay less taxes," Warner said.

Areas that may see increases in fees may include higher education, medical services and parks and recreation.

The Oklahoma state government may turn to public enterprise activities such as a lottery to raise revenue. They may also turn over some governmental responsibilities to other organizations, such as giving responsibility for state highways to the Oklahoma Turnpike Authority.

Oklahoma may experience an increase in privatization of services. Some current issues include the privatization of state pris-

ons and education vouchers.

The state government may also continue to reduce the number of government employees and also reduce services.

The authors state that a reduction in services will most likely be a last line of defense if it becomes difficult to fund existing programs.

Shrinking revenue may also cause the state to shift the cost of running the government on to government employees and on to local governments. For example, one issue involves the state ceasing to fund county road repairs.

An important question raised in the study is whether SQ 640 has created the conditions for a structural or long-term deficit and whether this is insufficient to maintain the existing level of services.

Although revenues will grow with economic expansion, the rigidity of the present tax structure is a further limiting factor. From a review of the tax structure and the changing program emphasis in Oklahoma, the study finds that it is most likely that revenues will grow less rapidly than both the overall economy and expenditure needs, according to the study.

The textbook format publication is sale from Oklahoma 2000, Inc. Authors of this study include Drs. Donald A. Murray and Alexander Holmes, professors of economics at the University of Oklahoma; Drs. Kent W. Olson and Larkin Warner, professors of economics at Oklahoma State University; Dr. Robert C. Dauffenbach, director of the Center for Economic and Management Research, University of Oklahoma; and Dr. Mary Gade, associate professor of economics, Oklahoma State University.

Oklahoma 2000, Inc. is the research affiliate of The State Chamber, Oklahoma's association of business and industry.

THE DIABETES THREAT TO OKLAHOMA

From Oklahoma Dept. of Health

■(OKLAHOMA CITY) In a 1994 report on Oklahoma, it was estimated that 183,000 Oklahomans have diabetes, and only half have been diagnosed. Oklahomans with diabetes face not only a shortened life span but also suffer significant diabetes related complications.

"The 1993 data reflected that 641 deaths were due to diabetes," said J.R. Nida, M.D., commissioner of health, "and the cost of diabetes to Oklahoma was estimated at \$1.2 billion in both medical care (direct) and lost productivity (indirect) costs." Diabetes is a chronic disease that impairs the body's ability to use food properly. Glucose is burned as fuel to supply the body with energy. This process — turning food into energy is called metabolism. But in order to metabolize glucose properly, the body requires another substance: insulin. Insulin is a hormone produced by the pancreas; its job is to regulate the body's use of glucose. Insulin is essential to the metabolic process. Without insulin to turn glucose into energy, the glucose piles up in the bloodstream and spills into the urine showing as "sugar in the urine." High levels of glucose in the blood and the urine are the hallmarks of untreated and uncontrolled diabetes.

"While there is no cure for diabetes as yet, it can be controlled," said Nida. "The main goal of diabetes treatment is to control blood glucose levels and keep them in the target range. The specific kind of treatment used to control blood glucose depends on the type of diabetes a person has."

Type I (insulin dependent) Diabetes oc-

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NEW SAFETY RULES FOR AIRCRAFT CARGO COMPARTMENTS

From Federal Aviation Administration

■(WASHINGTON) New rules to require fire detection and suppression systems in the cargo compartments of all commercial passenger aircraft and to ban the transportation of oxidizing materials will be proposed as part of a continuing comprehensive aviation safety initiative, it was announced last week.

The actions to be taken strengthen other measures adopted earlier this year by the Federal Aviation Administration (FAA) and the Research and Special Programs Admin-

istration (RSPA) to improve passenger air cargo safety.

In May, RSPA imposed an immediate ban on the transportation of chemical oxygen generators by commercial passenger planes and initiated a study to review further appropriate restrictions on similar oxidizing materials. Additionally, the FAA announced it would review whether to require fire detection and suppression systems in cargo compartments of commercial airliners which do not currently carry such equipment.

In July, the Department of Transportation proposed hiring an additional 130 hazardous material inspectors and improving trend analysis systems as part of a \$14 million plan to increase the oversight of air shipment of hazardous materials. The plan was adopted with the subsequent passage of this year's appropriations for the FAA and RSPA.

