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From Industry Dominance to Legislative Progress: The Political and Public Health Struggle of Tobacco Control in Oklahoma

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EXECUTIVE SUMMARY

The tobacco industry is a major political force in Oklahoma through lobbying, direct campaign contributions, indirect contributions to the two major political parties and legislative political caucuses, and gifts and entertainment events. The tobacco industry has a centralized political organization in Oklahoma that promotes and defends its political and market interests at the local and state levels of government. Although the tobacco industry has operated in the open in some political campaigns, it has often operated quietly behind the scenes, frequently working with various allied organizations on state and local political campaigns.

While health advocates in such organizations as the Tobacco Free Oklahoma Coalition and the Oklahoma State Department of Health achieved some extremely limited progress during the 1990s, tobacco industry lobbying and public relations campaigning dominated legislative activity and effectively prevented most tobacco control proposals from advancing through the legislature.

A number of specific lobbyists and allied organizations established a confident hegemony over the state law-making process with regard to tobacco issues, for which their tobacco industry clients continually praised them and their success. Industry PACs gave contributions to both political parties as well as to most of the legislative leadership members, both governors Frank Keating (1995-2003) and Brad Henry (2003-present), and a large portion of each session's house and senate members from the mid-1990s through 2004.

For each dollar spent on tobacco prevention and cessation in Oklahoma, the industry has spent about \$35 for marketing to support policies favorable to tobacco use.

Oklahoma's per capita cigarette sales were 27 percent higher than the national average in 2002, and over 26 percent of Oklahoman's identified themselves as cigarette smokers in 2004 (compared to the 23 percent national average).

The health impact of smoking in Oklahoma is staggering; 5,700 adults in Oklahoma die from tobacco-related illness annually, while 9,100 new minors become regular smokers each year. The costs of health care for tobacco related illness are about \$908 million per year, with \$170 million of this amount in Medicaid costs alone.

The Tobacco Free Oklahoma Coalition in 1999 devised a state tobacco policy plan, and the Oklahoma Tobacco Use Prevention and Cessation Advisory Committee in 2002 published a state plan for tobacco control. Both reports recommended a variety of policy proposals, including stiffer sanctions on youth access violations, repealing state preemption laws, adopting clean indoor air laws for public places and workplaces, and conducting vigorous anti-tobacco counter-marketing campaigns. Despite the ambitious recommendations of these plans, actual legislative gains in substantive tobacco control were almost non-existent prior to 2002 but have since shown remarkable strides in a few policy areas such as clean indoor air and increased tobacco taxes.

A major catalyst for strengthening the effectiveness of tobacco control advocacy was the arrival in 2001 of Dr. Leslie Beitsch, M.D., J.D. as the new Commissioner of Health. Determined to actively promote tobacco control policies as directed by the Oklahoma State Board of Health, and frustrated by the lack of legislative progress, Commissioner Beitsch promulgated the implementation of Board of Health Administrative rules to establish clean-indoor air in public places and workplaces.

While many of the rules went unsigned by the governor due to confliction with current state law, the controversy incited by the rule's enactment, as well as Beitsch's brash and outspoken public relations style, precipitated a successful clean indoor air bill in the 2003 legislature.

For seventeen years after Oklahoma raised the cigarette tax in 1987 from 18 to 23 cents, proposals to raise the tax were effectively squashed by industry lobby efforts. Finally, in 2004 the legislature placed a state referendum question on the November 2004 election ballot for a 55 cent per pack net increase in the cigarette excise tax. The referendum passed, despite over \$1.7 million spent by the industry funded vote-no campaign. Before the measure took effect, Oklahoma ranked 42nd in the nation with regard to the amount of its cigarette excise tax. After the referendum, it moved up to 15th in the nation.

Youth access prevention, which had for years been characterized by inadequate sanctions in the state's laws to implement federal Synar restrictions, as well as under-funded enforcement, was finally buttressed, somewhat, in 2004 by a bill that stiffened penalties for tobacco sales to minors. The new bill shifted penalties from the clerks to the merchants, and provided for fines and periods of license revocation as proscribed sanctions. However, the first offense for a violation of the law is a relatively weak \$100 fine. More substantial enforcement and penalties such as license revocation rarely occur for second and third offenses within two years of the first offense due to little or no follow-up investigations for prior violators.

A legislative bill put a state question on the November 2000 ballot that would create a constitutionally protected Tobacco Settlement Endowment Trust Fund to oversee a specified proportion of receipts from the Master Settlement Agreement, which would be used primarily for tobacco control and public health purposes. The referendum was passed by Oklahoma voters, but funding for tobacco control programs from the trust fund has been slow due to the requirement to spend only the interest and dividends and not the principle.

The fervor and publicity generated by Dr. Beitsch's aggressive outsider approach helped move the struggle for tobacco control away from conventional insider lobbying and negotiation and into the public spotlight. Health organization and tobacco control advocates could advance successful efforts at rigorous legislation by augmenting their usual insider lobbying activity with a variety of aggressive public relations and outside political organization activities. These activities can include ballot initiatives, public rallies, letters to newspaper editors, paid issue ads, and involvement with possible community forums. Politicians who support industry interests should be held publicly accountable.

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CHAPTER 1: INTRODUCTION

In 1985, the R.J. Reynolds Tobacco Company confidently announced in an internal political analysis of Oklahoma that “no piece of smoking restriction legislation has ever been voted on by either house of the Oklahoma State Legislature,” and that “groups interested in pursuing passage of smoking restrictions are either assuming a low profile or are virtually non-existent.”¹ Over the next two decades, the tobacco industry would play a key political role in fighting public health initiatives to regulate tobacco in Oklahoma.

The State of Oklahoma’s record of health and tobacco use coincides expectedly with the cozy status that the tobacco industry has enjoyed there. Oklahoma’s 2002 per capita sales of cigarettes were 27% higher than the national average, and 183% higher than California.² California was able to enforce a rigorous tobacco control program between 1989 and 1993, which led to a rapid decline in smoking prevalence. Even when the large and aggressive program was reduced in funding during 1994-1998, due to the industry’s success cultivating allies such as the California Medical Association, per capita cigarette consumption continued to decline. Oklahoma’s lack of strong tobacco control measures, especially when compared with California, make the large difference in Figure 1 unsurprising.³

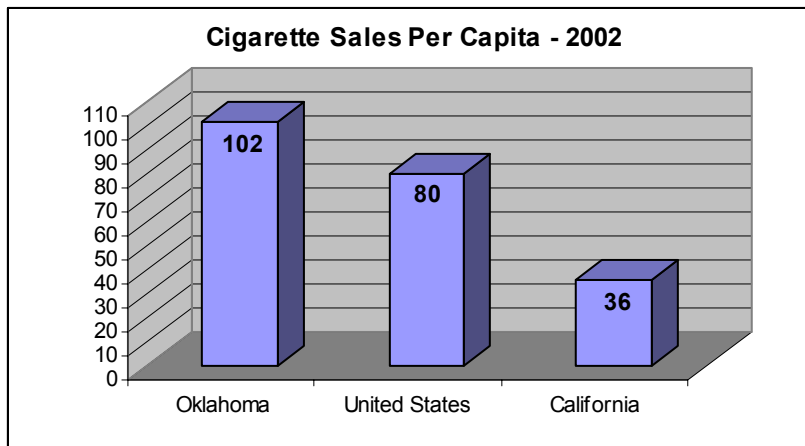


Figure 1. Per capita cigarette consumption in Oklahoma, compared with the United States and California. Source: Oklahoma State Department of Health, Tobacco Use Prevention Service, 2004. Retrieved from <http://www.health.state.ok.us/program/tobac/factsand.htm>

Oklahomans identify themselves as smokers at slightly higher rates than the rest of the nation. The Oklahoma Board of Health’s 2004 State of the State’s Health Report indicated that while the proportion of cigarette smokers among the national adult populace was about 23 percent in 2002, almost 27 percent of Oklahoma adults indicated current cigarette use.⁴ A May 2004 statewide telephone poll conducted by the Oklahoma Public Opinion Learning Laboratory at the University of Oklahoma (OU POLL) confirmed the rate for Oklahomans, finding 26.3 percent smokers among the 647 random interviews.⁵ The larger proportional increase in cigarette sales may be an indication that Oklahoma smokers consume more cigarettes than smokers elsewhere in the country.

Not only are more than one-fourth of Oklahomans current smokers, but an *additional* 27.4% of respondents to the OU POLL survey identified themselves as former smokers, and men were much more likely to be both current and former smokers than women (Figure 2). Additionally, 51% of Oklahoma smokers stated that they had begun by the age of sixteen.⁶

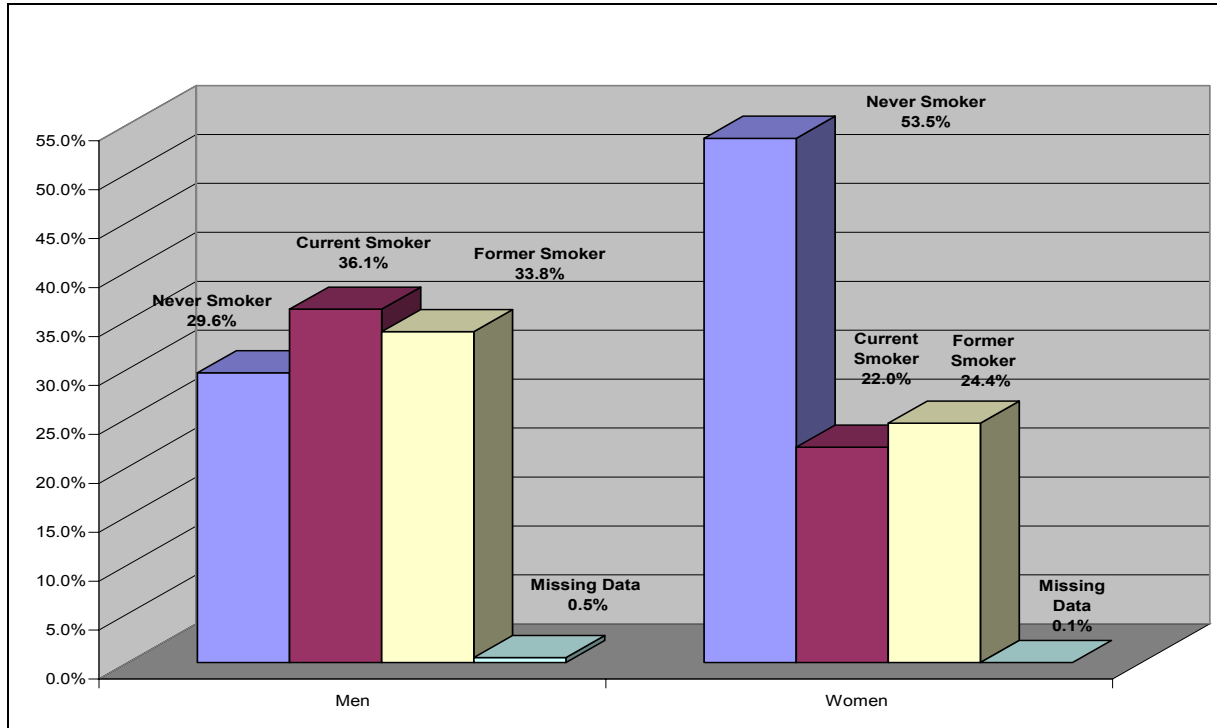


Figure 2. Smoking Behavior Responses of 647 randomly surveyed Oklahomans May 10-28, 2004 (63.2% of respondents male, 33.4% female, 3.4% unknown). Source: Tobacco Use and Legislation Survey (May 10-28, 2004). University of Oklahoma Public Opinion Learning Laboratory (OU POLL).

The health impact of smoking in Oklahoma is staggering; 5,700 adults in Oklahoma die from tobacco-related illness annually, while 9,100 new minors become regular smokers each year. Twenty-four percent of Oklahoma’s high school students are current smokers, and 17.9 percent of high school males use chew tobacco.⁷ The costs of health care for tobacco related illness are about \$908 million per year, with \$170 million of this amount in Medicaid costs alone.⁸

What accounts for the challenged state of health and the favored position of tobacco interests in Oklahoma? One explanation is that for each dollar spent on tobacco prevention and cessation in Oklahoma, the industry spends about \$35 for marketing to support policies favorable to the industry.⁹ However, the industry’s sophistication extends beyond just lobbying expenditures; it seeks information to better understand Oklahoma government processes and health advocacy activities in order to refine its anti-tobacco control activities. In 1998, Philip Morris contracted a major 57 page political consulting report titled “Oklahoma Tobacco Regulation and Control” from the firm Richardson Ziebart Consulting, LLC, which outlined government bodies in the state and how they operated, the progress of tobacco control, federal involvement in tobacco control, and the structure and activities of health groups.

The purpose of this study is to examine and assess how the progress of tobacco control legislation and enforcement in Oklahoma have fared over the past two decades, in opposition to the usual industry efforts. We will explore the ways in which health interests have gained some ground since R.J. Reynold's 1985 pronouncement of hegemony in the state, and in what ways the industry has (until recently) rigidly held onto its power and influence to stifle progress in tobacco control and prevention.

Overview

Oklahoma's Tobacco Use Prevention and Cessation Advisory Committee published a report in May 2002 titled *The Oklahoma State Plan for Tobacco Use Prevention and Cessation*, in which the committee recommended several specific policy goals for the state of Oklahoma. The May 2002 *Oklahoma State Plan* recommended a variety of comprehensive policy proposals such as restrictions on tobacco sales in vending machines, stiffer penalties for tobacco sales to minors, repealing state laws that preempt stricter local tobacco control laws, adopting clean indoor air laws in workplaces, increasing state tobacco excise taxes, and conducting vigorous anti-tobacco counter marketing efforts, cessation programs, and community education efforts.¹⁰ Recommendations in the Plan were similar to the policy goals outlined in the Tobacco Free Oklahoma Coalition plan in 1999, when the organization convened a forum on tobacco control issues with over 90 attendees and established a drafting committee.¹¹ Despite the recommendations of these plans, legislative progress in vigorous tobacco control was almost non-existent prior to 2002 and is now making remarkable strides since 2002 in a couple of key policy areas including clean indoor air and increased tobacco taxes.

Clean Indoor Air

Early efforts to enact smoking restrictions in public areas and workplaces were slow and unsuccessful, resulting in an act in 1987 that actually required smoking sections in restaurants and preemption of stronger local clean indoor air ordinances. Real progress in clean indoor air did not arrive until 2003, when a Senate Joint resolution, created in reaction to an aggressive health commissioner's public campaigning, brought about smoke-free public places and workplaces.¹² Due to the legislation passed in 2003, Oklahoma prohibits smoking in enclosed areas that are public places and all indoor workplaces, except in designated "smoking rooms" in restaurants with separate ventilation and negative air draft. Restaurants have until March 2006 to comply.¹³

Under the influence of Tobacco Institute lobbying in 1986, pre-emption of local clean indoor air was passed in Oklahoma in 1987, preventing local municipalities in the state from enacting stronger clean indoor air laws and youth prevention measures.¹⁴ Preemption of stronger local clean indoor air laws and regulations still remains in effect.

Tobacco Taxes

While Oklahomans voted and passed in November 2004 a referendum known as State Question 713 for a 55 cent (per-pack) tobacco tax increase, Oklahoma had not otherwise raised its tax through the state legislature since 1987, when it increased the tax from 18 to 23 cents per

pack.¹⁵ By 2004, before passage of a referendum increasing the tax to \$1.03, Oklahoma ranked 42nd among the 50 states for the amount of its cigarette excise tax. After the 2004 tax increase, Oklahoma would go up to 15th in the nation.¹⁶ The failure to pass any tobacco tax increase legislation in the state legislature prior to 2004 was explained in a typical pre-2004 tobacco Tobacco Institute memo that proudly declared that due to their lobbying efforts, “for the past seven years (prior to 1994), under both Republican and Democratic governors, proposed tobacco tax increases have been repeatedly defeated.”¹⁷ Only through organized, aggressive and public electoral campaigning by health organizations, beyond traditional lobbying at the Oklahoma legislature, did State Question 713 pass in 2004 raising tobacco taxes.

Master Settlement Agreement

Oklahoma Attorney General Drew Edmondson announced a lawsuit in 1996 against the tobacco industry (including several law firms and a public relations firm) for manipulating nicotine, targeting youth in advertising, and to recoup taxpayer money for past Medicaid payments to sick and dying smokers. The industry responded with a vigorous political lobbying effort, in order to “create a negative political reaction to the lawsuit.”¹⁸ This campaign included stated objectives by Philip Morris to “educate” legislators and “allies in the business community,” in order to “lead to the establishment of a formal coalition,” to research the “political contribution records of the attorney general through duration of political career,” and to “identify a reliable public source which refutes the attorney general’s claim that smoking-related Medicaid costs in Oklahoma exceeded \$1 billion since 1980.”¹⁹ The lawsuit eventually became part of the Master Settlement Agreement, which occurred when 46 states settled their lawsuits with the major tobacco companies, who agreed to pay about \$206 billion over 25 years, of which a projected \$2 billion would go to Oklahoma.²⁰

House Bill 2022 submitted State Question 692 to a popular referendum vote in Oklahoma’s general election November 7, 2000, proposing to create a constitutionally protected Tobacco Settlement Endowment Trust Fund. The trust would oversee specified portions of the settlement funds and ensure that they would be mostly directed toward tobacco control and other health programs.²¹ The referendum was passed by Oklahoma voters. Funding for tobacco control programs from this trust fund has been slow due to the requirement to spend only the interest and dividends from the funds and not the principal.

Youth Access

Youth access prevention was also characterized for years by inadequate sanctions in Oklahoma state law to enforce federal Synar restrictions on sales of tobacco to minors.²² The weak condition of youth access enforcement, which was underfunded and completely ineffective during the 1990s, was finally altered with the passage of Senate Bill 1256. Senate Bill 1256 passed in the 2004 legislative session and stiffened the penalties for violation of selling tobacco products to minors by implementing vending machine restrictions and providing that stores’ licenses to sell tobacco products could be suspended for up to 60 days.²³ However, the first offense for a violation of the law is a relatively weak \$100 fine. More substantial enforcement and penalties such as license revocation rarely occurs for second and third offenses within two years of the first offense due to little or no follow-up investigations for prior violators.

Early Years

In the early 1990's, the Oklahoma Alliance on Health or Tobacco (OAHT), (later known as the Tobacco Free Oklahoma Coalition after 2000) was organized between members of various government, health care, and nonprofit organizations to attempt to address tobacco issues and lobby on behalf of health interests.²⁴ Into the mid-1990's, under coalition leader Alice McGrew, who directed the Smokeless Oklahoma Projects, the coalition attempted to counter the "status quo" on tobacco issues at the State Capitol, where they observed that:

Tobacco industry lobbyists considered Oklahoma to be a 'love fest' when it comes to support for pro-tobacco, anti-health legislation... most legislative efforts initiated or endorsed by the Coalition have failed to become law while policies advocated by the tobacco industry have largely been adopted, despite Coalition opposition. Proposed tobacco prevention and control legislation has often been assigned to unfavorable legislative committees where it simply has not been heard.²⁵

Nonetheless, the Tobacco Free Oklahoma Coalition made some limited progress in the early and mid-1990s. A 1992 joint resolution passed the state legislature that prohibited tobacco use on the premises of licensed day care centers. The following year, a Senate resolution congratulated the president of the University of Oklahoma for proposing a smoke-free campus, and in 1994, House Bill 2129 amended the weak 1987 Smoking in Public Places Act, and finally *allowed* restaurants to establish smoke-free facilities; they were previously *required* to have a smoking section.²⁶ Despite these advances, McGrew was keenly aware of the inept state of health advocacy in this early period.