The decisions announced last week

would build on the previous safety initiatives. A first rulemaking, to be issued shortly, would propose banning oxidizing materials from commercial passenger aircraft cargo compartments.

A second rulemaking would propose requiring the retrofit of fire detection and suppression equipment on approximately 2,800 older commercial aircraft. Currently, most long-range passenger planes include the detection and suppression systems in the cargo compartments. On older planes, these compartments have been required to be virtually air-tight and lined with fire containment materials. However, while numerous complex issues remain outstanding, newly-concluded analysis has determined that such systems could be extended to all passenger aircraft cargo compartments.

A public notice and comment process will be required for both rulemakings.

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curs when a person's pancreas produces no insulin. "Because insulin is necessary for life, people with Type I diabetes must take one or more injections of insulin every day in order to metabolize their food," Nida said.

Type II (non-insulin dependent) Diabetes occurs when a person's pancreas still produces insulin, but for some reason the body is not able to use it effectively. "Type II diabetes can be treated in a variety of ways including weight loss, improved meal planning, reduced sugar intake and exercise. More severe cases may be treated with oral drugs or insulin injections," said Nida.

Gestational Diabetes can suddenly appear in pregnant women who have never exhibited any signs of high blood glucose. "The hormonal changes of pregnancy stress the mother's system and, in some cases, the pancreas is unable to produce sufficient insulin," said Nida. "Treatment for gestational diabetes ranges from diet management to insulin therapy."

The following are symptoms of Type I Diabetes: frequent urination, in large quantities; excessive thirst; extreme hunger all the time; sudden weight loss, for no apparent reason; weakness, drowsiness or exhaustion; sudden vision changes or blurred vision; and/or nausea and vomiting. The following are symptoms of Type II Diabetes: any of the symptoms listed for Type I, recurring or hard-to-heal skin, gum, vaginal or urinary tract infections; tingling or numbness in hands or feet; and/or itching of the skin and genitals.

For more information about diabetes, contact your doctor, your county health department, or call the American Diabetes Association toll free at 1-800-259-6553 or Juvenile Diabetes Foundation toll free at 1-800-544-2873.

NHTSA WILL CRASH TEST 43 MODEL YEAR 1997 VEHICLES

From National Highway Traffic Safety Administration

■(WASHINGTON) The National Highway Traffic Safety Administration (NHTSA) last week announced that it will frontally crash test 43 model year 1997 vehicles to provide consumers with information that they can use to help guide their new vehicle purchase decisions.

The federal safety agency said it will crash test 21 passenger cars, 10 sport utility vehicles, four vans, and eight pickups in the frontal crash test portion of its New Car Assessment Program (NCAP). Each will be crashed head on into a fixed barrier at 35 mph. NHTSA also will provide consumers with the results from previous tests of models that have not been redesigned for 1997. Together, the tests will account for about 86 percent of the vehicles to be sold in 1997.

The 35 mph crash test speed is 5 mph faster than the speed prescribed for compliance with several existing federal motor ve-

hicle safety standards, including Federal Motor Vehicle Safety Standard No. 208, "Occupant Crash Protection." The crash tests are conducted at the higher speed to demonstrate differences that are more apparent at 35 mph than at 30 mph. They indicate relative levels of occupant protection and safety performance among vehicles of the same type and similar weight. The test results are presented in "star" format — one to five stars, with five stars being the best score — to make the technical crash results easy for consumers to understand.

Instrumented dummies are used in the tests. The head, chest and upper legs of the dummies are equipped with instruments that monitor impact forces. Each dummy is protected by the vehicle's occupant protection equipment, which may include a combination of manual or automatic safety belts and air bags.

Consumers can request test results and additional information on the NCAP program and other safety topics by calling the agency's toll-free Auto Safety Hotline at (800) 424- 9393.

Legislature Swearing In Tuesday, November 19

Senate 11 am
Senate Chamber

House at noon
House Chamber

"Power is a drug on which the politicians are hooked. They buy it from the voters, using the voters' own money."

Richard J. Needham

NEW ENERGY TECHNOLOGIES GIVEN COMMERCIAL BOOST

From U.S. Dept. of Energy

■(WASHINGTON) Eight projects utilizing renewable energy technologies have been selected for negotiation by the Department of Energy to receive up to \$14 million in grants or cooperative agreements. These projects, which include support for a "green pricing" utility project, commercialization of a new type of thin-film solar cell and ethanol production from potato wastes, will leverage an additional \$37 million from companies in California, Massachusetts, Colorado, Pennsylvania, New York, Florida, Michigan, and Wisconsin.