I worked for the American Cancer Society... and always during that time [early 1990s] I worked in what we call Public Education... and which was at that time probably made up of Heart, Lung, Cancer, and the Health Department...just a very small group...and one of my roles was lobbying...we would go to the capital and always went in the name of Heart, Lung, and Cancer. I mean this is just what we did, and we would have little information sheets, and believe me. We did not know what we were doing.

I don't know that it really mattered that we didn't know what we were doing, because we would go into legislator, after legislator [sic] office and it was just like we were a joke. An absolute joke...²⁷

Bob Miner, currently the Clean Indoor Air Program Coordinator at the Oklahoma State Department of Health and chair of the Oklahoma Tobacco Free Coalition during 1997-1999, remembers the 1990s as more of a transitional period of early organization and growing pains, rather than just a time of ineffectualness and low accomplishment.

I would classify the state of public health advocacy in this early period as getting acquainted, exposing more personnel to the advocacy and legislative arena, beginning education of policy makers as well as the general public on tobacco issues, and beginning to cultivate both inter-organization communications through a coalition and grass-roots organizations to communicate with policy makers in the future... there was steady growth and strengthening during this period, with some special accomplishments. Funding for the \$1.2 million, 3-year SmokeLess Oklahoma program. Lanuching NATCO, the Native American Tobacco Coalition of Oklahoma. Rallies at the capitol for at least three successive years (some sponsored by ACS and AHA), including one with more than 1,500 students and many celebrities. Regional grassroots workshops boosting clean indoor air legislation throughout the state. The first paid lobbyists for the Coalition per se. A fund raising dinner with Joe Garagiola at the Cowboy Hall of Fame, to help fund the first teen

summit and full-scale launch of Students Working Against Tobacco (SWAT). Development of the first State Plan. A lot of growth. Increased capitol presence, recognition and respect. A very few limited legislative successes, but no great breakthroughs yet.²⁸

The Tobacco Free Oklahoma Coalition saw even the 1995 failure of House Bill 1007 as a measure of progress. The bill would have allowed smoke-free policies in publicly owned buildings across the state. The Coalition supported the bill strenuously enough to pass the House of Representatives and be assigned a Senate committee that would hear it, a substantial political achievement for health advocates at the time. However, “due to vigorous opposition by the tobacco lobbyists,” it was narrowly defeated.²⁹ The ineffectiveness of the Coalition’s lobbying efforts during the 1990s may have been partly the result of health lobbyists’ compromising approach to tobacco legislation. Barbara Kumpe, who began in 1997 as Advocacy Director for the American Heart Association in Arkansas and Oklahoma, recalled how the health community shied from the “all or nothing” aggressiveness occasionally exhibited by the Oklahoma State Department of Health, and preferred to work in tandem with the industry.

I do believe that when you work with issues like the tobacco issue or nursing home issues if it’s an issue, I think you have to know what your opposition is about, I think you have to be able to negotiate with your opposition. I don’t think you go “I’m not ever speaking to you I don’t want to talk to you, I’m against you,” you can’t lobby that way. I mean that is my perception you have to know, you have to be able to talk, you have to negotiate things and I think with the tobacco issue and a lot of issues you have to take little steps. And some people want all or nothing, I would rather have something to get started with than to have absolutely nothing, and I have seen that in some of the health department approaches. ‘If we can’t have this then we just don’t need anything,’ I mean we just can’t do that... you know you take a step here, and you take another step here instead of going okay we want everybody [not] smoking. It was kind of like what happened with the clean indoor air. Do you just throw out getting smoke free work places because you don’t get the restaurants done immediately as well? No, but some people thought “Oh lord we can’t do that, we can’t look at them, we can’t even negotiate with them”... I’d rather have a little bit and get a few people safe than get nothing for another year. So that’s kind of my perception and they’re good people, I do mean that and their hearts are in the right place. I just think that sometimes it makes it difficult to get something rather than get nothing. And sometimes for the first couple of years I was here, we got nothing. Because people [said] ‘Oh, you can’t talk to the tobacco lobbyist’... you got to talk to them, you got to see what they’re all about... and what their pressure points are and bargaining points are. And then you decide okay is it worth it... do we get this *this* [sic] year and come back for more next year...or do you get nothing this year and then probably nothing next year and then probably nothing the next year? So that’s kind of my perception and I’ve told the health department the same thing... its cut and dry with them. No tobacco... well you know you can’t stop tobacco, you’re not going to stop it completely, we would like to eventually but that’s never going to happen.³⁰

Overall, from 1985 to 2001, the efforts of tobacco industry lobbying and public relations campaigning have clearly been instrumental in countering the struggle by public health interests in a variety of issues including excise taxes on cigarettes, youth-access enforcement, pre-emption, and clean indoor air laws, and litigation. With the utilization by the Health Department, assisted by the health groups (such as the American Cancer Society, the American Lung Association of Oklahoma, the Oklahoma Alliance on Health or Tobacco, and the Oklahoma State Medical Association), of aggressive outsider tactics like public forums, issue advertisements, and free media interviews in tandem with traditional insider lobbying approaches from 2002 to 2004, Oklahoma tobacco control in such areas as tobacco taxes and state clean indoor air advanced considerably. This was due to the use of astute outsider tactics such as issue

ads and public forums in conjunction with traditional insider lobbying approaches. Prior to 2002, health advocates relied strictly on insider approaches in which they could never successfully outmatch the powerful tobacco industry on its own turf.

CHAPTER 2: INDUSTRY LOBBYING INFLUENCE

This section will examine industry lobbying efforts in Oklahoma from the late 1980s forward, noting the associations of specific lobbyists with their clients, as well as the activities and tactics employed over the years. An overview of the early industry influence will be followed by descriptions of major lobbyists, their primary clients and expenditures, and verbatim accounts of their activities. Lastly, available expenditure information for the recent tax initiative campaign in 2003 is presented.

Early tobacco lobbying efforts during the late 1980s and early 1990s were hailed as generally successful and unencumbered. A 1989 Philip Morris report, in summary of southwestern states' political outlooks under the heading *Lobbyists*, noted that:

In OK [Oklahoma], the industry lobby team is absolutely superb and seems to be able to hold leadership to coming out in the press against a cigarette tax every time the Governor brings it up, which is often. All the lobbyists were former members and just do a great job. So our defensive strategy is just to keep on keeping on. We use events, charitable contributions, and entertainment of standing committees. Not much caucus stuff here. A major improvement is we have to establish an Oklahoma PAC [Political Action Committee] or give Tom Rogers a raise. So far we've done fine without it but it sure would help out. Tom is sending me the stuff.³¹

The same document revealed the industry's confidence regarding the cooperation of allies on tobacco-related legislative issues, briefly summarizing the outlook in Oklahoma under the heading of *Constituents*.

Again, a love fest. They are all best friends. We sponsored a legislative bar-b-que [sic] with TI [Tobacco Institute], Tobacco Wholesalers and RJR [R. J. Reynolds] earlier this year. PM [Philip Morris] works with the restaurant associations, nursing home associations in opposing legislation to remove the state preemption of municipal ordinance banning smoking. Groups we will be working on will be state employee associations, teacher associations, and similar groups for smoker's rights.³²

A 1990 Tobacco Institute memo addressing tax initiatives also stressed the industry's recognition of its successful influence of their past lobbying efforts, and their reliance on continuing cooperation in the future.

Essential to success in Oklahoma... will be a continuation of the close and cooperative efforts of all industry lobbyists, as led by Tobacco Institute legislative consultant Ken Nance. In addition, member company lists may be needed to generate grassroots contacts with legislators.³³

The same year, Philip Morris constructed a short list of "Friendliest Legislators" and "Least Friendly Legislators, as well as "Allied Groups", including the Oklahoma Association of Tobacco and Candy Distributors (OATCD), the Oklahoma Restaurant Association, and the Oklahoma Retail Grocers Association, and "Adversary Groups," which included the Oklahoma Cancer Society and the Oklahoma Lung Association.³⁴

A Tobacco Institute memo in 1992 further describes the general atmosphere of confidence in lobbying activities.

Industry success in Oklahoma illustrates the benefits of a coordinated and well-planned effort. The entire Oklahoma tobacco team, composed of Ken Nance, TI [Tobacco Institute] Legislative Counsel, Mandell Matheson, RJ Reynolds Legislative Counsel, Tommy Rogers, Philip Morris Legislative Counsel and Richard Huddleston, Smokeless Tobacco Council and the Wholesalers Legislative Counsel are to be commended for their fine work.³⁵

Ronald Morris, Vice President of Tobacco Institute's State Activities Division, wrote to Mary Thurber, executive director of the OATCD, that "The effort you outlined... is just what we want to see, wholesalers protecting their business at the state, local, and federal levels. You have an active, well directed organization in Oklahoma."³⁶

The Tobacco Industry Lobbyists in Oklahoma

The effectiveness of tobacco lobbying in Oklahoma is largely the result of the talent and professional effort of specific lobbyists, who have become familiar and notorious persons among the public health community. Below is a brief description of the most prominent lobbyists in the state and who they represent.

Richard L. Huddleston

Huddleston was registered as a lobbyist representing the Oklahoma Association of Tobacco and Candy Distributors and U.S. Tobacco (Smokeless Tobacco) in 1999-2000, and U.S. Tobacco in 2001-2002. His only gift report attributed to a tobacco interest was a small contribution to Republican Representative Ferguson on behalf of "U.S. Smokeless".³⁷

Mandell Matheson

Mandell Matheson agreed to a rate of one hundred dollars per hour in his contract with R.J. Reynolds in September 1988. The terms specified by RJR in the agreement were for:

Services and assistance necessary and appropriate to your direct representation of Reynolds before the various regulatory, administrative or legislative bodies in the State of Oklahoma, and... monitoring and surveillance of regulatory and legislative activities with potential impact on Reynolds.³⁸

Matheson also lived up to his employer's expectations, providing valuable information and counsel to R.J. Reynolds. In 1994, an R.J. Reynolds internal memo noted Matheson's recent discovery that "challenger Ms. Debbie Blackburn (running for open seat) has 'changed her tune' and now is on the bandwagon as a staunch anti-tobacco foe!" The company's response to their lobbyist's timely disclosure was swift.

Therefore, please CANCEL [capitals original] our earlier request to issue her a political contribution in the amount of \$100...the checks have not been cut yet and Mandell thought we could save ourselves some embarrassment by canceling her off our "friend list" ASAP.³⁹

In the 1995 Oklahoma 2nd Congressional District race, RJR found it could not make a direct contribution to Glen Johnson's campaign against the incumbent, Representative

Tom Coburn. Working with an R.J. Reynolds Vice President, Tommy Payne, Matheson facilitated:

A way through a third party that we could get involved...if we can work it. There is going to be a major effort to repeal our preemption in the 1996 session and we will need Speaker Johnson's help if we are to be successful in stopping this. His record on our issues has been good and I would like to see you help him out if possible.⁴⁰

A few months later, an email memo sent to six R.J. Reynolds employees expressed thanks “for contributing to the congressional race of Speaker Glenn Johnson in Oklahoma.” The memo goes on to recall that “the speaker was quite helpful to us in our battle to fight the repeal of preemption... a battle in which we were successful. I know Speaker Johnson appreciates it, but not nearly as much as Mandell Matheson or I do.”⁴¹ Also, in 1995, when the Oklahoma Legislature was contemplating a repeal of preemption for clean indoor-air and youth access preemption, Matheson helped to implement a successful “grassroots program” involving direct connect phone calls, connecting Oklahomans to legislators on the Commerce, Industry and Labor Committee and to the Speaker of the House.⁴²

Gift reports to Oklahoma elected officials from 2000 to 2003 by Matheson indicate a number of contributions on behalf of R.J. Reynolds, including:⁴³

Table 1. Lobbyist or Other Person Gift Report. (January 17, 2001 – January 15, 2003).

Rep. Tad Jones	07-29-2000	Green Fees	\$125.00
Rep. Greg Piatt	07-29-2000	Green fees	\$125.00
Sen. Grover Campbell	07-29-2000	Green Fees	\$125.00
Sen. Jim Dunlap	12-15-2000	Food Box	\$37.76
Rep. David Braddock	08-08-2000	Green Fees	\$75.00
Sen. Robert Milacek	08-08-2000	Green Fees	\$75.00
Sen. Jeff Rabon	08-08-2000	Green Fees	\$75.00
Sen. Robert Milacek	07-17-2001	Golf Fees, Cart, Green Fees	\$150.00
Rep. Ron Peters	07-17-2001	Golf Fees, Cart, Green Fees	\$150.00
Sen. Bruce Price	07-17-2001	Golf Fees, Cart, Green Fees	\$150.00
Rep. Ron Peterson	08-04-2001	Golf Fees, Lunch, Golf Gift	\$175.00
Rep. John Smaligo	08-04-2001	Golf Fees, Lunch, Golf Gift	\$175.00
Sen. Jim Dunlap	08-14-1999	Golf Cart, Fees, and Green Fees	\$100.00
Sen. Grover Campbell	07-20-1999	Golf Car, Fees, and Green Fees	\$75.00
Sen. Jeff Rabon	08-06-2002	Golf, Green Fees	\$125.00
Rep. Ron Peters	08-10-2002	Golf, Green Fees	\$125.00
Rep. Kris Steele	08-10-2002	Golf, Green Fees	\$125.00
Rep. Ron Peters	08-12-2003	Golf Course and Cart Fees	\$100.00
Sen. Jim Dunlap	08-02-2003	Golf Course and Cart Fees	\$125.00
Rep. Ron Peters	08-02-2003	Golf Course and Cart Fees	\$125.00

Source: Oklahoma Ethics Commission, Form L-2

Kenneth Nance

In 1992, the Tobacco Institute, and hence the industry, had good reason to continue Nance's employment as a contract lobbyist; he was clearly worth every penny. An internal Tobacco Institute memo reporting the 1992 legislative session wrap-up for Oklahoma lauded Nance's defeat of Governor Walters proposed 5 cent per pack tax increase:

To counter this expected thrust, the "Sooner State" tobacco-team continued to operate in a coordinated effort... The team, under the skilled and capable leadership of Ken Nance, TI [Tobacco Institute] Oklahoma Legislative Counsel, worked closely with members of the legislature, on both sides of the aisle, and by the time that Governor Walter's proposal... arrived in April 1992, the tax was literally pronounced "dead on arrival" in the Oklahoma House of Representatives.⁴⁴

The month before this memo Nance had advised the Institute that it could lawfully underwrite a portion of the 1992 Legislative Reception by making a \$500 purchase at Byron's Liquors in Oklahoma City, the specific liquor purchases to be selected by Nance. Tobacco Institute found the expense worthwhile, since "this reception is of a general nature and will involve many members of the Oklahoma Legislature."⁴⁵

In 1994, the Tobacco Institute, which was represented by Nance, wrote a glowing evaluation of his work, stating that:

Ken Nance has done an outstanding job for the Tobacco Institute. Under his leadership, pre-emption was passed in 1986 and privacy was passed in 1991. For the past seven years, under both Republican and Democratic governors, proposed tobacco-tax increases have been repeatedly defeated. Nance and the other members of the tobacco team in Oklahoma work extremely well together and appear to have a considerable amount of strength in the political process there.⁴⁶

When the Oklahoma Department of Labor attempted to enact legislation in 1994 that would have restricted smoking in government buildings to separately ventilated areas, the Tobacco Institute noted that Nance, "responded quickly and decisively and through his efforts we were able to delay any action on this issue indefinitely."⁴⁷

Ken Nance would be offered \$47,000 to provide services during the course of 1996, which as specified in the agreement letter would include:

To represent the [Tobacco] Institute before state legislative, regulatory and administrative bodies on all issues of interest to the tobacco industry; to report to The Institute on all such legislative, regulatory or administrative actions, including bill introductions, hearings and votes, and proposed regulations and other administrative actions.⁴⁸

The language in this 1995 lobbyist [above] agreement makes clear that Nance was not just representing a particular company's interests in Oklahoma legislative and regulatory matters, but rather the interests of the entire "industry". The author of the agreement, Tobacco Institute president Samuel Chilcote, in using the general term "industry" rather than just the name of his own organization, conveyed an understanding that the political goals which their lobbyist would pursue were part of a policy agenda common to tobacco interests in general.

In the 2003-2004 period, he was listed as “monitor only” for Brown & Williamson, in addition to numerous non-tobacco clients.⁴⁹ On January 1, 2004 he terminated his representation of Brown & Williamson.⁵⁰ His only reported gifts to Oklahoma elected officials on behalf of a tobacco principal were as follows⁵¹:

Table 2. Lobbyist or Other Person Gift Report, Attachment. (July 18, 2002).

Rep. Fred Morgan	04-01-2002	Dinner – Lorillard Tobacco	\$78.25
Rep. Richard Philips	04-03-2002	Dinner – Lorillard Tobacco	\$78.25
Sen. Glenn Coffee	04-03-2002	Dinner – Lorillard Tobacco	\$78.25
Sen. Brooks Douglass	04-03-2002	Dinner – Lorillard Tobacco	\$78.25
Sen. Jim Dunlap	04-03-2002	Dinner – Lorillard Tobacco	\$78.25

Oklahoma Ethics Commission, Form L-2

Tom Rogers

In 1996, the executive director of the Oklahoma Association of Tobacco & Candy Distributors, Mary Thurber, wrote to the Regional Director of Government Affairs, Ed Beauchemin, that:

The members of this association have worked closely in recent weeks with our legislative consultant, Richard Huddleston, and your lobbyist in Oklahoma, Tom Rogers, to effect the demise of HB 2493 and retain the pre-emption clause in the Oklahoma statutes.⁵²

Rogers represented Philip Morris, sometimes by its own name, sometime under the name Altria Corporate Services, Inc. from at least 1999 through 2004.⁵³ No gift reports are on file.

Benny Vanatta

Vanatta represented the Oklahoma Restaurant Association (an industry ally in Oklahoma) and the Smokeless Tobacco Council from at least 1999 (the earliest year for which lobbyist registration is available) through 2004.⁵⁴ No gift reports are on file.

Allied Organizations

The warm relationship between the industry and allied organizations is exemplified in a 1995 letter from Tobacco Institute’s State Activities Division Vice President, Ronald Morris, to Mary Thurber, executive director of the Oklahoma Association of Tobacco & Candy Distributor:

Your comments concerning the capabilities of your organization and your lobbyist are understated. I have known many of your members since the mid-seventies, and have worked with Richard Huddleston since he was Clerk of the House. We have never lacked the support of the wholesaler organization in Oklahoma⁵⁵

Throughout the 1990s, and during the successful tobacco control campaigns in the past few years, industry efforts have been supported by organizations such as the Oklahoma Association of Tobacco and Candy Distributors, the Oklahoma Restaurant Association, the Oklahoma

Grocers Association, and the Oklahoma Retailer’s Alliance. As will be delineated in subsequent chapters of this report, these organizations have lobbied and publicly campaigned against tobacco control in conjunction with industry interests.⁵⁶

Campaign Contributions

Appendix Tables A-1 through H-1, p. 55-78, show campaign contributions from tobacco related PACs to officeholders. Data from the Oklahoma Ethics Commission becomes more complete in more recent years, but most contributions tend to have been given in even (election) years, with Phillip Morris, R.J. Reynolds, and United States Tobacco being most active. Table 3. contains the total contributions given to members of the 2003-2004 legislative leadership, most of whom received tobacco contributions at some time between 1995 and 2004. The largest historical recipients among the current leadership were Speaker of the House Todd Hiatt (R-District 29) and Majority Floor Leader Sen. Ted Fisher (D-District 12). Among the other senators and representatives who received tobacco money between 1991 and 2004 (see appendix H-1), the largest recipients were Representative Lloyd Fields (D-District 18) and Senator Enoch Haney (D-District 50) each of whom received over \$2,000.

Table 3. Contributions to Leadership of the Forty-Ninth (2003-2004) Oklahoma Legislature, 1995-2004. (Source: Oklahoma Ethics Commission).

Total Contributions to Leadership of the Forty-Ninth (2003-2004) Oklahoma Legislature, 1995-2004										
Last Name	First Name	Title	Party	House	District	OACTD	PM	RJR	UST	Total
Armes	Don	Majority Whip	R	House	63	\$0	\$100	\$250	\$0	\$350
Askins	Jari	Democrat Leader	D	House	50	\$0	\$0	\$0	\$0	\$0
Blackwell	Gus	Majority Whip	R	House	61	\$0	\$100	\$250	\$0	\$350
Braddock	David B.	Deputy Democrat Floor Leader	D	House	52	\$0	\$600	\$100	\$550	\$1,150
Cargill	Lance	Majority Floor Leader	R	House	96	\$0	\$200	\$0	\$100	\$300
DeWitt	Dale	Majority Whip	R	House	38	\$0	\$0	\$0	\$0	\$0
Hiatt	Todd	Speaker	R	House	29	\$100	\$300	\$200	\$1,050	\$1,650
Peterson	Pam	Majority Whip	R	House	67	\$0	\$0	\$0	\$0	\$0
Sweedeen	Joe	Democrat Whip	D	House	36	\$0	\$400	\$450	\$0	\$850
Toure	Opio	Democrat Floor Leader	D	House	99	\$0	\$100	\$200	\$0	\$300
Turner	Dale	Deputy Democrat Floor Leader	D	House	24	\$0	\$600	(\$100)	\$0	\$500
Winchester	Susan	Speaker Pro Tempore	R	House	47	\$0	\$0	\$0	\$0	\$0
Brogdon	Randy	Minority Whip	R	Senate	34	\$0	\$0	\$0	\$0	\$0
Coffee	Glenn	Minority Floor Leader	R	Senate	30	\$0	\$250	\$0	\$300	\$550
Fisher	Ted V.	Majority Floor Leader	D	Senate	12	\$0	\$850	\$200	\$700	\$1,750
Morgan	Mike	President Pro Tempore	D	Senate	21	\$0	\$0	\$250	\$400	\$650
Paddack	Susan	Majority Whip	D	Senate	13	\$0	\$0	\$0	\$0	\$0
Riley	Nancy	Minority Whip	R	Senate	37	\$0	\$250	\$0	\$0	\$250

Note: The earliest any of these persons held office was during the 1995-1996 Forty-Fifth Legislature

According to the available records archived at the Oklahoma Ethics Commission, the total amount contributed by the industry to individual legislators, over the course of the period

1991-2004, was \$98,525. Total amounts for each legislator who received tobacco funds is presented in Appendix table H-1, which also shows the number of terms (one term up to five terms) and most recent term for each member listed. Unsurprisingly, legislators who served a larger number of terms tended to receive larger total contributions. Governor Keating received tobacco funds only during one legislative period, totaling \$5,000 during 1997-1998, \$2500 from Phillip Morris and \$2500 from R.J. Reynolds.⁵⁷ As noted in Table 4, total tobacco industry contributions from 1993 to 2004 to the Democratic Party was \$2750 and to the Republican Party was \$1400.

Table 4. Contributions to Political Parties (Source: Oklahoma Ethics Commission).

Contributions to Political Parties and Governor	B&W	OACTD	PM	RJR	TI	UST
Oklahoma Senate Democrats (1993-1994)	\$0	\$500	\$0	\$0	\$0	\$0
Oklahoma Senate Democrats (1995-1996)	\$0	\$250	\$0	\$0	\$0	\$0
Oklahoma Senate Democrats (1999-2000)	\$0	\$0	\$0	\$0	\$0	\$500
Oklahoma House PAC Democratic (1997-1998)	\$0	\$0	\$0	\$0	\$0	\$500
Oklahoma House PAC Democratic (1999-2000)	\$0	\$0	\$0	\$0	\$0	\$500
Oklahoma House of Representatives Democratic Caucus (1999-2000)	\$0	\$0	\$0	\$0	\$0	\$500
Oklahoma State Republican Senatorial Committee (1999-2000)	\$0	\$0	\$0	\$0	\$0	\$400
Republican State House Committee (2003-2004)	\$0	\$0	\$0	\$1,000	\$0	\$0

CHAPTER 3: CLEAN INDOOR AIR

Throughout the 1980s and 1990s, industry efforts to resist and attack new clean indoor air proposals in Oklahoma were predictable. Nonetheless, some degree of slow progress was made during the 1990s. A 1992 joint resolution passed the state legislature that prohibited tobacco use on the premises of licensed day care centers, and the following year, a Senate resolution congratulated the president of the University of Oklahoma for proposing a smoke-free campus. In 1994, House Bill 2129 finally amended the woeful 1987 Smoking in Public Places Act, subsequently *allowing* restaurants to establish smoke-free facilities if they chose.⁵⁸

Despite these small gains, the industry managed to keep significant legislation from taking place, and their use of the Oklahoma Restaurant Association to fight against smoke free workplaces and public places would become particularly strenuous during the clean indoor-air campaigns of 2002-2004. Philip Morris' Oklahoma State Plan for 1999, under the heading "Strategies/Tactic by Issue," notes the use of the Oklahoma Restaurant Association in a list of strategies for combating "Smoking Bans".

- a. Develop briefing paper focusing on common sense approaches to smoking restrictions – let businesses decide.
- b. Publicize the Accommodation Program.
- c. Continued support by the OK [Oklahoma] Restaurant Association is vital.
- d. Distribute the recent ORA [Oklahoma Restaurant Association] poll to legislators.
- e. Work with coalition centered around the retailers and other business groups to lobby against bill or propose reasonable solutions.⁵⁹

Oklahoma Department of Health Clean Indoor Air Regulations

However, the tide would slowly turn during the 2002 and 2003 legislative sessions. The primary catalyst for strengthening tobacco control and health advocacy with regard to clean indoor air issues was the arrival in June 2001 of Dr. Leslie Beitsch, MD, JD, formerly Deputy Secretary for the Florida Health Department, appointed as Oklahoma's new Health Commissioner.⁶⁰ Determined to actively promote tobacco control policies as directed by the Oklahoma State Board of Health, Dr. Beitsch began just a few months after taking office by banning smoking at health department main offices in Oklahoma City and health department offices in all 68 counties in what he publicly announced was "the first phase of an 'all-out attack' on tobacco products."⁶¹ An outsider to Oklahoma, Beitsch was educated at Harvard and Georgetown, and came to Oklahoma after the former health commissioner resigned in the midst of a nursing home scandal. He gained attention in April 2001, while still deputy secretary for the Florida Health Department (but already selected to come to Oklahoma), when he sent a letter (co-authored with Oklahoma's Board of Health president, Dr. Jay Gregory) to Oklahoma's House Speaker, Larry Adair, urging the legislature to reconsider the Oklahoma Tobacco Use Prevention and Cessation Act, stating that "while undoubtedly well intended, shifting the Oklahoma anti-tobacco efforts from the Department of Health to another state agency runs counter to successful campaigns in other states."⁶²

His "sometimes brash style and zealous pursuit of anti-tobacco policies irritated some policy-makers in Oklahoma."⁶³ However, former legal counsel for the American Lung

Association of Oklahoma Richard Barnes recalls how Beitsch's aggressive advocacy enhanced the development of tobacco control efforts in Oklahoma.

He came in June of 2001. He is the new kid on the block...he comes here from Florida. And then three months later 9/11 happens and then everything was diverted to bio-terrorism so it was... in early 2002 that is when Dr. Beitsch became very vocal and very forceful in pushing for clean indoor air. Because Florida had already taken the first step...he had been involved in that battle down there and he became literally like a lightning rod. And just caught all kinds of hell from the legislature and the Daily Oklahoman [largest statewide paper in Oklahoma].⁶⁴

The new internal Tobacco Free policy at the health department, which became effective on January 1, 2002, banned all tobacco use indoors and outdoors on health department premises, including personal vehicles. Beitsch told the *Associated Press* that "We need to get our house in order first" and noted that Oklahomans who arrive at health department facilities for needed services, such as obtaining birth and death certificates, and pregnant women seeking maternal care, should not have to face a gauntlet of smoking at the entrance. Brown & Williamson and Lorillard lobbyist Ken Nance responded publicly against the new policy, stating that "we have a good law as it is now."⁶⁵

Also in January, 2002, Representative Ray Vaughn (R-Edmond) introduced House Bill 2401, a sweeping clean indoor air measure that would prohibit smoking in "any place that is used by the general public to which the public is invited or in which the public is permitted," and would also prohibit smoking within 25 feet of all "fresh air intake" entrances to the applicable facilities. While a coalition of 19 state health organizations voiced their support, Lorillard lobbyist Ken Nance publicly called the proposal "just a little ridiculous."⁶⁶ Others agreed. Representative Michael Tyler (D-Sapulpa) expressed concern over the 25 foot rule. "I'm from a small town and we have small sidewalks. Twenty-five feet is in the middle of the street."⁶⁷ House Speaker Larry Adair (D-Stilwell) immediately assigned the bill to the Commerce, Industry and Labor Committee. Vaughn was disappointed, stating that the commerce committee was unfriendly toward tobacco restrictions, and would have preferred that it had been sent to the Health Committee. His fears turned out to be accurate, as Commerce Committee chair Representative Lloyd Fields (D-McAlester) pronounced the bill "dead on arrival." After the pre-legislative meeting, Fields and fellow committee member M.D. Leist (D-Morris) both smoked cigarettes in Leist's office while telling a reporter that the bill would have been a "bind on business."⁶⁸ A *Tulsa World* editorial derided Leist's attitude.

HB 2401 is a serious piece of legislation, intended to address a serious issue...but what it got was a quick kiss-off and good ol' boy benediction from Representative M.C. Leist, D-Morris, who expressed fear that the measure might prohibit smoking at rodeos and coon hunts. Now there's a genuine contribution to the public health debate.⁶⁹

In March 2002, a Cookson, Oklahoma man, Larry L. Krantwashl filed a federal lawsuit in the U.S. District Court for the Eastern District of Oklahoma. Krantwashl, a former smoker who suffered from emphysema and chronic obstructive pulmonary disease, and had been carrying an oxygen tank since 1994, claimed that the House Commerce, Industry, and Labor Committee had denied his rights under the Americans with Disabilities Act of 1990 (ADA) with regard to public accommodations access to a smoke free environment. In the complaint, he accused committee members of "being influenced by the tobacco lobbies to keep HB 2401 from being voted on,"

and that “this committee is refusing the electorate in the House of Representatives the right to enact legislation to coincide with the ADA.”⁷⁰ The suit named all 16 members of the committee, each of which was served by a federal marshal on March 20, 2002 and asked for compensatory damages of \$10,000 per defendant, plus punitive damages of more than \$1 million and a house floor vote on HB 2401. Committee chair Fields denied having been influenced by tobacco lobbies (despite having received \$1,775 from tobacco and restaurant lobbies between 1998 and 2001); other committee members called the lawsuit frivolous and ridiculed it.⁷¹ Representative Richard Philips (R-Warr Acres) produced a glass jar for fellow representatives to make contributions to his defense fund, and Representative Russ Roach (D-Tulsa) stated that “I’m going to send some old Perry Mason tapes for Drew [Attorney General Drew Edmondson] to look at so he can defend us.”⁷²

A concurrent attempt to enact clean indoor air legislation during the Spring 2002 legislative session came from Senator Ben Robinson (D-Muskogee), who introduced SB1553 into the state senate. This bill would originally have been very similar to Vaughn’s bill, making all public places and work places smoke free by banning smoking in any building where the public was “invited.” The measure was passed though the Senate’s Human Service Committee with an amendment that exempted restaurants, but gave them a sales-tax incentive (a 3.4 cent offset on the 4.5% tax rebated to the state) to go smoke-free.⁷³ By the time a floor substitute passed the Senate, all reference to restaurants and other public places had been removed, leaving only the State Capitol Building (but not other state buildings), and places already covered by existing law, such as movie theatres, other indoor theatres, libraries, art galleries, museums, and skating rinks smoke free.⁷⁴ Even this watered down bill encountered resistance when it reached the House. House Speaker Adair assigned the bill to the Commerce, Industry, and Labor Committee, despite Ray Vaughn’s (the bill’s House Sponsor) request to have the bill reassigned to the Health Committee. The speaker stated that “As a nonsmoker, I am not opposed to Representative Vaughn’s ban on smoking in the Capitol building, but as speaker, I have responsibility to follow procedures and be consistent in bill assignments.”⁷⁵

The controversy heated when Judy Dobelbower, legislative assistant to Representative Carolyn Coleman (R-Moore) since 1996, resigned in late March, citing respiratory and other health problems, including aggravation of her migraine headaches, associated with the secondhand smoke from lawmakers’ offices.⁷⁶ Coleman announced that she supported her former assistant’s intention to seek a grievance with the Occupational Safety and Health Administration for “the unhealthy and hostile environment caused by this problem, along with remedies available to her through the workers compensation system, the equal Employment Opportunity Commission and the Department of Labor.” A petition signed by 88 people, including 18 legislators, was submitted to the House Chief Clerk and Administrator Larry Warden, asking for a review of the House’s smoking policy, and Coleman asked Speaker Adair to address the issue by banning smoking at the Capitol and other state buildings in the State Capitol Park complex. Adair replied that legislators had been informed of the need to keep their office doors closed when smoking, but did not know what else could be done under current rules.⁷⁷

Speaker Adair did urge Commerce, Industry and Labor Committee chair Fields to allow SB1553 a committee hearing, while Fields mentioned that he wanted the bill to include a

provision for designated smoking areas.⁷⁸ After Fields proposed an amendment to that effect, Representative Russ Roach (D-Tulsa) argued that such an amendment would allow legislators to continue smoking in their offices, since these could simply be designated as smoking areas. Roach then amended Fields' amendment, requiring smoking areas to be equipped with separate ventilation systems, without which, he claimed, the bill would simply provide "the illusion that we've done something."⁷⁹ With Roach's amendment, the bill passed through the committee, and a floor substitute expanded the measure to include all state buildings, also prohibiting smoking within 25 feet of an entrance or exit, and allowed county and municipal government buildings to enact similar restrictions. While the bill passed the House with an overwhelming 82-14 majority, some lawmakers were vocally opposed to the floor substitute. Representative Bill Graves (R-Oklahoma City) stated that "I think we're being stampeded by what somebody has called the 'health fascists.'"⁸⁰ Nonetheless, the bill was signed by Governor Keating on April 17, 2002, who called it "a magnificent bill," and stated that "this is a first step, but a very important step, in eliminating secondhand smoke in areas of public access."⁸¹

Meanwhile, frustrated by the mediocre progress of Oklahoma's lawmaking bodies on the second hand smoke issue, Health Commissioner Beitsch and the Oklahoma Board of Health decided to extend the Health Department's internal smoking ban policy to all public places and workplaces in Oklahoma via permanent amendments to the Board of Health administrative rules. Administrative procedure acts in Oklahoma allow state agencies, such as the health department, to enact new rules (amendments) to take effect during the legislative session that would serve as permanent state law, as long as they are signed by the governor and not blocked by a majority of both legislative houses. Emergency rules can become effective upon the governor's signature even when the legislature is not in session, but they are only effective for one year, while the legislature has the opportunity to repeal them over the following legislative session.⁸² Bob Miner, former coalition leader (1997-1999) and currently Clean Indoor Air Program Coordinator at the Oklahoma State Department of Health, recalled the initial decision.

The State Board of Health had tentatively planned for many months to use their administrative rulemaking authority in 2002, if the legislature had not yet acted, to extend effective protections from secondhand smoke under the Smoking in Public Places Act. It was decided to do this incrementally at their February and March meetings, with the first session promulgating rules for six types of healthcare facilities plus ambulances, all licensed by the Department of Health. In March, rules were promulgated for seven additional types of establishments licensed by the Department of Health, plus a set of more comprehensive rules covering most indoor public places and indoor workplaces with only a few exemptions. There were allowances for smoking rooms if such rooms met several requirements to effectively protect the air in nonsmoking areas from contamination by secondhand smoke. The governor has 45 days to approve such permanent rules, and his signature is required. The legislature can block administrative rules only by majority vote of both houses within 30 legislative days. Governor Keating waited until after the March Board of Health meeting before taking action on any of these rules. Then he signed five of the original seven, and announced he would not sign the other ten because he felt they each conflicted in some way with the statutes. However, he indicated his support for the intent of the unsigned rules, and he urged the Legislature to amend the Smoking in Public Places Act to provide clean indoor air inside public places and workplaces. The Coalition and their partners kept up their campaign. The governor repeated this call to action by the legislature at a signing ceremony for SB 1553, the measure making state buildings smoke free. After that even his staff privately asked leaders of some of the public health groups to tone down their campaign, as all phone lines to the governor's office had been tied up with calls from constituents calling first for the rules, then for clean indoor air legislation.⁸³

The Board of Health thus passed two sets of administrative rules in early 2002, one set that prohibited smoking in health care facilities and the second that covered all public places and work places, including restaurants. Governor Keating, who had stated that he was “viscerally in favor of a smoking ban in restaurants,”⁸⁴ signed most of the first but none of the second, concerned with the legal implication of a state agency making new law that conflicted with current law, specifically the 1994 amendments to the 1987 Smoking in Public Places Act. In an April 5, 2002 letter to Commissioner Beitsch, the governor regretfully stated his objections.

I wholeheartedly support the Oklahoma Board of Health’s efforts to reduce the incidents of smoking and the negative effects of secondhand smoke, within the confines of the law. However, I must disapprove all rules in the second set regarding smoking in public places other than health care facilities. A great majority of these proposed rules directly conflict with the Smoking in Public Places Act...when the law specifically authorizes smoking in a public area, the Oklahoma Board of Health cannot pass a rule prohibiting it...again, I do support your efforts, but believe we must respect constitutional principles such as the doctrine of separation of powers. While I must disapprove these rules for the legal reasons stated above, I am calling on the Legislature to change the law to prohibit smoking in most public places. Their action would in effect implement your rules in a legal fashion.⁸⁵

That same day, the governor’s office issued a press release in which Keating stated that he agreed with “the sentiment” of the rules, and that “the answer is for the legislature to take a bold step for public health and rewrite the law...if no action is taken this session, I will work with the Health Department to develop strong rules which restrict smoking but conform with the law.”⁸⁶ When the governor signed SB 1553 a few weeks later in a ceremony in the Blue Room at the Oklahoma State Capitol, he repeated his challenge to the legislature to change the existing statutes, and promised, “To sit down with the Health Department and help its officers write rules ‘that will pass legal muster’ to ban smoking in public places such as restaurants if the Legislature fails to do that in the six weeks remaining before adjournment.”⁸⁷ The legislature failed to do it. Doug Matheny, Chief of the Tobacco Use Prevention Service at Oklahoma State Department of Health, and Bob Miner recalled the process of working with the governor’s staff in the following months.