In announcing the selections, DOE's Assistant Secretary for Energy Efficiency and Renewable Energy Christine A. Ervin said, "The winning projects have high potential for commercial success and environmental benefit. They also demonstrate that financial barriers to commercializing renewable energy technologies can be overcome with appropriate partnerships and leadership."

DOE's Commercialization Ventures Program was started in 1989 to help viable, emerging renewable energy technologies enter the marketplace by reducing financial barriers to commercialization and by leveraging private sector funding. The eight winning projects were selected out of 76 applications submitted by state energy offices.

Final awards for the following eight projects will be negotiated among the Department of Energy, private sector participants, and state energy offices:

- **Low-Cost String Ribbon Photovoltaic Manufacturing:** Evergreen Solar Inc., of Waltham, MA, will incorporate new technology into an expanded photovoltaic (PV) or solar cell manufacturing plant in order to lower production costs and achieve the lowest life cycle PV cost in the industry — manufacturing cost of under \$1/watt. Evergreen Solar currently is commercializing String Ribbon, a method of producing high-quality crystalline silicon wafers without sawing crystals. (requested DOE funding: \$1.5 million; private sector: \$5.6 million)

- **Colorado Green Pricing Program:** The Public Service Co. of Colorado will begin phase two of a "green pricing program" to allow residential and commercial utility customers to voluntarily pay a premium electricity rate to support development of a 10 MW wind farm. The DOE grant will reduce the price premium required for participation and explore the potential for attracting additional investors with this type of marketing strategy. (requested DOE funding: \$3.1 million; private sector: \$8.040 million)

- **Commercialization of CIS Thin Film Photovoltaics:** Siemens Solar Industries of Camarillo, CA, will commercialize a cop-

per indium diselenide (CIS) processing system to create the world's first PV product based on this material. The technology is a thin-film technique that promises better than average efficiency and low cost manufacturing. (requested DOE funding: \$1.7 million; private sector: \$1.7 million)

- **Conversion of Organic Wastes into Biogas, Fertilizers, and Soil Amendments:** Biorecycling Technologies Inc. (BTI) of Fontana, CA, will demonstrate BTI's zero discharge process to convert organic waste into energy, fertilizers and potting soil components. BTI will build its first commercial size facility in Chino, Calif., which will generate 4 MW of electricity and approximately 500 million BTUs of thermal energy to be used in plant processing. (requested DOE funding: \$1.5 million; private sector funding: \$16.5 million — \$500,000 from the state of California)

- **Concentrated Acid Hydrolysis of Biomass to Ethanol:** A group led by Arkenol Holdings, L.L.C. of Laguna Hills, CA, joined by the American Refining Group of Indianola, PA, and the Renewable Energy Development Corp. of Conshohocken, PA, will develop, construct and operate the Pittsburgh BioRefinery to convert biomass feedstocks such as waste paper, wood wastes and yard wastes into fuel-grade ethanol and other valuable ethanol by-products. (requested DOE funding: \$2.3 million; private sector: \$2.3 million)

- **Solar Wall Solar Air Heating System:** Conservall of Buffalo, NY, will construct a plant in Buffalo to produce a patented air heating system that consists of a perforated metal plate mounted several inches from the south wall or roof of a building. Outside air flows through the perforations and is heated as it flows up behind the plate before entering the building. (requested DOE funding: \$1.4 million; private sector: \$1.9 million — \$184,000 from the state of New York)

- **Photovoltaic Roof Top Systems:** Private sector teams from Michigan and Florida will manufacture, market and sell building integrated PV energy systems for low cost export housing and mainstream domestic residential housing markets. The Michigan team will establish a 1 MW PV roofing module assembly facility using triple cell, triple-junction amorphous silicon PV technology manufactured by ECD/United Solar of Troy, MI. The Florida team will establish a 1 MW capacity systems integration facility in

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\$2.6 MILLION AWARDED TO NORTHWESTERN UNIVERSITY FOR TRANSPORTATION RESEARCH

From U.S. Dept. of Transportation

■(CHICAGO) U.S. Secretary of Transportation Federico Pena last Friday announced a \$2.6 million Research and Special Programs Administration (RSPA) grant to Northwestern University for transportation research.