As soon as the legislature adjourned in 2002 without enacting more extensive clean indoor air legislation, the Health Department team – working closely with its legal counsel, TFOC [Tobacco Free Oklahoma Coalition] leadership and the governor’s staff – moved into high gear to draft a new set of rules during the few days left before the Board of Health meeting in June. Under these circumstances, when the legislature is not in session, the Administrative Procedures Act in Oklahoma allows for emergency rules that require only the governor’s signature. Unlike permanent rules, these are effective for only one year or until the legislature has the opportunity to review them. This set of rules was another Chapter 99, to cover a broad array of indoor public places and indoor workplaces, with only a few exemptions. A fresh approach was taken, this time taking pains not only to be consistent with existing statutes, but also to overcome the objections the governor had had with the rules promulgated in March. A very strong set of rules was developed and approved unanimously at the Board of Health meeting on June 6. These were in many sections so that small individual components could be disapproved without disrupting the entire package. The governor could pick and choose to some extent. We were given assurances by the governor’s staff that he would probably sign the public places sections; they were not at all sure about the private workplaces rules, but they were left in the package in hopes that they, too would be approved. The public health groups continued their show of support, encouraging gubernatorial approval of all of the new emergency rules. On June 27, with only three hours

notice, Governor Keating surprised almost everyone with a news conference to announce he was signing all of the clean indoor air rules adopted by the Board of Health and that they would be effective July 1.⁸⁸

Many of Oklahoma's legislators felt that the governor and the Health Department had overstepped their constitutional authority in this regard, and that unelected officials did not have the right to make policy. The tobacco lobby and its allies certainly felt this way. Benny Vanatta, lobbyist for the Oklahoma Restaurant Association, stated of the original proposed rules in March that "We think the commission has way overstepped its bounds and is making new law,"⁸⁹ and followed in July with the comment that "I hope Dr. Beitsch is a better doctor than he is an attorney."⁹⁰ Regardless of the legality of the rules, Richard Barnes credited the controversial publicity with helping to pass SB 1553, as well as inciting future legislation initiatives.

What those Board of Health rules did and this is crucial to the whole story...they passed the first set of them like the middle of February...and of course it hit the news...and the news coverage, the editorials, the letters to the editor on the pros and cons of regulating smoking in public places was just enormous and we already had our battle plans laid for editorial boards, board meetings and all of that. And that is the only reason the bill [SB1553] passed that banned the smoking in all state owned and operated buildings in counties and cities to be smoke-free is because of the publicity that those board of health rules generated...Which was just enormous. I mean we were getting two and three stories a week about what was going on. You couldn't pay for this kind of stuff... It was just all earned media and then in early June after the session is over and we worked in April and May with the governor's staff to come up with rules that the governor would sign. And the board of health passed them in June. The governor signs them and we have a big press conference about it and the governor is telling them I told the legislature if they didn't take care of it I was going to do this. They didn't take care of it so here we are doing it.⁹¹

On June 27, 2002, the day after the governor signed the new emergency rules, Sapulpa plaintiffs Freddie's Barbecue and Steakhouse and the Veterans of Foreign Wars Post 1320, in consultation with the Oklahoma Restaurant Association, filed suit with the Creek County, Oklahoma District Court.⁹² The suit, which named the Oklahoma State Department of Health and Governor Frank Keating, claimed that the rules were more stringent than state law and ran contrary to the intent of the legislature. Keating and the Health Department attempted to have the lawsuit moved to the U.S. District Court in Tulsa; health department attorney Charles Broadway claimed that "there are a number of constitutional issues that have been brought up, and we feel that the federal court is the best arbitrator for those... the Americans With Disabilities Act also may come into play because many people have ailments that preclude them from being around cigarette smoke but who still want to eat in restaurants."⁹³ On July 12, 2002, U.S. District Court Judge James H. Payne ruled to send the suit back to state court in Creek County, stating that "the controversy will be resolved by a determination of whether defendants have exceeded their authority under Oklahoma statutes, and whether the rules at issue conflict with Oklahoma law...no substantial question of federal law must be answered to determine plaintiff's claims."⁹⁴

Creek County District Judge Donald D. Thompson issued a temporary injunction on July 23, 2002 blocking enforcement of the emergency rules on all effected business (his previous temporary restraining order applied only to the two plaintiffs), stating in his ruling that "there is a strong likelihood that the plaintiffs will prevail on the merits" of their case.⁹⁵ Benny Venatta declared a victory, stating that "It's exactly what we wanted to happen...It was never a smoking

issue...It was an issue about who had the authority to do it. They did not have the authority to make new law.” Echoing the sentiment of the Restaurant Association lobby, State Senator Mike Morgan (D-Stillwater), who was also the plaintiffs attorney, told the *Associated Press* that enforcement of the new health department rules “would create a ‘bureaucratic dictatorship,’”⁹⁶ and that “this is government bureaucracy out of control...this practice has to be stopped now before it goes any further.”⁹⁷ He called Judge Thompson’s injunction “a big victory for Oklahoma businesses.”⁹⁸ The health department filed an appeal with the Oklahoma Supreme Court on August 20, 2002 asking the court to overturn the injunction and transfer jurisdiction to Oklahoma County, claiming that under jurisdictional law the venue for legal action against public officials is their county of residence.⁹⁹ After hearing arguments in late August, the Supreme Court on September 12, 2002 unanimously rejected the agency’s request for a change of jurisdiction, and the case remained in Creek County.¹⁰⁰

Meanwhile, the American Lung Association of Oklahoma filed a federal lawsuit on July 18, 2002 in Tulsa, claiming that the 1987 Oklahoma Smoking in Public Places Act, which allows business to be all-smoking if they chose, violated the ADA. Named as defendants in the suit were the VFW post and restaurant named as plaintiffs in the Creek County lawsuit, as well as the Oklahoma Restaurant Association and the health department (the suit also challenged certain provisions of the new emergency rules). When U.S. District Judge Sven Erik Holmes denied the American Lung Association’s motion for a summary declaratory judgment regarding the ADA challenge and delayed the challenge to the administrative rules pending the outcome of the Creek County case, the suit’s defense attorney Sen. Michael Morgan (D-Stillwater), also the plaintiff’s attorney in Creek County, said that he was “very pleased” with the ruling and that he believed that the federal lawsuit was “pretty well dead in the water.”¹⁰¹ While the suit was not successful, it flushed out one crucial aspect of the Oklahoma Restaurant Association’s political agenda. In the Response to Plaintiff’s Statement of Undisputed Material Facts, the Oklahoma Restaurant Association stated in a footnote that:

In view of plaintiffs’ desire to use this action to establish statewide smoking policy, the ORA [Oklahoma Restaurant Association] requested, and hereby acknowledge, that Brown & Williamson Tobacco Corp., Lorillard Tobacco Company, and R.J. Reynolds Tobacco Company provide financial and legal assistance in defending this action.¹⁰²

Nonetheless, while the American Lung Association’s lawsuit did not survive, neither did the Creek County lawsuit against the rules; the controversy over the rules became a moot issue with the introduction and passage of Senate Joint Resolution 21 in early 2003. The development of this new legislation, which would provide for smoke-free workplaces and public places, began when the Oklahoma Restaurant Association announced in a press conference on December 11, 2002 that it would support smoke-free public places and workplaces legislation in the Spring 2003 legislative session.¹⁰³ Doug Matheny and Bob Miner recalled the suspiciousness surrounding the Oklahoma Restaurant Association’s sudden turnaround.

By December 2002, there had been reports that moderate and pragmatic forces within the Restaurant Association might prevail and lead the association in the direction of accepting some type of smoke free restaurants legislation, particularly if it would create a level playing field, that is, if it would affect everyone similarly without special exemptions for certain types of establishments. The association attracted considerable attention when they called a news conference to announce their support for a clean indoor air bill. But instead of a realistic proposal,

they called for a stringent smoking ban to include bars and that it be submitted to a vote of the people, with a two-thirds supermajority required for passage. The Restaurant Association claimed to be turning over a new leaf, but the proposal seemed designed to frighten some potential supporters and to have little chance of getting a majority, much less two-thirds, of the electorate to support it if the legislature were to place the matter on the ballot. Dr. Beitsch, the Commissioner of Health, even attended the news conference commanding considerable media attention in the parking lot afterwards and pointing out flaws in the measure and in the tactics of the Restaurant Association and their allies in the tobacco industry. The measure was introduced as SJR21 with heavy-hitting sponsors, underwent significant changes at several steps in the legislative process, emerging as the vehicle for new clean indoor air laws at the conclusion of the 2003 session. Some within the Restaurant Association and the bill's sponsors undoubtedly were sincere in their support. However, my theory has been that some opponents of clean indoor air – inside and outside the Restaurant Association – thought that this would be fun, that its sound defeat could seal the door on prospects for effective clean indoor air legislation for several years, and that they could easily assure that it would not pass. As it progressed during the session, there was strong public support for a much broader smoking ban, and in my opinion, they overestimated their ability to stop it. The public health community united to disseminate excellent information on the health effects of secondhand smoke and the need to reduce exposure, while the media gave the issue full attention. Three clean indoor air bills were introduced, all passing both the House and Senate. SJR21 is the one that finally emerged as new law, and it had been launched by the Restaurant Association.¹⁰⁴

Dr. Beitsch agreed that the supposed change of heart was a facade. The measure would prohibit smoking even in bars, and would be even more stringent than smoking bans in California and Massachusetts. Further, the proposed two-thirds referendum requirement that the Oklahoma Restaurant Association supported was contrary to the state's constitution. "It is clearly the intention [of the association] to put on the ballot a measure destined to fail" Beitsch told reporters in the parking lot outside the Oklahoma Restaurant Association's December 11, 2002 press conference.¹⁰⁵ Even governor-elect Brad Henry remarked that "I think it's an unrealistic proposal and they probably realize that... I just can't imagine why in the world we would submit any vote to the people and then require a two-thirds vote for passage. It makes no sense to me."¹⁰⁶ Benny Vanatta stated that he hoped that "the results of the election would serve as an indicator to the Legislature and to future legislatures of what the people want," and when asked if the Oklahoma Restaurant Association was deliberately proposing a bill designed to fail, he replied that "We think it has a very good chance to pass."¹⁰⁷

Dr. Beitsch eventually resigned and moved back to Florida in 2003, for reasons not specified, but his leaving was amid growing pressure from those hostile to his agenda. The controversy over clean-indoor air, initiated by his pursuit of the emergency rules, likely prompted the development of Senate Joint Resolution 21. Amid a flurry of public smoking bills, only SJR 21 survived the 2003 legislative session, and had an ironic trio of sponsors: Oklahoma Restaurant Association counsel Sen. Mike Morgan (D-Stillwater), Senate President Pro Tem Cal Hobson and House Speaker Larry Adair. The Institute on Money in State Politics, tracking the \$159,818 given to Oklahoma legislators between January 2001 and January 2003 by tobacco companies and their lobbyists, listed Hobson the highest recipient of tobacco money in the Senate (\$6,450) and Adair the highest recipient in the House (\$5,909). The new governor, Brad Henry, a proponent of the bill, received more tobacco dollars (\$6,750) than any other elected official in the past election cycle.¹⁰⁸ After a great deal of negotiating and amending, the bill did not require a referendum, and while it failed a final vote in the House on the morning of May 29, 2003 (47-51), it passed 52-45 when brought back in the afternoon after a flurry of lobbying.



Figure 3. David Simpson. – 12/18/2002 From the *Tulsa World*, not an endorsement. Reprinted with permission

Governor Henry signed the bill on June 6, 2003, making Oklahoma the fifth state in the country to have statewide smoking restrictions, behind California, New York, Florida, and Delaware.¹⁰⁹

SJR 21 brought the clean-indoor-air standard to most Oklahoma public places and most work places, with some exceptions. Restaurants were given an extension for phase-in of the bill until March 1, 2006, ostensibly so that those who chose could build smoking rooms in which food and beverage may be served, but “which shall be in a location which is fairly enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is re-circulated to non-smoking areas of the building.”¹¹⁰ Otherwise, the act became effective September 1, 2003. Some specified places, such as stand-alone bars, licensed bingo rooms, tobacco stores, and workplaces “where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access” were exempt.¹¹¹

State Preemption of Local Clean Indoor Air Ordinances

Following the 1986 Surgeon General’s report on second hand smoke, some employers in Tulsa, under the leadership of a local dentist working with the American Lung Association of Oklahoma, began to openly favor smoke free workplaces, prompting opponents to suggest enacting a state law on smoking in public places. Senate Bill 327 began the 1987 legislative session with impossibly strong language for the standards of the time, prohibiting smoking in all public places, including bars, and proposing stiff enforcement with misdemeanor criminal fines. By the time SB327, called the Smoking in Public Places Act, passed the legislature and was signed by Republican Governor Henry Bellmon in June, it was a completely different bill.

Richard Barnes, government relations manager for the American Lung Association of Oklahoma, refers to the law as the “Unclean Indoor Air Act of 1987, and recalls:

It no longer prohibited smoking except in designated smoking areas meeting minimum standards, but merely provided that “smoking and nonsmoking areas may be designated” in a public place. Smoking was prohibited only in a designated nonsmoking area...

Also stripped of the bill were all of the enforcement provisions and all of the minimum standards for protecting nonsmokers except for enforcing no smoking in the nonsmoking areas by asking smokers to refrain from smoking in nonsmoking areas upon request of a client or employee suffering discomfort from the smoke.

Worst of all was the addition of the dreaded “preemption” section that prohibited cities and towns from enacting laws that are “more stringent than those of this act”.

As a result of the different versions passed in each house, SB327 was referred to a Conference Committee. What came out of conference was worse yet. It now *mandated* the designation of smoking and nonsmoking areas...and the dreaded “preemption” section was still intact.¹¹²

By at least 1992, the industry was becoming alarmed at the potential impact of workplace smoking restrictions. A Philip Morris analysis in that year stated in its Summary of Major Findings:

Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average. Only 6.4%-10.3% of smokers face total workplace prohibition but these restrictions are rapidly becoming more common.

Milder workplace restrictions, such as smoking in only designated areas, have much less impact on quitting rates and very little effect on consumption.

If smoking were banned in all workplaces, the industry’s average consumption would decline 8.7%-10.1% from 1991 levels and the quitting rate would increase 74% (e.g., from 2.5% to 4.4%).¹¹³

In order to ensure that any authority to pass smoking restrictions would be confined to the state legislature, where the industry could centralize its lobbying efforts, preemption clauses prohibited local municipalities from enacting tobacco control ordinances more stringent than the state statutes.¹¹⁴ A 1985 R.J. Reynolds state analysis document noted that smoking regulation at the local level had yet to appear in Oklahoma, but that anti-tobacco forces may take such a strategy:

Affiliates of the American Cancer Society and the American Lung Association have proposed legislation at the state level, but no attempt has been made to enact a local smoking control law. However, such an effort is probably inevitable and will likely come in Tulsa, where some members of the medical community have made public remarks concerning the need for such a law.¹¹⁵

When the 1987 Smoking in Public Places Act (SB329) was passed, the Tobacco Institute noted that “A very mild smoking restriction law was passed in 1987 which included language preventing municipalities from regulating smoking.”¹¹⁶ The tobacco industry continued to vigorously support preemption throughout the 1980s and 1990s.

The Tobacco Institute demonstrated its commitment to preemption of smoking ordinances in a 1990 memorandum which began with the announcement that “As part of the industries [sic] proactive program, we have introduced in Oklahoma HB 1812, a hiring discrimination bill.”¹¹⁷ The bill had been referred to the House Business and Commerce Committee and was ordinarily something to which the industry would have been favorable. However, the Tobacco Institute quickly realized where its priorities lay.

Ken Nance has expressed grave reservations about trying to move the bill...Ken’s concerns are: an attempt by our opponents to amend the bill to remove the local pre-emption on the state’s smoking restriction law (We all agree-maintaining that pre-emption is top priority Oklahoma)... Opinion of the majority of industry lobbyists in Oklahoma City is that while a hiring discrimination bill would be helpful to the industry, the chance of jeopardizing the local pre-emption must outweigh all other concerns.¹¹⁸

While no state had managed to reverse preemption at the time, the Coalition on Smoking or Health decided to attempt this goal in November, 1995. After organizing an interim study on the issue by the House of Representatives, resulting in substantial media attention, the House proposed HB 2493 in January 1996 with 44 House and 14 Senate co-authors. A similar bill had passed the House the year before but stalled in the Senate. Seven cities had already adopted resolutions requesting that the legislature allow them to impose their own tobacco ordinances: Ada, Claremore, Oklahoma City, Midwest City, Stillwater, Warr Acres and Weatherford.¹¹⁹ A *Tulsa World* article cited former New York Yankees member Bobby Murcer and representatives of the American Cancer Society as urging the legislature to support the bill.¹²⁰ Even Governor Keating indicated that he would sign the bill if it passed the legislature, which would have completely countered the language in state tobacco laws with regard to preemption.¹²¹ The language of the proposed bill was revolutionary:

Nothing in the Smoking in Public Places Act shall be construed to supersede or in any manner affect a municipal smoking ordinance provided that the provisions of such ordinance shall be the same as or more stringent than those provided for in the Smoking in Public Places Act, including the enforcement provisions.¹²²

The tobacco lobby enlisted the aid of the Oklahoma Restaurant Association and the Oklahoma Grocers Association to fight the newly proposed anti-preemption law.¹²³ Philip Morris sent a notice to retailers in February 1996 that began with the following announcement:

The Ada, Ok. [Oklahoma] City Council today passed a new city ordinance that imposes sweeping new regulations, stiff fines and penalties for retailers that sell cigarettes and tobacco products from their stores within the Ada city limits... The Ada City Council is also considering enacting rules and regulations that would require retailers to record the name, age, type of product purchased, etc. for each customer purchase of any tobacco product... A new ordinance to ban smoking in all public places will be considered at the next city council meeting...¹²⁴

Of course, the Ada City Council was planning no such ordinance. The announcement was an attention getter. The Philip Morris notice to retailers went on to state that:

What you have just read is fiction...for now. Legislation has just been introduced into the Oklahoma House of Representatives called House Bill 2493 that will repeal the preemption clauses found in the “Smoking in Public Places Act” and the “Prevention of Youth Access to Tobacco Act”... It means that H.B. 2493 as introduced by Representative Raymond L. Vaughn,

Jr., will repeal the preemption clauses in the Oklahoma Tobacco Laws which opens the door for any town or city or county to impose stricter or harsher regulations, fines, penalties, ordinances, etc...

Can H.B. 2493 be stopped? Absolutely! A flood of calls from angry store keepers will bring this nonsense to a screeching halt... Your senator and representative will take your opinion seriously... explain the impact of increased regulation and red tape and the un-reasonable burden that this will place on your livelihood.¹²⁵

Both the restaurant and grocers associations went into action. The Oklahoma Restaurant Association sent an official statement to the Oklahoma Newswire in January 1996, declaring that “House Bill 2493 will weaken Oklahoma’s smoking laws by confusing and harassing the public and make it harder and a lot more expensive for business to educate their employees about the existing laws.”¹²⁶ The statement urged customers and businesses to contact their representatives and “urge them to fight the bill for the good of Oklahomans.”¹²⁷

Clarity and uniformity were clearly not the primary concern for the industry or their supporters. Philip Morris’ 1996 tract titled “In Opposition to Efforts to Repeal Oklahoma’s Uniform Smoking and Tobacco Sales Laws” adds to the rhetoric about confusion and then comes more to the point.

Some localities may do nothing, while others may decide to ban smoking. As smokers (who may account for 25% of patrons, or more) seek out accommodating establishments, restaurants in communities that prohibit smoking could lose significant revenues... that the current Oklahoma law makes sense is further reinforced by a number of recent studies indicating that a clear majority of the general public prefer the accommodation of nonsmokers and smokers instead of a ban.¹²⁸

Clearly, the industry was not concerned with helping businesses avoid confusion and address smoking “uniformly and effectively.” Rather the industry was really concerned with making sure that limited and ineffective state clean indoor air regulation was enacted by the legislature, which could not be strengthened anywhere in the state by local governments.

Representative Ray Vaughn

In 1996, Representative Ray Vaughn (R-Edmond), a long-time proponent of tobacco control, was also pressured by his colleagues in the House Leadership to withdraw his own bill before a committee vote, limiting the passage of legislation to only allow municipalities to mirror state law (eliminating “super-preemption”, a condition disallowing municipalities from enacting identical legislation as the state, so that such laws can be locally enforced). Doug Matheny and Bob Miner discussed how the defeat occurred.

The anecdotes that I heard were about a meeting in January 1996 between Representative Ray Vaughn and certain individuals who went into an office with the door closed and came out with an agreement that Representative Vaughn would withdraw his bill to repeal preemption and that his companion bill would be supported, providing it only allowed localities to pass ordinances on clean indoor air and prevention of youth access that mirrored the provisions of state laws and were no stronger than state laws. The reports I heard identified the people who met with Representative Vaughn as being tobacco lobbyists. The details of this event and the negotiations that ended this very serious attempt to repeal preemption have never been out in the light where I could see them.¹²⁹

Philip Morris' Draft Oklahoma State Plan for 1997 recalled the legislative victory with a note of caution, stating that "Oklahoma currently has sales/marketing preemption. In '96' strong attempts failed to reverse this and expect similar attempts in '97."¹³⁰ Since Ray Vaughn's humiliation in 1996, preemption has sat sturdily in Oklahoma state law without serious challenges. The 1997 Philip Morris Draft Oklahoma Plan, despite its cautionary reference to future attempts at repeal, noted a somewhat favorable landscape. "The political environment is somewhat favorable. The legislature remains balanced...Speaker Glen Johnson has abdicated his position to Lloyd Benson who supports preemption, but generally not with us on other issues."¹³¹

In the Spring of 2002 legislative session, Representative Vaughn attempted again to introduce legislation repealing preemption.¹³² The government relations manager for the American Lung Association, Richard Barnes, even announced publicly that preemption was unconstitutional, and that the Oklahoma constitution's "constitutional home rule" provision for cities like Tulsa guarantees that they may "pass ordinances that may conflict with state law as long as that ordinance is local in nature."¹³³ Tulsa never passed such an ordinance, and Vaughn never saw Oklahoma's preemption clauses repealed. Vaughn was, however, ultimately successful in bringing about the other reforms discussed in this report, and is well remembered by health advocates, along with former State Senator Ben Robinson (D-Muskogee), as one of the two state legislators most dedicated to reducing the problem of tobacco in Oklahoma.¹³⁴

In summary, efforts to enact vigorous clean indoor air smoking restrictions in public and workplaces were unsuccessful during the late 1980s, resulting in a pro-tobacco industry act in 1987, which included local preemption and actually required smoking sections in restaurants. Real progress in clean indoor air did not arrive until 2003, when a Senate Joint Resolution, created in reaction to an aggressive health commissioners' public campaigning, brought about smoke-free public places and workplaces.¹³⁵ The tobacco industry resisted efforts to bring about clean indoor air smoking restrictions, but despite engaging in rigorous opposition was unable to thwart the resolution that brought Oklahoma clean indoor air in 2003. However, the state preemption clause has never been reversed.

CHAPTER 4: TOBACCO TAXES

Tobacco Taxes Prior to State Question 713

Oklahoma Attorney General Drew Edmondson noted in July 2004 that:

Historically Oklahoma has been a low tax state in terms of tobacco products. I don't know right now where we rank among the fifty states but I would guess that we are in the bottom ten. And that is largely a result of the tobacco lobby and its efforts here in the State of Oklahoma.¹³⁶

The Attorney General actually guessed quite closely. While Oklahomans voted and passed in November 2004 a referendum known as State Question 713 for a net 55 cent (per-pack) tobacco tax increase, the Oklahoma legislature had not otherwise raised its tax since 1987, when it increased the tax from 18 to 23 cents per pack. By 2004, before passage of the referendum, Oklahoma ranked 42nd among the 50 states for the size of its cigarette excise tax.¹³⁷

As early as 1983, the industry was active in fighting tobacco tax legislation in Oklahoma. In March of that year, Lorillard Tobacco Company sent notices to Tobacco Action Network (TAN) volunteers in Oklahoma, informing them that the Oklahoma Senate was considering House Bill 1325, which would increase the excise tax by four cents. The letter informed its volunteers that:

It is our feeling that such legislation is not only unfair and unwise, but detrimental to the entire industry. If you agree, please write to or telephone your state legislators, express your opposition to House Bill 1325, and encourage them to vote "NO." The name, address and telephone number of your state senator appears at the bottom of this letter. Enclosed you will find a list of points that can be made (in your own words) in opposing this tax increase...It is important that you contact your state legislators as soon as possible to ensure that your voice will be heard before final action is taken on the bill.¹³⁸

A ten-page "Regional Excise Tax Fact Sheet" by the Tobacco Institute in February 1988 was sent by the manager of legislative issues, Paula Duhaime, to a regional staff member with a request to have a copy made for Ken Nance.¹³⁹ The fact sheet stated that "Oklahoma's cigarette sales, which had declined at a steady rate of nearly 3 percent annually for the previous five years, slipped 4 percent in 1987... since then, tax-paid sales have dropped nearly 12 percent for the six months for which data are on hand."¹⁴⁰ After noting these alarming facts about declining sales, the fact sheet served as a resource for arguments against future tax increases, claiming that further increases would cause reduced tax revenues by further decreased sales, rising illicit sales, and lower revenues for grocers and other retailers due to decreased consumption. The sheet also argued that the tax will disproportionately affect low-income households, stating that:

More than 250,000 – or 20 percent – of Oklahoma households have an effective buying income of less than \$10,000 per year. It is the smokers in these families who will suffer the most from an increase in the cigarette tax rate...Under the current tax a household in Oklahoma with two average smokers pays \$482 in state and federal taxes on cigarettes a year for the pleasure of smoking. If another 4-cent tax were to be added to the price of cigarettes, this same family would pay \$526 in taxes for its cigarettes.¹⁴¹

The Tobacco Institute fact sheet also purported to be concerned about the effect of a tax increase on Oklahoma's elderly, as "13.2 percent Oklahoma residents are aged 65 or over. For those elderly persons, many of whom are living on a fixed income, any increase in the state cigarette tax rate may take away this affordable pleasure."¹⁴² Some of these arguments may have been effective, as the industry rejoiced when efforts to raise the cigarette tax failed in the 1988 session. A Choice Action Alert sent out by R.J. Reynolds in November of that year declared:

A Victory for Smokers in Oklahoma! – Governor Henry Bellmon tried to increase cigarette taxes, but failed, at least for the time being. State officials decided against raising cigarette taxes to finance prison reconstruction. However a cigarette tax increase is likely to come up again when the legislature reconvenes in January. So write to your representatives in Oklahoma City now. The addresses at the state capitol are...¹⁴³

The Institute's public relations efforts seemed to be effective. In July of the following year, R.J. Reynolds was proud to declare that:

Smokers in Oklahoma should give themselves a pat on the back. Their phone calls and letters helped keep a cigarette tax increase off the Legislature's agenda...Gov. Bellmon wanted to raise your cigarette taxes by 60 cents a carton to finance a bond issue. The governor went to the Legislature with the proposal but it received little support. Legislators had received a loud and clear message from smokers that the governor's proposal was extremely unfair.¹⁴⁴

The industry's sophistication and influence during this early period is illustrated by the State Tax Plan composed by the Tobacco Institute in September 1989, just a couple of months after R.J. Reynolds latest congratulatory victory statement. The heading "Objective" is followed by the statement "To convince legislators that higher tobacco taxes should not be a part of any plan to improve the state's finances, and that the Governor's bond proposals should not be funded by tobacco tax hikes."¹⁴⁵ To achieve this goal, the heading "General Strategy" is explicit.

The tobacco industry has an outstanding lobbying corps in Oklahoma, led by TI [Tobacco Institute] legislative counsel Ken Nance. This group will continue its practice of gleaning advance information as to the exact nature of the Governor's tobacco tax proposals, and persuading key legislative leaders that the plans are unsound. The new House Speaker, Representative Steve Lewis who ousted Speaker Jim Barker in a power move last year, will play an important role in the resolution of the cigarette tax issue. As the Governor's precise intentions are determined, Lewis will be urged to delay referral of the bill to committee, and later refer it to a committee which will view it with a very critical eye.¹⁴⁶

The heading "Resource Needs" describes the process of using "a large number of grassroots contacts" with legislators, with most of the mail generated from tax activists and phone bank operations using member-company mailing lists. Resources included a possible "media tour with TI [Tobacco Institute] economists... during the 1990 legislative session."¹⁴⁷

In September 1990, R.J. Reynolds' "State Tax Plan" summarized "Industry Action" and again illustrated the planning, organization, and resources behind industry efforts to keep cigarette taxes from being passed.

TI [Tobacco Institute] legislative consultant Ken Nance, in cooperative effort with other industry lobbyists, is working intensely to obtain advance information concerning anticipated legislation

seeking to increase tobacco taxes...support will be sought from organized labor, members of the Oklahoma Association of Tobacco and Candy Distributors, as well as other industries subject to excise taxes and targets of tax increase proposals...targeted legislative leadership and executive department personnel will receive telephone calls, letters and mailgrams from TAX activists as well as interested registered voters.¹⁴⁸

In 1994, Tobacco Institute proudly declared that due to their lobbying efforts, “for the past seven years, under both Republican and Democratic governors, proposed tobacco tax increases have been repeatedly defeated.”¹⁴⁹

The tobacco tax issue would remain dead for almost a decade. Bob Miner recalled the difficulty of supporting tax increases during the late 1990s.

The tobacco excise tax increase was in the policy arsenal of the Tobacco Free Oklahoma Coalition, even before adoption of a state plan with policy recommendations in January 1999. In our successful 1996 application to The Robert Wood Johnson Foundation for a three-year SmokeLess States grant, TFOC [Tobacco Free Oklahoma Coalition] stated that increasing the excise tax was a policy priority.

When the RWJ [Robert Wood Johnson] selection committee visited Oklahoma I was responsible for the presentation of our support for increasing the excise tax, and I recall taking the issue to the American Heart Association/Oklahoma Affiliate Board of Directors for their specific authorization before agreeing to make that presentation. Increasing tobacco excise taxes was already a policy of the national AHA organization, but it was important to make the Oklahoma Affiliate Board aware of this fact and to assure their support. The Oklahoma AHA [American Heart Association] Board had previously voiced caution over participation in a coalition that might speak out loudly – and independently – on public policy issues. Though tax increases are especially sensitive issues, the Oklahoma Affiliate Board signed on once they understood the issue. When we made the presentation assuring the RWJ [Robert Wood Johnson] panel of TFOC’s [Tobacco Free Oklahoma Coalition’s] dedication to a significant increase in excise taxes, two legislators who were present also spoke in support of this as a long-term goal, but they stated it would be very difficult to get such a measure through the legislature in the near future, especially in an election year.

Since 1994, I had worked in various capacities within TFOC [Tobacco Free Oklahoma Coalition] to see that the coalition articulated a clear policy agenda, with priorities, prior to each session, so that member organizations, the public and legislators would be aware. For several years, the annual TFOC [Tobacco Free Oklahoma Coalition] policy objectives included only two or three priority or ‘short term’ issues – such as strengthening prevention of youth access laws, repeal of preemption, clean indoor air, or funding for tobacco control programs – plus others on a ‘long term’ list. TFOC [Tobacco Free Oklahoma Coalition] recognize the effectiveness of increasing the excise tax, but during these years it was relegated to the ‘long term’ policy goals list, reflecting our legislative allies’ assessment of political support, the strength of the opposition in the legislature, and the difficulties posed by tribal compacts – still viewed then as immutable – which meant any tax increase would only boost the significant tribal pricing advantage.

The 1999 TFOC [Tobacco Free Oklahoma Coalition] State Plan called for a ‘significant increase’ in the excise tax with part to be designated for tobacco control programs. The February 2001 State Plan, prepared by a special task force pursuant to a gubernatorial executive order, had nearly identical policy recommendations, including an excise tax increase ‘sufficient to significantly reduce youth purchases and to assist in funding tobacco prevention efforts.’ It also added a new recommendation, articulated for the first time because the 10-year tribal compacts were nearing expiration, to ‘negotiate new state tobacco tax compacts... to achieve needed excise tax increases...mutually beneficial to the state and tribal nations.’ Governor Keating initiated work on renegotiating tribal compacts as they expired, with their objective. His successor in 2003,

Governor Henry, continued this work and completed compacts covering a sizeable majority of tribal tobacco sales by mid-2004.

Support for Oklahoma's recent excise tax increase was built slowly and gradually over a decade, assisted by tight state budgets and healthcare funding needs and made possible by new tribal tobacco compacts.¹⁵⁰

Efforts in the legislature to raise the excise tax on cigarettes in 1998 prompted a barrage of public relations lobbying by the industry. R.J. Reynolds instituted a campaign of cold-calling Oklahomans under the front group "Oklahoma Smokers' Rights", in which favorably responding recipients were connected directly to their state senators' offices.¹⁵¹

In early 1999, Governor Keating's chief of staff announced that the governor's office was considering an eleven to thirteen cent increase in the cigarette excise tax in order to fund a higher education bond program.¹⁵² Talks between the Republican governor's office and Democratic legislative leaders regarding the use of a tax hike to fund the bonds drew criticism from some GOP leaders. Representative Fred Morgan (R-Oklahoma City) House minority leader, announced that "I'm personally not in favor of imposing a cigarette tax to pay for this."¹⁵³ The industry also responded, with Philip Morris implementing a public relations campaign by calling voters and encouraging them to call their legislators if they were opposed to the tax, providing phone numbers to the appropriate offices. An instruction in the callers' script instructs them to "give number to constituents who understand the issue, are articulate, and polite, and who adamantly oppose any new cigarette excise tax increase."¹⁵⁴ By June, the House voted 68-18 against a shell bill that would have allowed the cigarette tax increase to go to a statewide vote. House Speaker Lloyd Benson (D-Frederick) said that the vote was "a pretty strong signal" of the general sentiment of the legislature on tobacco taxes.¹⁵⁵

Progress began to look more promising after Dr. Leslie Beitsch began serving as Health Commissioner in the summer of 2001. Doug Matheny described the new galvanized atmosphere about tobacco issues, including the excise tax, that began in the Fall of 2001.

The rebirth after those initial efforts came on October 1, 2001 when Dr. Beitsch gained many, many organizations' support that called for a broad agenda of tobacco policy reforms. The one that got most attention was the tax piece, of course. This date was significant because we have made major breakthroughs in both clean indoor air and the excise tax... since then. Prior to that, we kind of worked around the edges. We would concentrate on one issue in a particular session and hopefully we made a little bit of headway. Occasionally we would, sometimes we wouldn't. The conventional wisdom in the public health community prior to that point in time was that we had to be realistic about our strength and that we could at best tackle one of these issues in a particular session. As the new health commissioner, Dr. Beitsch was adamant about reducing tobacco use. He just gathered together and mobilized the heads of state agencies as well as all the public health leaders and medical association and dental association. Everybody was up there, the whole works. From that point forward everybody just marched into the legislative session and a whole range of bills were introduced in all these subjects.¹⁵⁶

In December 2001, Governor Keating's Task Force on Tobacco and Youth publicly called for a tobacco tax increase in Oklahoma in order to raise revenue for tobacco use prevention and cessation. Representative Ray Vaughn (R-Edmond) the task force chair, said that an increase of one dollar per pack would elicit a 30 percent reduction in youth smoking. Ken Nance, then representing Brown & Williamson and Lorillard, told the *Associated Press* that the

tax increase would be ineffective, stating that “the more you increase taxes on tobacco, the more the Indian smoke shops love it. It just increases business of Indian smoke shops.”¹⁵⁷ Dan Sorrels, former administrator for the Oklahoma Medicaid Program, also recalls the difficulties with increasing excise taxes in 2002.

The state Medicaid program was facing a something on the order of 80 million dollar hold last year in the budget...going into 2002. The tobacco tax if passed and matched with federal Medicaid dollars would have more than filled that hole and because the Petroleum Marketers Association fought our efforts in the 2002 session so vigorously we were not able to get that legislation passed and because of that the state had to cut Medicaid services to thousands of Oklahomans... they are having a direct effect on that legislation.

It is an incredibly strong lobby. It is the reason that we don't have a tobacco tax at this point in time is because of that association... because it is a retail association that is tied to the Chamber of Commerce and the State Chamber of Commerce and because it is also petroleum association and tied to petroleum interests in Oklahoma they are extremely powerful lobbying.