RSPA Administrator Dr. D.K. Sharma was joined by Congressman William O. Lipinski as he awarded the \$2.6 million grant in a check-presentation ceremony here. The grant will be used to operate the Infrastructure Technology Institute, a Transportation University Research Institute established by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

"President Clinton and Transportation Secretary Federico Pena are dedicated to supporting research that develops new and dynamic technologies that meet the transportation needs of the 21st century," Sharma said. "University Research Institutes play a key role in furthering this effort by providing valuable analyses of a variety of transportation issues, and encouraging talented students to pursue careers in transportation-related fields."

In the coming year, the Infrastructure Technology Institute will conduct research and educational projects on several issues including nondestructive bridge testing, surface-tolerant paint coatings, new weldable high-strength steel and automated pavement repair vehicles.

Northwestern University, located in Evanston, is one of six schools comprising the department's University Transportation Centers, which advance U.S. technology and expertise in transportation through education, research and technology transfer programs at the university level. The research grants received by the universities must be matched on a dollar-for-dollar basis.

CHILD PROTECTION WAIVER APPROVED FOR NORTH CAROLINA

From U.S. Dept. of Health
& Human Services

■ (WASHINGTON) U.S. Department of Health & Human Services Secretary Donna E. Shalala last week announced approval of a demonstration project to improve child protection services in North Carolina. This is the third waiver approved by the Clinton administration for states to undertake innovations in their child protection programs.

"The state will make a significant change in the management of its child protective system, by promoting, measuring and rewarding successful outcomes for children," said Secretary Shalala.

"These innovations are critical to ensuring that the best interest of children are served — whether by returning them to their family if possible or into an adoptive home," added Secretary Shalala.

Under the demonstration, North Carolina can use title IV-E foster care funds to provide a broad range of new services to children and families. Funds can be used for services that can prevent the need for placement of children in foster care or to relieve the problems that caused the child to be removed from the home. Previously, these funds could be used primarily to pay for the room and board of children in out-of-home care.

In as many as five counties, the additional funding flexibility will be combined with a Kellogg Foundation initiative, "Families for Kids" which is designed to reform the non-financial aspects of the foster care system, such as policy formulation, legal process,

communications infrastructure, and advocacy.

North Carolina's project consists of two parts. In part one, the state will change foster care financing to create incentives for participating county agencies to improve performance, making North Carolina the first state to use performance bonuses as part of a child welfare waiver. When a participating county achieves savings through better management or better service delivery, including reducing the number of children in foster care; how long they stay there; and increasing the number of children diverted from foster care through kinship placement with relatives, they will retain the value of the savings and reinvest them in child welfare services and prevention. For example, this bonus can be used for intensive family preservation and reunification services, respite care, family mediation, court-approved assisted guardianship, and post-placement support.

In the second part, participating counties will use federal IV-E maintenance funds to

develop effective strategies for preventing out-of-home placement of children without jeopardizing their safety. County departments of social services will be encouraged to shift expenditures away from foster care maintenance to prevention, returning children to their families, and adoption. Emphasis will be placed on kinship ties when making decisions on long-term placement of children.

"This promising demonstration gives North Carolina unprecedented flexibility with federal funds to make a thorough assessment of the child's safety and the family's condition to tailor the appropriate services for the child's best possible future," said Olivia Golden, acting assistant secretary for children and families. "By providing a performance bonus to successful counties, North Carolina is offering an important incentive for improving child welfare services."

The demonstration will operate for five years and include a rigorous evaluation.

MEDICARE PHYSICIAN FEES SET FOR 1997

From U.S. Dept. of Health
& Human Services

■ (WASHINGTON) The average fee Medicare pays to physicians for primary care services in 1997 will be 5 percent higher than the average 1996 fee, the Department of Health and Human Services announced last Friday.

The average fee Medicare pays to physicians for surgical services will decrease 1.6 percent while the average fee for all other services will decrease by 1.8 percent. Overall, the changes announced by HHS will result in an average fee decrease of 0.3 percent.

These fee changes, contained in regulations to be published in the Federal Register on Nov. 22, are primarily the result of a comprehensive five-year review of the Medicare fee schedule required by law. Recommendations received from physicians and the public were considered as part of this review.