I have talked to their lobbyists and been in meetings with their lobbyists with their legislators...I know that it is there.¹⁵⁸

By mid-January 2002, Mike Thornbrugh and Jim Hopper were publicly announcing opposition. Hopper, as president of the Oklahoma Grocers Association, unsurprisingly stated that “we're opposed to such a tax.”¹⁵⁹ Thornbrugh, as government relations manager for QuickTrip convenience stores (and House member from 1994 to 2000), declared that “the citizens of Oklahoma aren't thumping their chests demanding this large increase in their taxes,” and that Oklahoma smokers could be driven to tribal smoke shops, bordering states and the Internet. He added that some smokers might steal cigarettes or “orchestrate black-market tobacco schemes.”¹⁶⁰ Richard Barnes, the chairman of the Oklahoma Alliance on Health or Tobacco, replied that a one dollar increase, from the current 23 cents to \$1.23, could raise \$185 million for health care and tobacco prevention programs. Representative Vaughn, the proposal's author, followed with the statement that 63 percent of Oklahoman's polled were supportive of a one dollar increase as long as the money was designated for health issues.¹⁶¹ Philip Morris contributed its resources for a public relations campaign like they had implemented to defeat a tax proposal in 1999. Oklahoma voters were called en masse and, if determined that the recipient was indeed an Oklahoma voter and appeared to oppose the tax increase, encouraged them to call their legislator, the name and phone number of whom were graciously provided by the caller.¹⁶²

The 2002 legislative session passed without any headway on a tobacco tax increase. The issue was again proposed by Vaughn in 2003 via House Joint Resolution 1010, which called for a one dollar increase in the excise tax, but specified that the total tax per pack would not exceed \$1.23.¹⁶³ Public support was announced by T.J. Brickner, M.D., Chairperson of the Oklahoma Health Care Authority and Tom Coble, president of the Oklahoma Association of Health Care Providers. Senator Ben Robinson (D-Muskogee) stated that he had been persuaded to support the new tax increase due to the effect it might have on decisions to start smoking. However, the senator warned that “I will not support this unless there is a compact with the Indian tribes,” reflecting the criticisms of tobacco advocates that traditional retailers would be unfairly treated if the tax resulted in disparity between their products and the tribal smoke shops.¹⁶⁴

An important challenge to the 2002 and 2003 tax increase proposals was State Question 640, which was passed by a statewide vote in 1992 and amended the Oklahoma Constitution such that revenue bills must attain a three-fourths majority vote in both houses or else go to a statewide referendum. Senator Cal Hobson (D-Lexington) President Pro Tempore, admitted that this requirement would make the tobacco tax increase difficult to get through the legislature. Nonetheless, he remained an ardent supporter. “The time has come for this state to become mature about this killing instrument,” he stated... “I don’t want to be overly dramatic, but the fact is other states have gotten their act together on this issue. We have not and I’m determined we’re going to before I get tossed out of here.”¹⁶⁵ The President Pro Tempore also reiterated Senator Robinson’s concerns about tribal compacts, noting that 43 percent of all tobacco sales in the state occurred at tribal outlets, and asserting that:

Without the support of the governor and a compact with the tribes, we have no chance for a significant cigarette tax increase passed by three-fourths of the Legislature...but I think with his help and cooperation of the tribes – who understand that they would benefit from this additional revenue – we have a real chance...the important point is that we allow the tribes, in cooperation with them, to maintain the current advantage that they have.¹⁶⁶

Hobson also noted that in 1987, Oklahoma’s 23 cent cigarette tax was the tenth highest in the nation, but was now ironically the tenth lowest in the nation. Meanwhile, the *Tulsa World* reported a survey of 500 registered voters in Oklahoma by Wilson Research Strategies that showed a 73 percent support rate from Republicans and 69 percent support rate from Democrats.¹⁶⁷ While Governor Henry began meeting with tribal leaders about negotiating a new compact, Thornbrugh told the *Tulsa World* that he did not believe that such a renegotiated compact would be successfully made, and reiterated the position that “our philosophy as a company is that if a tax is equal and fair across the board, it be remitted by all. That is fine. We will compete. When you have an unfair competitive advantage like the tribes do, we will oppose it.”¹⁶⁸

While the tobacco tax failed to get to a House vote during the 2003 session, the issue was revived at the start of the new session in January 2004, consisting of a one dollar increase proposed by the Oklahoma Alliance on Health or Tobacco, under the leadership of Joy Leuthard, Director of Health Care Policy and Research for the Oklahoma State Medical Association. Dr. Mike Crutcher, the new Commissioner of Health after Dr. Beitsch returned to Florida, stated that previous failures of the tax increases were at least partly due to tobacco industry lobbying, and stressed that health advocates “need to be very persistent in our efforts.”¹⁶⁹ Doug Matheny emphasized that progress on the tax issue was not a failure in 2002 and 2003, but simply that the momentum from Dr. Beitsch’s 2001 initiatives took time to culminate in conjunction with new tribal compacts.

Really in our minds there was not a tax effort last year [2003 legislative session] that failed and a tax effort this year [2004 legislative session] that succeeded, there was an initiative that was launched October 1st of 2001 that took three years to accomplish. All of these leaders that were going to be involved in this campaign always recognized there was no way that we were going to get an increase in tobacco tax until the compacts were renegotiated. The good news was the compacts were up for renewal in 2002 and so we were right around the corner from a 10 year expiration date. It was an opportunity to revisit them. Sure enough the governor did not renew the old compacts. And then we got into the 2002 elections and Governor Keating didn’t get them renegotiated before leaving office. The new governor finished it up.¹⁷⁰

Meanwhile, the tobacco lobby was holding their ground as much as possible. Senator Cal Hobson (D-Lexington) noted in February, during the new 2004 session, that “the tobacco lobby has not gone away...there is a reason why the only state with lower tobacco taxes than Oklahoma are generally in tobacco-producing states.”¹⁷¹ Jamie Drogin, a spokeswoman for Philip Morris, replied that the company was concerned about illegal smuggling in states where tobacco taxes are raised, stating that “there has been an increase in illegal or contraband activities in relation to counterfeit cigarettes... it’s very easy for kids to get cigarettes.”¹⁷²

Governor Brad Henry emphasized the positive impact of the tax revenue being designated for health care related expenses. His position was recorded in the *Journal Legislative Report* with the statement that:

As I have said many times before, I am opposed to across-the-board tax hikes, but I would consider a targeted tax measure that earmark funding for a specific purpose. I would be supportive of a cigarette levy if the proceeds were specifically earmarked for health care initiatives such as a cancer center, trauma care, medical coverage for the uninsured and youth tobacco prevention programs. I view the cigarette levy as more of a user fee that is only paid by those who use tobacco.¹⁷³

The new tax proposal that Governor Henry endorsed was introduced as House Bill 2660 by Representative Larry Adair (D-Stilwell) and Senator Cal Hobson (D-Lexington) and called for a 77 cent per pack increase in the excise tax with an accompanying repeal of the 4.5% sales tax (25 cents per pack), culminating in a net 52 cent increase. Under the new tribal compact agreements that the governor had negotiated, while the tribal smoke shops had to collect the entire tax, half (26 cents per pack) would be returned to the tribes for health care initiatives.¹⁷⁴ House Minority Leader Todd Hiatt (R-Kellyville) complained that under the new tax plan, the tribes would enjoy an actual advantage even greater than they previously had, stating that “they’re saying this closes the gap, but really what you’re doing is adding a 26-cent disparity... you had a 17-cent disparity.”¹⁷⁵ Representative Hiatt claimed that while the return is supposed to be used for tribal health care expense, and not funneled back to the smoke shops, the tribes will actually use the money received to free up other funds to aid the retailers. He was adamant that the new proposal enhanced an unfair tribal advantage.

Money’s all fungible...it’s permission to use their sovereignty, basically, to sell cigarettes... when you look at the total package, this 26 cents is still going back into the tribes and so that’s 26 cents that the tribes can give their operators in ‘cushion’, advantage over non-tribal smoke shops – an additional 26 cents on top of the 17 cents. And they may not use the full 43 cents. They may not have to. They may use half of it – use 21 cents and pocket 22 cents into the tribe. They’ll do whatever they’ll have to do to bring all the market. It’s not like they’re not smart operators.¹⁷⁶

Governor Henry disagreed, and claimed that the new tax proposal, along with the renegotiated compacts, would actually reduce the tribal competitive disparity by 60 percent. He sent a letter to Hiatt and other legislators, including his Lieutenant Governor, Mary Fallin, detailing the dynamics of the legislation and compacts and attempting to address the concerns about tribal advantages and potential lost sales-tax revenue to cities and counties, which cannot impose a sales-tax on items not sales-taxed by the state.¹⁷⁷

By the time the new House bill passed the Revenue and Taxation Committee by a 5 – 4 vote in February, tobacco lobbyist allies were on scene to make negative public pronouncements. Jim Hopper, speaking for the Oklahoma Grocer’s Association, reiterated the claim that the bill would give tribal smoke shops a greater competitive advantage. Mike Thornbrugh, representing Quick Trip convenience stores of Tulsa, said that the advantage to Indian operations would increase from \$4.10 per carton to \$5.55 per carton. Apparently dismissing the Governor’s emphasis on having renegotiated more advantageous compacts, he stated that “You can’t fix this through legislation. It has to be fixed through compacts.”¹⁷⁸

By March, House Speaker Larry Adair (D-Stilwell) who was attempting to garner support for the tax bill on the House floor, found that the vote count was stuck in the 30s (a bill must receive 51 votes to pass the House). Republicans were warning that the bill would not be successful as currently structured, but that there may be a compromise solution that would gain minority support. Lt. Governor Marry Fallin and House Minority leader Todd Hiatt (R-Kellyville) announced that their caucus would be willing to support the tobacco tax bill if it included a provision eliminating the state capital gains tax. Fallin revealed a proposal to phase out the state’s 6.65 percent capital gains tax over three years, which was reputed to be the 11th highest in the nation, which the Lt. Governor described as “a very oppressive tax that’s on our books right now that’s caused corporations to leave our state, has caused job loss within our state, has caused CEOs to leave our state.”¹⁷⁹ Hiatt announced that “if the governor is interested in a tax reform package, we obviously are very interested in looking at that...we have said for years that we need to reform our tax structure, restructure our taxes in the state of Oklahoma.”¹⁸⁰ The Minority leader noted that many Republicans had made explicit pledges to oppose all tax increase, but if the increase in cigarette taxes was offset by reductions in the capital gains tax, then many Republicans could support such a combined measure without being susceptible to accusations of having reneged on their words. “If a package is revenue-neutral, that obviously is not an overall tax increase,” he explained, “that is a tax restructuring and would not be a violation of the pledge.”¹⁸¹

While the new bill gained some minority (Republican) support and passed the House 76-23, some Republicans were still unhappy about what they saw as uncertainty in the structure of the Indian compacts and the excise tax increase, and the floor substitute that left out substantive language until the compacts were finalized. Representative John Wright (R-Broken Arrow) said that “essentially, we’re voting on a blank sheet of paper. I made the point that public policy should have disclosure, disclosure, disclosure, and there certainly isn’t any disclosure going on tonight, because the details of the tax increase are hidden, hidden, hidden.”¹⁸² Representative Richard Philips (R-Warr-Acres) was similarly agitated.

This is not a shell bill. This is a \$180 million tax that the tax has been taken out because they couldn’t get enough of you to vote for it, so they met you in caucus and they met us in caucus and they said, okay, we’re going to take the tax out, that way you can vote for the bill. The tax is still in there. You just can’t see it. It is. Trust me, it’s there. And it’s coming back. Kill the bill now. Kill it now... It’s really a \$180 million tax increase and then every quarter we write a check that’s annualized in the amount of roughly \$55 [million] to \$60 million to the Indian tribes. And the Indian tribes can use that money in any way, shape or form that they want to.¹⁸³

Further agitation came from a proposal by Representative Bill Mitchell (D-Lindsey) to use \$70 million of the anticipated \$130 million raised by the new tax to provide a seven percent pay raise to all state employees. Representative Bill Graves (R-Oklahoma City) complained that “we’re going to give an across-the-board pay raise and apparently we’re going to do this through the latest jihad against cigarette smokers. And I don’t think that’s really fair. We’re going to raise the taxes of cigarette smokers and really try to balance the budget on their backs.”¹⁸⁴ Representative Vaughn was concerned about keeping the revenues devoted to health funding, stating that “this is the same thing we did with the tobacco settlement. We should put this money aside and use it for the purpose for which it was intended, which is to remediate the health, the horrible health, of our citizens in the state of Oklahoma.”¹⁸⁵

Also in March, Wilson Research Strategies, a marketing research and management consulting firm that had been conducting quarterly surveys of Oklahomans on key issues since 2002, released results from their poll of 300 likely voters in February regarding the proposed cigarette tax increase. With a margin of error of 5.6 percent, 64 percent of the respondents said that they would support an increase *if* it was linked to health care initiatives as proposed by the governor.¹⁸⁶

Meanwhile, a poll composed and commissioned by the authors of this report and conducted by the University of Oklahoma Public Opinion Learning Laboratory (OU-POLL) in May 2004 found 75.5% of randomly surveyed Oklahomans as favorable to a 50 cent tax increase if it was linked to health care. Figure 4 indicates the proportions of responses of Oklahomans to proposed cigarette tax increases by amount and whether the funds would be designated for health care or for the general budget. The questions asked were: “To what extent would you favor or oppose an increase in taxes on cigarettes of [amount] per pack, with the revenue allocated in Oklahoma to the following: building a cancer research and treatment center, programs to reduce tobacco use among kids and help smokers quit, funding the emergency and trauma care center at OU Health Science Center, and bringing more Oklahomans access to Medicaid coverage with matching federal funds?”; or “To what extent would you favor or oppose an increase in taxes on cigarettes of [amount] per pack, with the revenue allocated to the general budget?”

Further support for applying the tax initiative to health care came when Roxie Albrecht, director of Trauma and Critical Care Services at the University of Oklahoma Medical Center, addressed a joint House-Senate hearing in April. She warned that the trauma system at OU, the only level 1 trauma center in the state and designed to handle about 1,200 patients per year, typically treated about 2,800 and was suffering financial strain. Kansas has two centers in Wichita, Utah has two centers and Nebraska has three. House Speaker Larry Adair (D-Stilwell) noted that these states have populations smaller than Oklahoma, and Albrecht stated that a state should have one trauma center per 1 million residents (Oklahoma has a 3.5 million population).¹⁸⁷

In May 2004, Senate Republicans proposed a revised plan that would raise the cigarette tax by 99 cents per pack, and would also include a full repeal of the state capital gains tax, cuts in the estate tax and future reductions in the state income tax, as well as a proposal by QuickTrip that would allow non-tribal retailers to collect the same rates as local tribal retailers. Hobson said that the new proposal was not passable and continued to support the governor’s 55 cent

**How Much do Oklahomans Favor or Oppose Tobacco Tax Initiatives?
Responses of 647 Randomly Surveyed Oklahomans May 10-28, 2004**

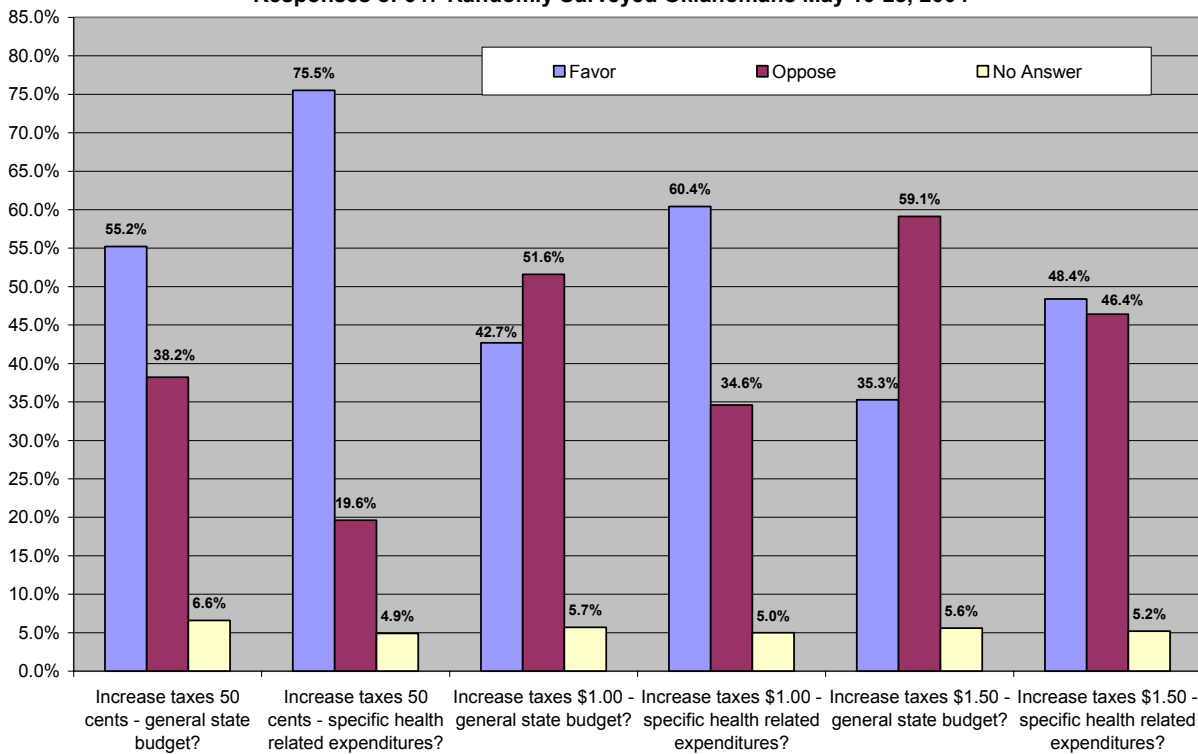


Figure 4. Bar Chart of May 2004 Survey on Oklahoma Tax Opinion Conducted by the Oklahoma Public Opinion Learning Laboratory, University of Oklahoma.

increase. Senate Republican leader James Williamson (R-Tulsa) expressed disappointment, calling Hobson’s and the governor’s stance a “partisan, take-it-or-leave-it plan,” stating that the Republican alternative would provide “historic, job-creating tax relief” while deterring youth smoking. The American Cancer Society endorsed the new Republican proposal; Misti Rice, senior director of governmental relations, stated that “it would be a public health win that would reduce smoking and save lives.”¹⁸⁸

On May 20, 2004, after very nearly being defeated on a procedural vote, the House finally approved House Bill 2660 by a vote of 66-33, while the Senate followed suit the next day with a vote of 39-8, setting the stage for State Question 713, a referendum, to go to a vote of the people the following November. The bill would implement the governor’s 55 cent tax increase, as well as eliminate the state capital gains tax, provide a tax cut for retirees, and permanently lower the maximum income tax rate from 7 to 6.65 percent.¹⁸⁹ Programs funded by the 55 cent tax increase included: health insurance coverage for 100,000 uninsured Oklahomans, a level one trauma center, a cancer research center, women’s health care, and tobacco cessation.¹⁹⁰ Hobson declared “Don’t let big tobacco kick you around any longer. They’ve owned this building for too many decades.” Not everyone was as elated. Senator Jim Dunlap (R-Bartlesville, said that the bill would be a step toward socialized medicine, and Senator Randy Brogdon (R-Owasso)

claimed that the \$50 million designated for assistance to business to provide insurance to their employees was “corporate welfare.”¹⁹¹

State Question 713

While the Petroleum Marketers Association did not take a stand on State Question 713, the newly formed Tobacco Retailers Alliance announced in September 2004 that it would launch “a modest and truthful, unemotional campaign” to defeat State Question 713 on November 2nd, and expected to spend between \$1 and \$3 million. The group, led by president Joe Lane, an independent smoke shop owner, retained veteran public relations executive Dean Sims to manage their campaign. Sims was founder and chairman of Public Relations International, a Tulsa based firm.¹⁹²

In September 2004, former Tobacco Institute lobbyist Ken Nance, in addition to personally donating \$250 to the Vote No on State Question 713 Committee, acted as signing treasurer for the committee, which received \$2,683.90 from Philip Morris, USA that month.¹⁹³ Originally organized on the 22nd of September, Nance was listed as “Temporary Chair” of the Committee, but appears to have remained so for the life of the committee.¹⁹⁴

During October, the committee received an additional \$350,000 from Altria (Service Company of Philip Morris and Kraft Foods), \$50,000 from the Cigar Association of America, \$25,000 from Conwood Company LP (manufacturer of smokeless tobacco products), \$1,000,000 from Philip Morris USA, \$200,000 from the retailer Quick Trip, \$200,000 from R.J. Reynolds, and \$100,000 from United States Tobacco Public Affairs. Additionally, the committee received \$128,201.09 of “In Kind” contributions from UST, Conwood Company LP, Lorillard, Philip Morris, and R.J. Reynolds for such services as “voter registration phone calls,” “staff services,” “printing,” “postage,” “consultant & employee time & expenses for work done on behalf of committee,” “study on revenue implications of SQ713 on OK [Oklahoma] Municipalities,” “employee time dropping off petitions in retail outlets,” “public relations consultation employee salary & expenses” and “public relations consultation”.¹⁹⁵ The committee reported an array of expenses (Table 5) for campaigning activities during October, 2004.¹⁹⁶

Funding and expenditures for the pro-713 committee was modest compared with the competition. Organized on July 15, 2004, the committee Citizens for a Health Oklahoma was chaired by Oklahoma Coalition on Health or Tobacco Chair Joy Leuthard.¹⁹⁷ During August, the committee received \$50,420 from private contributors and \$161,500 from organizations including the William K. Warren Foundation, the Broken Arrow Medical Center Foundation, the Oklahoma State Medical Association, Oklahoma Oncology Inc., and University of Oklahoma Medical Center. During the same month, the committee made media purchases totaling \$125,035.¹⁹⁸ In September, an additional \$423,000 was collected from contributors including Stillwater Medical Center, the Oklahoma Hospital Association, the Oklahoma Association of Health Care Providers, and several other hospitals and medical providers. During the month, \$388,155 was spent on legal services, ad expenses, and campaign management services.¹⁹⁹ During October, an additional \$261,000 was contributed by various medical providers, as well as Walgreen Company and the Greater Oklahoma City Chamber of Commerce. Reported

Table 5. Oklahoma Ethics Commission, Form C-1R For Expenditures From No On State Question 713 Committee (November 10, 2004).