Although most of the fee changes are due to the comprehensive review, they also result from the annual updates in the conversion factors used to help set the fees Medicare pays to physicians. Because the 1997 conversion factor updates were not explicitly set by Congress, HHS is required to establish the updates according to a formula set in law.

The conversion factor used in setting fees

for surgical services will increase by 1.9 percent, the conversion factor for primary care services will increase by 2.5 percent and the conversion factor for all other physician services will decrease by 0.8 percent.

The starting point of the statutory formula for updating conversion factors is the inflation rate for the costs of operating a medical practice, which for 1997 is projected to be 2 percent. This rate is then adjusted based on how Medicare spending for physician services compares with targets set for that spending. These targets are referred to as the Medicare volume performance standards.

The regulations also set the 1997 spending targets for physician services. These targets allow for a 4.5 percent increase in spending for primary care services, a 3.7 percent decrease in spending for surgical services, and a 0.5 decrease in spending for all other physician services.

Because the 1997 targets were not explicitly set by Congress, HHS is required to establish the targets according to a formula set in law. The formula bases the targets on the estimated inflation rate for physician fees, the projected growth in the number of Medicare beneficiaries, the historic growth in spending for physician services, and any changes in spending due to new laws or regulations.

Energy Tech, cont. from page 6

Sarasota Manatee, FL, and design and construct two demonstration houses on the campus of the Sarasota County Technical Institute. (requested DOE funding: \$2.1 million; private sector: \$2.1 million)

• Ethanol from Potato Wastes: Renewable Oxygenates Industries (ROI) of Plover, WI., will expand its fuel grade ethanol manufacturing facility that uses waste from the potato processing industry. The highly automated plant will add a front-end capable of handling the variety of solids received, increase capacity to continuously liquify the waste stream and add a back-end capable of processing any post-fermentation residue. ROI expects to produce one million gallons of ethanol from potato wastes at full capacity. (requested DOE funding: \$400,000; private sector: \$600,000)

PROPOSAL ALLOWS CONVERSION OF PLAN INVESTMENTS TO MUTUAL FUNDS

From U.S. Dept. of Labor

■ (WASHINGTON) Employee benefit plans could save millions of dollars in brokerage fees under a U.S. Labor Department proposal that would allow the transfer of benefit funds from bank investments to bank-affiliated no-load mutual funds, a transaction currently prohibited except through exemption from the Employee Retirement Income Security Act (ERISA).

The proposal for an exemption from ERISA is now up for public comment and was carried in last Wednesday's Federal Register. It was prompted by a request from Federated Investors, a mutual fund sponsor. If the exemption is adopted, Federated contends employee benefit plans will save fees normally incurred when plan assets are converted from collective investment funds to mutual funds. Many banks have been switching from collective to mutual funds.

The department's proposed exemption

would allow federal or state banks to convert collective funds into mutual funds if:

- ✓ the bank discloses information about the mutual fund and the conversion process, including why the exchange of investments is appropriate for the plan;

- ✓ an independent plan fiduciary gives the bank advance written authorization for each transfer of CIF assets in exchange for shares of a mutual fund;

- ✓ plan clients pay no commissions or other fees in connection with the purchase of mutual fund shares;

- ✓ written confirmation is provided to the independent plan fiduciary within 105 days of the transactions;

- ✓ within 30 days information is furnished which discloses the identity of each security not listed on a national exchange or NASDAQ and the identity of the pricing service or market-maker contacted to determine the value of such securities;

- ✓ combined total fees received by a bank from a client plan for services received cannot exceed reasonable compensation;

- ✓ the value of mutual fund shares received by a plan equals the current market value of its pro-rata share of assets in the CIF on the date of the exchange; and

- ✓ the independent plan fiduciary receives ongoing disclosure of information such as an updated prospectus and a report or statement of fees paid to the bank.

The proposed exemption is in the Nov. 13 Federal Register or via the Internet at <http://www.dol.gov/dol/pwba> after Nov 20. Public comments or requests for a hearing should be submitted in writing to the Office of Exemption Determinations, Pension and Welfare Benefits Administration, Room N-5649, 200 Constitution Avenue N.W., Washington, DC 20210, (Attention: "CIF Conversion Class Exemption").

OSHA, OTHERS COMMENDED

FOR DEVELOPING EMERGENCY RESPONSE PLAN

From U.S. Dept. of Labor

■ (WASHINGTON) A plan that improves responses to oil spills and hazardous chemical releases received special recognition from the Clinton Administration.