Media production and radio and TV buy	\$396,000.00
Rental and installation of telephone system	\$200.00
Web site production	\$640.00
Billboard graphics	\$650.00
TV and radio production, testing broadcast	\$428,000.00
Campaign management	\$10,000.00
Web site	\$150.00
Management and organization of campaign	\$100,000.00
Campaign management	\$10,000.00
Development and implementation of media plan	\$10,000.00
Development of retail collateral material	\$11,000.00
Coordination of mail and phone program	\$5,000.00
Development and implementation of statewide email	\$15,000.00
Electrical computer, telephone work in campaign	\$354.91
Television buy, radio buy, final production for tv and radio	\$459,000.00
TV buy	\$120,000.00
Web site	\$350.00
Office expenses, furniture rental traveling expenses, phone software	\$1,499.26
Daily tracking poll	\$60,000.00
Production and postage on mail piece	\$77,865.00
Get out the vote recorded calls	\$78,000.00
Office expenses/sign production	\$679.07
TOTAL EXPENDITURE, October 1, 2004 to October 31, 2004	\$1,784,388.24

Source: Campaign Contributions and Expenditures Report, Vote No on State Question 713 Committee, Schedule E

expenditures were comparable, and included items listed as advertising, professional services, and wages.²⁰⁰

After a barrage of political advertising on both sides (Figures 5 and 6) on November 2nd, 2004, State Question 713 was passed with 53 percent of the popular vote. The referendum eliminated the 25 cent state sales tax on cigarettes and increased the excise tax by 80 cents, from 23 cents to \$1.03, for a net tax increase of 55 cents. Oklahoma's

Despite the success of State Question 713 and the raising of Oklahoma's excise tax on cigarettes, the state still prohibits and preempts local municipalities from taxing tobacco products, as stated in Oklahoma Statute Title 37, section 600.10, implemented with the 1994 Youth Access to Tobacco Act.²⁰¹ Local municipalities are allowed to impose local *sales* taxes on all items subject to state sales tax, but as of January 1, 2005 the list of goods and services subject to state sales tax does not include tobacco, since the state sales tax was repealed in favor of a higher excise tax.²⁰²

Question 713,

We already know it raises taxes over \$200 million

The politicians are telling us this money will go to health care, but they've got other plans for our money.

A \$50 Million a Year Giveaway to Native American Tribes That Are Making Millions.

The politicians and lobbyists want us to believe that the \$200 million tax increase levied by Question 713 will be used for health care.

In fact, certain Native American Tribes who sell tobacco products will get a payout of **\$50 million each year** if Question 713 passes.

State Question 713

\$200 Million in New Taxes

\$50 Million Kickback to Native American Tribes

What Else Aren't They Telling Us?

Vote NO

on Question 713

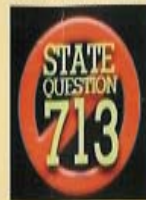


Figure 5. Advertisement from the Vote No on State Question 713 Committee

Paid Advertisement

Vote **YES** on **SQ713**

SQ713 is Supported by

American Cancer Society
American Lung Association of Oklahoma
American Heart Association
March of Dimes
Oklahoma Institute for Child Advocacy
AARP
Oklahoma PTA
Physician's Campaign for a Healthier Oklahoma
Oklahoma Turning Point Council
Oklahoma Nurses Association
Oklahoma Academy for State Goals
Tulsa Interfaith Alliance
Oklahoma State Medical Association
Oklahoma Education Association
Oklahoma Osteopathic Association
Smoke Free Beginnings
Oklahoma Academy of Family Physicians
Oklahoma Hospital Association
Oklahoma Pharmacists Association
Oklahoma Conference of Churches
Oklahoma Chapter of the American Academy of Pediatrics
Tulsa Hospital Council
Oklahoma Public Employees Association
Oklahoma Society of Oral and Maxillofacial Surgeons
Oklahoma Public Health Association
Greater Oklahoma City Hospital Council
Community Service Council of Greater Tulsa
Latino Community Development Agency
Campaign for Tobacco Free Kids
Oklahoma Association of Health Care Providers
The Oklahoma Association of Health Plans
SouthEast Tobacco Free Oklahoma Coalition
The William K. Warren Foundation
The Greater Oklahoma City Chamber
Tulsa Metro Chamber
Oklahoma Dental Association
Blue Cross Blue Shield of Oklahoma
Oklahoma Health Center Foundation
Oklahoma Prevention Policy Alliance
Indian Health Care Resource of Tulsa
Community HealthNet, Inc.
Oklahoma Policy Consortium for Persons with Disabilities

SQ713 is Opposed by

The Tobacco Industry
Philip Morris
R.J. Reynolds

✓ Good for our Health.

✓ Good for our Kids.

SQ713



Vote YES on Tuesday, Nov. 2

Paid for by Citizens for a Healthy Oklahoma
P.O. Box 12792, OKC, OK 73157-2792, Randy Compton, Treasurer

Figure 6. Advertisement from Citizens for a Healthy Oklahoma campaign.

CHAPTER 5: YOUTH ACCESS

Youth Access

Oklahoma's Youth Access to Tobacco Products Act, passed in 1994, prohibited the sale of tobacco products to persons under 18 years of age, and was strengthened with amendments in 1997 that increased fines for sales violations. The Oklahoma Alcoholic Beverage Law Enforcement Commission, which is charged with monitoring compliance by inspections and spot-checks of retailers, found a 20 percent non-compliance rate in 2000, based on 399 over-the-counter and 39 vending machine samplings. Although an improvement from past years, health advocates felt that enforcement efforts could use a boost, particularly with regard to the assessment of fines, which were confined to sales clerks. In fact, prior to the 1997 amendments, the Alcoholic Beverage Law Enforcement Commission was not even allocated funding to carry out the sampling program.²⁰³ Oklahoma Attorney General Drew Edmondson recalls that:

The problem with the [federal] Synar amendment is that the State of Oklahoma never funded it...they gave that task to the ABLE [Alcoholic Beverage Law Enforcement] Commission...it is too much to expect local police department to do or deputy sheriffs to go out and check convenience stores to see if they are selling and the legislature never really funded that facet of the ABLE [Alcoholic Beverage Law Enforcement] Commission.²⁰⁴

The amendments were outlined in House Bill 2494, originally proposed in the state legislature by Representative Ray Vaughn (R-Edmond). The bill included a provision that minors could be fined for possession of tobacco (\$25 for the first offense and \$50 for a subsequent offense within one year), an allowance for local municipalities to enforce federal Synar fines, rather than just the Alcoholic Beverage Law Enforcement Commission, and funding for three additional Alcoholic Beverage Law Enforcement Commission agents. The Synar Amendment is a 1992 federal amendment to the Block Grant for Prevention and Treatment of Substance Abuse requiring states to enact laws that would prohibit the sale of tobacco to minors. States failing to implement programs that reduced youth tobacco consumption risked reduction in block grant funds remitted by the U.S. Department of Health and Human Services.

The original proposal also included a companion bill (HB 2493) that would have repealed pre-emption with regard to youth access restrictions, allowing local municipalities to enact more stringent regulations than the state, but he withdrew this after, as Vaughn explained, "lobbyists for the tobacco, restaurant and retail grocer industries made sure the measure was already dead before it was heard by the committee...we could have had a bloody fight and the bill would have died in committee."²⁰⁵

Predictably, the Oklahoma Grocers Association, which had reacted negatively to the original bill, announced the usual arguments in favor of preemption.

Our association supports any efforts at the state level to strengthen youth access restrictions. But the key is to make the changes at the state level where the most impact can be made. House Bill 2493, proposed by Representative Vaughn hurts businesses trying to comply with the law, and it ultimately betrays the citizens of this state by diluting the impact of a law that already addresses smoking uniformly and effectively.²⁰⁶

Only a small consolation measure was attained by Representative Vaughn (R-Edmond) and the Tobacco Free Oklahoma Coalition in the 1996 legislative session regarding preemption. Vaughn was allowed to proceed successfully with HB 2494, which provided for the fining of minors in possession of a tobacco product, the extended penalties for store employees caught selling tobacco to minors, and the allowance of local law enforcement agencies to levy the citations and fines.²⁰⁷ This last change was important; it scaled back the “super-preemption” that had been part of the 1994 Prevention of Youth Access to Tobacco Act, preventing local tobacco ordinances outright, even ones that were identical to the state law. HB 2494 would now allow such “mirror laws,” which made local enforcement easier, but still prevented local laws more stringent than the state law, a provision that remains to this day.²⁰⁸ A Philip Morris internal fax of a media article announcing the “compromise” stated in a handwritten comment that “PM supported bill which passed. Other bill would have repealed current preemption among other negative issues. TW.”²⁰⁹

Despite these gains, the version of HB 2494 that passed the House 97-0 and the Senate 35-10 in May 1996 was further watered down by having removed a provision banning cigarette vending machines from places where minors were known to congregate. Vaughn told the *Tulsa World* that the bill as passed was the result of an agreement with the tobacco lobby, and that they would have likely killed any stronger measure.²¹⁰

Also in May 1996, the Oklahoma Junior Chamber of Commerce announced their endorsement of the “Murcer Amendment,” a provision championed for years by former New York Yankees player and anti-tobacco advocate Bobby Murcer. The Murcer Amendment, if passed, would allow local municipalities to prohibit vending machines in youth-accessible areas, prohibit tobacco self-service displays, and allow municipalities to suspend the tobacco licenses of retailers that failed to comply with federal Synar restrictions. Dean Henderson, policy chairman for the Tobacco Free Oklahoma Coalition, publicly blamed the tobacco lobby, especially Ken Nance, calling it “obscene” that Nance also represented the Girl Scouts of America. Nance responded by stating that “anyone who says Ken Nance in any way, shape or form encourage smoking by youth is a bald-faced liar.”²¹¹

Philip Morris led negotiations for support of HB 1009 in 2001, and conducted discussions regarding the Oklahoma State Department of Health objections (as expressed by the Oklahoma Board of Health) in which it stressed the company’s interests in shaping the bill. A Philip Morris internal email notes that “serious constructive engagement occurred [between] Philip Morris and the lobbyists of the OK chapter of the American Cancer Society, American Heart Assn., American Lung Assn., OK Medical Assn., Tobacco Free Coalition and the OK Dept. of Health.”²¹² An internal memo from Melissa Hough, Philip Morris’ Manager of Legislative and Policy Issues, listed points of concern for the staff to work toward as they dealt with the Oklahoma State Department of Health objections. First, the company was concerned about the section “Prohibiting Lobbying (section 3), stating that “we don’t particularly like the additional language as it is extremely broad. It is not the worst, nor is it the best. We just don’t want to see money used for vilifying tactics.” Also, the company’s consultants “had some strong arguments for wanting it [the advisory council] in the DMHSAS [Department of Mental Health and Substance Abuse Services], but we didn’t think it was the end of the world if it got put into the Department of Health.” Hough also noted that:

We emphasized the importance of the funds being dedicated to youth prevention... we are of the opinion that the Department [of Health] does not want to be limited because they would like to use the money for broader prevention and cessation efforts. The bill's broad title indicates that well. The text of the bill highlights youth at various points, but also includes adult cessation. By keeping the dedication of funds so general, they would have more flexibility.²¹³

The company also stated that one of its goals was "placing requirements on types of programs to be included...we prefer of course that the program be Life Skills Training."²¹⁴ Overall, Philip Morris was generally pleased with HB 1009. Hough, stated that, despite certain alterations favored by the company, "when asked at the end of the conversation if this was a bill we could live with, I said that 'yes, it was.' We would prefer that these changes be incorporated, but if you can't it is still good progress. This is still one of the best comprehensive laws that would be in place if the governor signs it."²¹⁵ She clearly had some degree of reservation, however. In an email to Amy Rothstein, Senior Counsel, Corporate Affairs, Philip Morris, Hough speculated that "unfortunately with the new guy coming in from Florida to DOH [Department of Health], in addition to their support of the Florida tactics, it will happen no matter what department it's in. UGH!"²¹⁶ The "new guy coming in from Florida" was clearly a reference to Dr. Leslie Beitsch, but what it was that they feared would happen is uncertain.

In 2000, director of the Alcoholic Beverage Law Enforcement Commission Gary Davidson stated that his agents conduct about 500 sting operations per year, and finally had a compliance rate of 80 percent (Table 6), which was required in order for the state to receive federal Substance Abuse, Treatment, and Prevention block grant funding. In Oklahoma, the federal block grant money had ranged from \$11 million to \$15 million in recent years.²¹⁷ That same year, the *Associated Press* revealed that the noncompliance rate, when checks were conducted by the federal Food and Drug Administration, was at 46 percent, but only 18 percent when conducted by the Alcoholic Beverage Law Enforcement Commission. Alcoholic Beverage Law Enforcement Commission Director Gary Davidson and Health Department's Chief of the Tobacco Use Prevention Service, Doug Matheny, noted several methodological differences. FDA checks used 16 and 17 year olds, while Alcoholic Beverage Law Enforcement Commission checks used 14 and 15 year olds. Also, Alcoholic Beverage Law Enforcement Commission participants were instructed to decline showing their identification when asked, while FDA participants were instructed to show their real identification. The older kids may have been less likely to appear underage to clerks, and appeared less suspicious when responding to an identification request. Doug Matheny explained to the *Associated Press* that "what is apparently happening a lot is that the clerks are asking for the ID, and then the young person that's under 18 is showing their actual ID and the clerk is selling anyway."²¹⁸

In August 2002, the Alcoholic Beverage Law Enforcement Commission announced that it would increase enforcement efforts, its own agents would be assisted by local law enforcement to conduct more checks and issue more citations to convenience stores and other retailers who sell cigarettes to minors. The compliance rate was currently 73.8 percent, and the state could lose its \$8 million in federal funding for substance-abuse intervention programs if it did not demonstrate an 80 percent compliance rate by October 1, 2002.²¹⁹

Table 6. Synar Non-Compliance Rates, Ranked Worst to Best in FFY2001

	FFY 1997	FFY 1998	FFY 1999	FFY 2000	FFY 2001
Alaska	34	29	24	34	36
Iowa	40	27	36	33	29
Michigan	41	20	26	24	27
Pennsylvania	56	30	32	41	27
Tennessee	63	37	24	31	26
District of Columbia	42	34	47	26	25
Maryland	54	36	35	33	25
New Jersey	44	27	27	23	25
Wisconsin	47	23	28	22	25
Virginia	44	32	19	27	23
Oregon	U/A	24	29	18	23
Nevada	U/A	20	17	23	23
Kansas	63	47	35	29	23
Arkansas	0	22	22	11	22
Montana	U/A	37	35	25	22
Indiana	41	24	26	28	22
Ohio	34	23	22	21	21
Rhode Island	35	U/A	30	27	21
North Carolina	50	45	26	25	20
West Virginia	37	25	25	34	20
Georgia	48	21	13	25	20
Alabama	35	21	16	17	20
Minnesota	30	28	32	28	19
Oklahoma	48	30	25	20	19
Idaho	56	13	27	32	19
South Carolina	35	23	25	20	19
Utah	35	28	19	16	19
Massachusetts	30	17	19	14	18
Connecticut	70	59	32	17	18
Delaware	29	U/A	33	34	18
New York	38	23	20	19	16
Illinois	44	26	13	12	15
Missouri	40	29	35	27	15
Nebraska	39	23	24	23	15
Vermont	28	8	7	20	15
Washington	20	6	15	13	14
Texas	U/A	24	13	15	13
Kentucky	U/A	24	14	20	13
California	29	22	13	17	13
Arizona	56	12	20	23	13
New Mexico	38	23	14	19	12
North Dakota	U/A	31	32	18	12
Mississippi	40	31	33	29	12
New Hampshire	16	12	8	8	10
Maine	17	13	4	8	9
Wyoming	42	29	46	56	9
Florida	7	7	8	8	8
South Dakota	31	13	18	10	8
Hawaii	45	23	15	11	7
Louisiana	73	39	20	7	7
Colorado	41	25	28	16	6

Reported by SAMHSA, U.S. Department of Health and Human Services

The next month, about 200 student protesters, sponsored by Students Working Against Tobacco, marched in downtown Oklahoma City while a trade show for convenience stores took place at the city's downtown Civic Center. The co-chair of the student organization stated that they were protesting the targeting of children in marketing, particularly the placement of tobacco items near candy and in places in convenience stores where they can be stolen by children. Doug Matheny told the *Associated Press* that "it's basically subsidized shoplifting." Ken Nance replied that it was "ridiculous and silly to suggest that such store displays were designed to encourage shoplifting or underage smoking, but rather that it was no different from other product manufacturers that pay for the most visible and accessible display space."²²⁰

This weak condition of youth access enforcement was finally buttressed by Senate Bill 1256, passed in the 2004 legislative session and signed by the governor on May 5th, which amended the Youth Access to Tobacco Products Act of 1994 and substantially improved the administration of penalties by providing that stores' licenses to sell tobacco products could be suspended for up to 30 days for a third offense (within two years of the first offense), and up to 60 days for a fourth offense (also within two years of the first offense). The first offense receives a \$100 fine, and the second offense (within two years) receives a \$200 fine.