Vice President Gore's prestigious Hammer Award was presented to representatives of the Occupational Safety and Health Administration (OSHA) and other federal and state agencies and private organizations on Monday in ceremonies at the Dow Chemical Co. facility in Freeport, Texas. Mary Mozingo, a representative of the National Performance Review, which supervises reinvention efforts for the Vice President, presented the award for development of the Integrated Contingency Plan.

The plan is a guide for reacting to spills and releases under existing federal laws and regulations. It was developed under the auspices of the National Response Team (NRT), a federal inter-agency group with responsibility for establishing national policies and procedures to prepare and respond to emergencies involving oil and hazardous chemicals. The integrated plan is designed to consolidate various agency response requirements, improve coordination, avoid duplication, and simplify response planning.

Assistant Secretary of Labor for Occupational Safety and Health Joseph A. Dear, said, "The new plan makes it easier for busi-

nesses and government agencies to do what is necessary to deal with emergencies involving oil spills and the release of hazardous chemicals. Implementation of this plan will save lives. It is another example of how federal reinvention efforts benefit the public."

The Hammer Award recognizes excellence in reinventing government. Vice President Gore established the award as part of the National Performance Review — the national program to make government work better and cost less. This is the eighth Hammer Award OSHA has received for its reinvention programs since June 1994.

In addition to OSHA personnel, staff members from the Environmental Protection Agency, the U.S. Coast Guard, the Department of Interior, the Department of Transportation, General Services Administration, the Department of Energy, the Department of Defense, the Department of Agriculture, the Federal Emergency Management Association, the Department of Health and Human Services, and the State of Texas received Hammer Awards for their participation in developing the plan.

Hammer Awards also were presented to representatives of Dow Chemical, Phillips Petroleum Co., International Bird Rescue, Phillip Cartner Co., Inc., the Inner City Fund, and Ecology and Environment, the private sector organizations that assisted in the plan.

EDUCATION INITIATIVES

From U.S. Dept. of Education

■ (WASHINGTON) A weekly look at progress on the U.S. Department of Education Secretary Richard Riley's priorities as of November 14, 1996

Goals 2000

Utah is using Goals 2000 funds to support 32 projects this school year, including a Professional Inquiry Center serving secondary schools in 5 school districts. Under this project, spearheaded by the Alpine School District, teams of teacher leaders will present demonstration lessons to other teachers & conduct inservice on how to infuse technology into teaching & learning. The district is also developing a training model for "technical support teachers," a method for assessing teacher technology skills, & technology "skill blocks" for staff development. Under another project, the school districts of Murray, Jordan, Granite, & Salt Lake are each implementing as many as 10 projects to help previously uninvolved parents play important roles in their children's education. For information on Utah's previous Goals 2000 grants, please see: www.usoe.k12.ut.us/pubs/goalprof.html

School-to-Work

The School-to-Work National Employer Leadership Council (NELC) recently posted on its web site a tool employers can use to support activities that connect students & teachers to the workplace & enhance com-

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Education Initiatives, continued from page 8

pany practices: the "Employer Participation Model." NELC is a coalition of CEOs working to mobilize the business community around the STW initiative. Member CEOs have pledged to sustain their own work-based learning programs & promote school-to-work issues, both within their own companies & among the business world & the public. NELC is chaired by Alex Trotman, Chairman of Ford Motor Company. For more information on NELC & to see the Employer Participation Model, please visit: www.nelc.org

FCC Decision on Universal Service

Secretary Riley hailed the November 7 recommendation from the Federal-State Joint Board to the Federal Communications Commission (FCC) as "good news for American education." The recommendation, he said, "moves American education closer to achieving our national goal of universal access for all schools — public & private — and for all of our nation's many wonderful libraries." Under the recommendation, which is based on 8 months of deliberation over a 40,000-page record, Secretary Riley said that "Almost 70 percent of all schools will get at least a 50 percent discount on a wide range of telecommunications services. By providing the deepest discounts to schools with the largest number of poor children — discounts of up to 90 percent — the Joint Board begins to give these schools a real start to being part of the ongoing telecommunications revolution."

The Board states, in its "Recommended Decision of the Federal-State Joint Board on Universal Service," that: "...all eligible schools & libraries may receive discounts of between 20 and 90 percent on all telecommunications services, Internet access, and internal connections, subject to a \$2.25 billion annual cap. In addition, any funds that are not disbursed in a given year may be carried forward, and may be disbursed in subsequent years without regard to the cap. We find that this recommendation provides schools & libraries with the maximum flexibility to purchase the package of services they believe will be most effective to meet their respective communications needs. We also conclude that economically disadvantaged schools & libraries, as well as schools & libraries located in high cost areas, should receive greater discounts to ensure that they have affordable access to telecommunications & information services. Further, we recommend that schools & libraries be re-

quired to comply with several self-certification requirements, designed to ensure that only eligible entities receive universal support & that they have adopted plans for securing cost-effective access to & use of all of the services purchased...."

The full text of the Board's recommended decision & related information are available at: www.fcc.gov/Bureaus/Common_Carrier/Reports/decision.html

Preventing Youth Crime & Violence

"Preventing Crime & Promoting Responsibility: 50 Programs That Help Communities Help Their Youth" is available from the President's Crime Prevention Council (the agency responsible for coordinating federal prevention programs & assisting communities & community-based organizations in their efforts to prevent crime). The 97-page booklet suggests questions and a process communities can use in planning their own efforts to prevent crime & violence among youth. Descriptions of 50 federal prevention programs & lists of federal resource centers, clearinghouses, and publications are included. For a copy or to be placed on the Council's mailing list please call (202) 395-5555, fax (202) 395-5567 or write the President's Crime Prevention Council, 736 Jackson Place, NW, Washington, D.C. 20503.

Hammer Award

Six teams in the Department received the Vice President's 1996 Hammer Award this month in recognition of their contributions to the President's National Performance Review principles of putting customers first, cutting red tape, empowering employees, & getting back to basics. The award, named in response to the \$400 government hammer that became a symbol of government waste, went to: the Office for Civil Rights serving the Cleveland region, the Office for Civil Rights serving the Kansas City region, the Cooperative Audit Resolution & Oversight Initiative (a partnership among 4 ED offices and 3 states — Florida, Mississippi, & Washington — to streamline the audit resolution process), the Multi-Input Performance Appraisal System (GPAS) Team (for the performance appraisal system which combines "Pass or Fail" with 360 degree evaluations of employees by their supervisors, co-workers, & customers), the Rehabilitation Services Administration partnership with the Council of State Administrators of Vocational Rehabilitation (for streamlining the process of providing services to rehabilita-

tion agency customers), and the Reinvention Coordinating Council & the 14 teams it chartered (for fostering a climate of reinvention & positive change for the Department & its customers).

Online Library

Recent additions to our Online Library from the National Center for Education Statistics include:

- ✓ Remedial Education at Higher Education Institutions in Fall 1995
- ✓ Out of the Lecture Hall & Into the Classroom: 1992-93 College Graduates & Elementary/Secondary School Teaching, With an Essay on Undergraduate Academic Experiences
- ✓ National Postsecondary Student Aid Study, 1995-96: Student Financial Aid Estimates for Federal Aid Recipients, 1995-96
- ✓ Report in Brief: National Assessment of Educational Progress (NAEP) 1994 Trends in Academic Progress
- ✓ Overview of Public Elementary & Secondary Schools & Districts: School Year 1994-95
- ✓ A Descriptive Summary of 1992-93 Bachelor's Degree Recipients One Year Later: With an Essay on Time to Degree
- ✓ How Different, How Similar? Comparing Key Organizational Qualities of American Public & Private Secondary Schools
- ✓ Historically Black Colleges & Universities: 1976-1994
- ✓ Degrees & Other Awards Conferred by Institutions of Higher Education, 1993-94



Prefiled Bills

SB1 Principal Author(s): Fisher, Ted V. Requires the Oklahoma School of Science and Mathematics to solicit proposals and award grants for pilot projects that develop and establish model programs implementing advanced science and math curriculum at local vocational-technical school sites or at local school sites via distance learning. Emergency.

SB2 Principal Author(s): Fisher, Ted V. Modifies membership and powers and duties of Physical Therapy Committee. Provides for licensure of foreign-trained applicants. Requires State Board of Medical Licensure and Supervision to establish by rule requirements for continuing education. Effective date: 11/01/97.

Statutory Citation Cross Reference

Title	Section	Motion	Bill	Title	Section	Motion	Bill	Title	Section	Motion	Bill
59	887.12	Amend	SB 2	59	887.6	Amend	SB 2				
59	887.4	Amend	SB 2	70	1210.404	New Law	SB 1				

Bill Subject Cross Reference

EDUCATION

SB 1

PROFESSIONS & OCCUPATIONS

SB 2



Calendar of Meetings & Events

Wednesday, November 20, 1996

- 9:00** **Police Pension & Retirement Board**
1001 NW 63rd Street, Suite 305, Oklahoma City
-
- 10:00** **Adult Day Care Task Force — DHS**
312 NE 28th, Oklahoma City
-
- Oklahoma State Banking Board**
Okla. State Banking Dept., Conference Room, 4545 N. Lincoln, Suite 164, Oklahoma City

Thursday, November 21, 1996

- 9:00** **Horse Racing Commission**
Shepherd Mall Activity Center, 2426 Plaza Prom, Oklahoma City
-
- Commission on Children & Youth**
4545 N. Lincoln Blvd., Suite 114, Oklahoma City
-
- Oklahoma Tourism & Recreation Commission**
Oklahoma Tourism & Recreation Dept., Colcord Bldg., 15 N. Robinson,
First Floor Conference Room, Oklahoma City
-
- 9:30** **Joint Interim Committee on Electric Utility Task Force**
Created by SJR 37
State Capitol, Senate Chamber
-
- 10:00** **Interim Study 96H-03, Manufactured Homes**
State Capitol, Room 412-C
-
- House Adoption Law Reform Committee**
State Capitol, Room 512-A
-
- Oklahoma Wheat Commission**
Oklahoma Department of Agriculture Board Room, Oklahoma City
-
- 1:00** **State Board of Education**
Oliver Hodge Memorial Bldg., Room 1-20, Oklahoma City
-
- 2:00** **Commission on Natural Gas Policy**
State Capitol, Room 432-A

Calendar of Meetings & Events

Monday, November 25, 1996

10:00 **Rehabilitation Services Commission**
3535 NW 58th Street, Second Floor Large Conference Room, Oklahoma City

1:00 **Joint School Residency Funding Task Force**
State Capitol, Room 432-A

2:00 **Senate Interim Study 96S-105, English as Official Language**
State Capitol, Room 419-C

Tuesday, November 26, 1996

9:30 **Environmental Quality Board**
SW Technology Center, Altus

10:00 **Commission on Children & Youth**
4545 N. Lincoln Blvd., Suite 114, Oklahoma City

House Interim Study 96H-25, Ft. Sill State/National Cemetery Site
State Capitol, House Chamber

Monday, December 2, 1996

10:00 **State Board of Equalization**
State Capitol, Governor's Conference Room

11:00 **Oklahoma Transportation Commission**
200 NE 21 St., Commission Room, 1st Floor, Oklahoma City

Tuesday, December 3, 1996

9:30 **Oklahoma Commission for Human Services**
Room 214, Sequoyah Office Bldg., Oklahoma City

Tuesday, December 10, 1996

9:00 **Commissioners of the Land**
State Capitol, Governor's Large Conference Room

Thursday, December 12, 1996

1:00 **Oklahoma Commission for Teacher Prep**
Dyer Room, Oklahoma Education Association, 323 E. Madison, Oklahoma City

Calendar of Meetings & Events

Friday, December 13, 1996

10:00 **War Veterans Commission**
Conference Room, Oklahoma Department of Veterans Affairs, Oklahoma City

1:00 **Board of Corrections**
Lexington Correctional Center, Lexington, OK

Tuesday, December 17, 1996

10:00 **Commission on Children & Youth**
4545 N. Lincoln, Suite 114, Oklahoma City

Thursday, December 19, 1996

9:00 **Horse Racing Commission**
Shepherd Mall Activity Center, 2426 Plaza Prom, Oklahoma City

Friday, December 20, 1996

10:00 **Ethics Commission**
Public Hearing followed by regular meeting
Auditorium of the Wiley Post Historical Building, 2100 N. Lincoln Blvd., Oklahoma City

Fire Marshal Commission
4545 Lincoln Blvd., Suite 280, Oklahoma City

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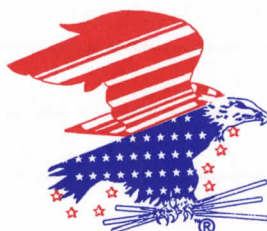
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