In 1994, Governor David Walters signed Senate Bill 1130, which directed the Oklahoma Alcoholic Beverage Laws Enforcement Commission to enforce the provisions of the federal Synar Amendment in addition to its regular role of alcohol and charity games duties.²²¹ The Alcoholic Beverage Laws Enforcement Commission conducts about 500 random Synar checks per year (533 in fiscal year 2002-2003)²²². A list is selected randomly from the approximately 5,481 (1999 estimate provided by Alcoholic Beverage Laws Enforcement Commission) licensed in the state, and the chances of a particular retailer being selected is not affected by past selection or performance. Thus, the penalties regarding second and third offenses will rarely be imposed, since a particular retailer has about a nine percent chance of being selected for a check during a given year, and the likelihood of a particular retailer being selected two years in a row are about 5 percent. Nonetheless, the measure was symbolic due to greater awareness of the need to address youth access. Retailers were already required to conspicuously post a sign stating "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE."²²³ Joy Leuthard, director of the Oklahoma Alliance on Health or Tobacco, described the struggle to obtain this bill.

The Alliance feels very strongly about the youth access legislation and once again we are very fortunate this year [2004] to get some legislation [SB 1256] through that really tightened up the penalty for retail outlets that sell tobacco to kids. And it's taken 10 years to get that bill through...It has been fought over and over and over and mostly what would happen it would get into committee and it would never get out of committee. Last year we got it out of committee and it died like on the very last day of the legislative session. This year, we almost lost it twice in the process but we did get it through. Basically what that law does, is instead of penalizing the clerk in the store, which is what the previous legislation did, that clerk would have to have had three violations before there was any penalty and then the penalty was against the clerk...now the bill focuses on penalizing the store owner...and that bill requires that cigarette vending machines cannot be accessible to kids.²²⁴

The bill finally held the retailers culpable for sales to minors, stating that "each violation by any employee of an owner of a store licensed to sell tobacco products shall be deemed a violation

against the owner for purposes of a license suspension pursuant to subsection C of this section.”²²⁵ The bill also restricted the placement of vending machines to establishments that prohibited entry by minors, and prohibited retail placement of tobacco products in locations that can be accessed without employee assistance.

Ken Nance lobbied against the measure. The provisions of the Master Settlement Agreement prohibited tobacco lobbyists from acting against youth access enforcement measures. Richard Barnes, counsel for the American Lung Association, recalled how Nance circumvented this obstacle.

Well, Ken Nance, we tried to nail him back in oh I don't remember it was either late March or early April something like that...we talked to two of the people in the attorney general's office who had an interest in the Master Settlement Agreement enforcement and one of the two of them reported back to me that he had confronted Nance about it and Nance said oh, I had filed with the Ethics Commission. I no longer represent any tobacco interests so I can lobby against youth access all I want to and sure enough he had...so we had to go down to the Ethics Commission office down in the basement of the Capitol to find out what had happened. Sure enough about the middle of March he filed a supplemental report showing that he was no longer representing any tobacco interest.²²⁶

Summary

Youth access enforcement efforts were bolstered in 2004 with new and stronger penalties including higher fines, outlet license revocation, and liability for outlet owners rather than clerks for lack of compliance. However, lack of consistent follow-up enforcement of outlets that violated the act means youth access enforcement remains primarily weak and symbolic. On the other hand, increases in prevention spending will help to reduce the number of kids who begin smoking. Program expenditure from MSA funds totaled over \$1 million in 2004, and should increase as more funds are allocated to the Endowment (discussed in the next chapter).²²⁷

CHAPTER 6: MASTER SETTLEMENT AGREEMENT

In August 1996, Oklahoma Attorney General Drew Edmondson announced that Oklahoma had joined 13 other states in suing tobacco companies to recoup funding on medical care for tobacco related injuries. Additionally, Oklahoma's suit named three of the company's law firms (Shook, Hardy & Bacon; Jacob, Midinger & Finnegan; Chadborne & Parke) and a public relations firm (Hill-Knowlton), stating that these organizations were also culpable. The suit, filed in Cleveland County, specified that in addition to monetary damages it would seek to enforce specific performance measures, including: forcing the industry to stop manipulating nicotine levels in tobacco, reveal the specific ingredients in cigarettes, and stop targeting minors in advertising and distribution. The attorney general stated that "we are suing to put an end to the targeting of children in the tobacco industry's advertising campaigns-campaigns that have been so successful that Joe Camel is nearly as likely to be recognized by 6-year-olds as Mickey Mouse."²²⁸

The industry reacted defiantly in an August 1996 statement.

By bringing this ill-advised case, Oklahoma Attorney General Drew Edmondson is mimicking the actions of several other state attorneys general. He is, to the detriment of Oklahoma's citizens, following in the footsteps of an unusual assortment of politicians and a roving band of plaintiffs' lawyers who believe they can disregard established product liability law and use the courts to legislate public policy on tobacco...At the same time, law-abiding manufacturers and business across the state must now be deeply concerned that they, too, may be the target of a politically motivated lawsuit, no matter how little legal grounds the state may have. Philip Morris believes that the state will lose and in the end, it will be the taxpayers of Oklahoma who will pay the price for Attorney General Edmondson's blatant political grandstanding.²²⁹

Gregory G. Little, senior assistant general counsel for Philip Morris, stated that "It is unfortunate that the state's most senior legal officer has ignored the fact that the state has no legal basis upon which to sue cigarette manufactures... we believe it is regrettable that a duly elected official feels so little constraint by law or fact that he willingly jumps on what is perceived by some to be the politically correct bandwagon of tobacco litigation."²³⁰

In Philip Morris' "Draft Oklahoma Plan", the company outlined its analysis of the lawsuit and its strategies to defeat it. The plan noted that "Edmondson, a former legislator and district attorney, had not been perceived as being unfavorable toward tobacco in the past. In fact, he accepted \$30,000 in tobacco contributions four years ago, when running for U.S. Senate," and listed "Political contribution records of the attorney general through duration of political career" as one of its public research goals, assigned to "Public Relations Firm and Tobacco Institute." Among the other objectives listed were to "educate legislators about the facts of the lawsuit...educate allies in business community as to the facts of the lawsuit...create a negative political reaction to the lawsuit." Additionally, the company's action plan to fight the lawsuit outlined a number of objectives.

Public Opinion Research. Responsibility: Legal, Issues Management, & Public Relations Firm

- Prepare and field a public opinion surveys testing the major message themes among the Oklahoma electorate.
- Monitor state wide media.

- Tape Television public opinion show, Flash Point (co-hosted by plaintiff Attorney, Turpin).
Message Development. Responsibility: Legal, Issues Management & Media Affairs...
 - Lawsuit won't stop kids from smoking
 - Tobacco excise taxes make huge profits for the state – even counting for alleged Medicaid costs...
 - What has the state done with the hundreds of millions in extra money they've collected from excise taxes in the past? (i.e. higher education)
 - Private trial lawyers, not the state, are the real winners...
 - Tobacco advertising does not target youth...
- Ally Outreach/Coalition Building. Responsibility: Government Affairs, Local Lobbyists & Public Relations Firm.
- Engage the support of potential allies on issue. Process will lead to the establishment of a formal coalition. The first step is to gain written commitments of support from the various parties...
 - Seek support of the top three targeted organizations...agreement to take an active role against this lawsuit as an ally of the company. This would include working with us to mobilize their membership, notifying their membership of their opposition to the lawsuit, issuing a press release condemning the lawsuit, joining a coalition of organizations against the lawsuit, etc...
- Op-Ed Program (Only to Correct Inaccurate Information/Refocus Anti Messages). Responsibility: Media Affairs, Legal & Public Relations Firm.
- Place regular opinion columns outlining the company's and allies' perspectives in as many of the state's newspapers (dailies and weeklies) as possible.
 - Draft several sample Op-ed's for use by: Local company spokesperson – supportive business group – supportive legislator.
- Outreach to Legislators. Responsibility: Government Affairs, Lobbyist...
- Lobbyists, armed with the approved message materials, will visit with key legislators to educate about the facts of the lawsuit and challenge the false statements of the attorney general, as well as, gauge the potential of these legislators to be supportive...
- Grassroots. Responsibility: Government Affairs & Public Relations Firm...
- Letters to the governor, attorney general and key legislators – working with a business ally, assist in mobilizing constituents who oppose the lawsuit and urge them to express opposition, focusing on key message points, to the targeted elected officials.
 - Voter identification and mobilization in key legislative districts – identify the sentiments of 25,000 voters in key legislative districts with respect to the lawsuit. When appropriate, mobilize those most in opposition to contact respective state legislators.²³¹

Despite the industry's efforts, the lawsuit proceeded successfully, and in November 1998, the Attorney General announced that Oklahoma would be among 46 states to participate in a Master Settlement Agreement that would award Oklahoma with about \$2 billion dollars over 25 years, to be held in escrow for the first two years. Edmondson reported that the amount was twice the amount in damages originally sought in the Cleveland County lawsuit filed two years earlier. Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard were the four companies that agreed to participate in the Master Settlement Agreement, while a separate settlement was made with U.S. Tobacco Company, the market leader in chewing tobacco, for \$100 million over 10 years. The non-monetary provisions for the Master Settlement Agreement would prohibit the tobacco companies from using cartoon characters such as Joe Camel, marketing backpacks, tee-shirts and other child-friendly products with tobacco logos, contracting with televisions and films for tobacco product placement, using billboards to promote tobacco, limiting event sponsorships, and restrictions on free sample offerings.²³²

By 1999, plans emerged for the first installment of the settlement, which were expected to total \$60.1 million and be remitted during the 2001 fiscal year (July 2000 – June 2001). Governor Keating was adamant that the money should be routed to education, stating that “when you receive a windfall, you have two choices, you can run wild spending a little here and a little there, or you can concentrate it where it will do the most good. If we put this money into education, it will do the most good.”²³³ Regarding tobacco prevention, the governor said that giving the money to state agencies to conduct youth smoking prevention programs would reduce the effectiveness of settlement funds, stating that “smoking prevention is education, and the place for education is in the classroom...we shouldn’t drop some into this department here and more into that department over there, creating duplicate programs that fail to target the most important audience, our young people.” However, the education funding that the governor proposed also included technology, infrastructure, teach pay raises, and bonus pay and other improvements in common, Vo-tech and higher education, and assistance for the teacher retirement system.²³⁴ In October of 1999, the governor made a legislative proposal for a \$500 million bond issue, with \$250 million going to higher education, \$100 million for public school technology, and \$150 million for other projects, including assistance with final funding for the Oklahoma City National Memorial, a weather center at the University of Oklahoma, the Army Museum of the Southwest in Lawton, and roof repairs to National Guard armories.²³⁵

The proposal came shortly after the criticism of Senate President Pro Tem Stratton Taylor (D-Claremore) who spoke against Keating’s plan to trade the estimated \$2.4 billion settlement money for an up-front \$1 billion bond. Keating had expressed concern that smoking cessation might jeopardize the tobacco industry’s income and reduce the agreed settlement amount, but the senator insisted that the giant tobacco companies, as colossal diversified conglomerates, would remain quite profitable, and that “the tobacco settlement money could serve as a nice nest egg for the people, but the governor is apparently bent on breaking open the piggy bank today.”²³⁶ The governor’s proposal was known as securitization, or cashing out future tobacco settlement funds for bonds that bring immediate cash to state revenues. Washington State Attorney General Christine Gregoire, whose state engaged in securitization to obtain funds for a general budget deficit, described the policy as disastrous, stating that “Never in my wildest nightmares did I think we would give up this settlement for cents on the dollar...the money in the tobacco settlement is as addictive to states as the nicotine in cigarettes is to smokers.” Wisconsin cashed out its entire settlement for a \$1.3 billion upfront bond to balance its 2003 budget, and the state’s attorney general James Doyle (currently governor) lamented that it would be “squandered on pet projects.” California, often considered to be at the forefront of the fight against tobacco, sold 10 years worth of its settlement payments for an immediate \$4.5 billion, and North Carolina amazingly will use three-quarters of its settlement to enhance production and marketing of tobacco (the state’s primary crop). Humor columnist Dave Barry likened this strategy to using war-on-terrorism money to give flying lessons to Al-Qaeda members.²³⁷

Other legislators supported the idea of a trust fund in which to keep the settlement money, spending only the interest. An *Associated Press* survey in February 2000 found that 25 of the 48 State Senators favored the trust fund idea, and seven members agreed that deciding what to do with tobacco settlement dollars was the most pertinent issue facing the current legislative session. Opinions in both house of the legislature varied from Dan Webb’s (R-Oklahoma City) suggestion that it be “given back to the people” to Representative Forrest

Claunch's (R-Midwest City) idea that "medical research and other uses can leverage money to increase the good it can accomplish." Some lawmakers agreed with the idea of a trust fund, but not necessarily for health care and tobacco prevention. Sen. Dave Herbert (D-Midwest City) supported the trust fund idea, but said that the interest should be used to put new computers in all public schools, and Representative Debbie Blackburn (D-Oklahoma City) asserted that a good case existed for using the money for purposes outside of health care and tobacco prevention, since past funds that could have been used for other needs were instead channeled to health care for tobacco-related illness.²³⁸

Attorney General Drew Edmondson met with Governor Keating during February and discussed support for a trust fund as introduced in legislation by House Speaker Loyd Benson (D-Fredrick) but said that Keating "has not yet fully embraced the concept."²³⁹ The trust proposal, House Bill 2022, was approved by the House 96-5 later in the month. After passing the Senate in May, the proposal became State Question 692 in Oklahoma's 2000 general election.²⁴⁰ The referendum would constitutionally establish the Tobacco Settlement Endowment Trust, into which a portion of Oklahoma's Master Settlement Agreement funds would be placed (50% in 2002, 55% in 2003, 60% in 2004, up to a maximum of 75% in 2007). The trust would oversee its receipt of funds from the Master Settlement Agreement and, encourage their use for tobacco control and other public health purposes.²⁴¹ Only interest earnings could then be spent, and then only on certain specified programs which include tobacco-related disease research, tobacco use prevention and cessation programs, and other health programs to be determined by the trust's Board of Directors. The funds not deposited into the trust would be available to the state legislature.²⁴²

The Attorney General and the State Treasurer Robert Butkin co-chaired the coalition to support passage of the referendum. The Heartland Division of the American Cancer Society announced a \$30,000 contribution to the campaign, as well as \$15,000 from the Oklahoma State Medical Association and \$5,000 from the Oklahoma Tobacco Free Coalition.²⁴³ On November 7, 2000, the referendum passed with 69% in favor, and the Endowment Trust was established in Oklahoma's constitution.²⁴⁴

The Endowment, with relatively modest initial funding due to only being able to utilize the trust fund's interest rather than the principal, has thus far helped to fund the Oklahoma Tobacco Helpline, a professional telephone-based cessation counseling service, youth prevention counter-marketing campaigns, and Communities of Excellence in Tobacco Control, which will support up to 20 local coalitions to implement community-based tobacco prevention and cessation at the level of counties and tribal nations. Revenues and expenditures of the Endowment are summarized in Table 7, below.²⁴⁵

Table 7. Trust fund revenues and expenditures (Source: Oklahoma Tobacco Settlement Endowment Trust FY 2004 Annual Report).

Fiscal Year	Settlement Receipts	Percent To Legislature	Percent To Endowment	Investment Earnings	Operating Expenditure	Program Expenditure
FY 2000	\$86,521,018	50	50			
FY 2001	\$65,328,240	45	55	\$651,619		
FY 2002	\$75,872,921	40	60	\$1,442,846	\$56,737	N/A
FY 2003	\$76,024,898	35	65	\$2,757,686	\$167,528	\$62,290
FY 2004	\$65,062,578	30	70	\$3,449,455	\$258,863	\$1,100,697
Total	\$368,809,657	25	75	\$8,301,606	\$483,128	\$1,162,987

CHAPTER 7: CONCLUSION

From the late 1980s through the early 2000s, Oklahoma's public health struggle to reduce and control tobacco use was effectively checked by the industry's political sophistication. Only from 2002 through 2004, has the state made significant progress in legislative action to promote clean indoor air in public places and workplaces and significantly raising excise taxes. The dismal lack of progress and complete industry hegemony that characterized the legislative climate for over a decade begs important questions. What changed? How did the industry so easily maintain its position over the years, and how did health interests suddenly begin attaining achievements after 2001 such as SJR 21 and SQ 713? Most importantly, what lessons does this history suggest about the future of health advocacy and tobacco policy making in the state?

During the late 1980s and throughout the 1990s, industry control of the legislative climate in Oklahoma was maintained by the skillful use of centralized lobbying, campaign contribution making, and support building among allied organizations like the hospitality industry. In their lobbying of state legislators, industry supremacy easily dwarfed the efforts of health organizations and advocates by maintaining an impenetrable insider relationship with key decision makers. The employment of former legislative colleagues like Ken Nance and Mandell Matheson as tobacco industry lobbyists to use their powers of access, established familiarity and trust that far outmatched what health advocates could offer.²⁴⁶

That this level of access was combined with campaign contributions assured that lobbying efforts on behalf of tobacco control would be of little to no consequence. As Barbara Kumpe, advocacy director for the American Heart Association in Arkansas and Oklahoma, pointed out, "They do have deep pockets, I mean they have a lot of money that we don't have and as the Heart Association we do not give money to any candidates whatsoever... it's a policy, we do not fund anybody, and we do not give any money to their [legislators] campaign."²⁴⁷ Philip Morris and R.J. Reynolds *do* give money to their campaigns, and they hire the legislator's respected former colleagues to communicate the industry's interests. Such insider tactics were clearly the industry's strength and the health organizations' weakness. These insider strengths were furthermore buttressed by the industry's ability to mobilize outside pressure during their calling campaigns that identified industry-sympathetic voters and directed them to their representatives' offices.

As described in the introduction of this report, former chairperson of the Oklahoma Tobacco Free Coalition, Alice McGrew, aptly described the state of tobacco control and health lobbying in the 1990s with the expression "we were a joke." This level of extreme disparity between the relative influences of the tobacco industry and health advocacy in Oklahoma was largely the result of the poorly funded health organizations' approach to tobacco control advocacy, which was to conduct conventional insider lobbying activities. Unfortunately, the proverbial playing field of conventional insider lobbying with regard to tobacco control legislation was completely dominated by the powerful and wealthy tobacco industry. Moreover, since pre-emption of clean-air and youth-access had been secured in the 1980s, all efforts had to be confined to the level of the state legislature, where the industry enjoyed its supremacy.

Dr. Leslie Beitsch's arrival in 2001, and his subsequent shifting of the playing field from legislative lobbying to high profile external pressure, demonstrated a stark contrast between the glacial pace of tobacco control progress that occurred prior to 2001 and the rapid achievements that he would make possible over the following two years. Beitsch's ability as Health Commissioner to promote the Oklahoma Board of Health's administrative rules, thus forcing the issue of clean-indoor-air in the public realm and onto the legislature, was an important part of the strategy that culminated in SJR 21, but just as important was his vehement and highly public campaigning on tobacco control issues. By circumventing the usual quiet processes of lobbying committee chairs and other legislators, sitting in meetings with tobacco lobbyists and attempting to negotiate compromises, strategies that by themselves had produced few results in previous years, Beitsch moved tobacco control to the public arena, and did so with a combative stance and with some disregard for alienation. His efforts paid off as the next three years saw legislation that would have seemed previously out-of-reach.

Barbara Kumpe, advocacy director in Arkansas and Oklahoma for the American Heart Association, described the contrast between Beitsch's approach and that maintained by health organizations prior to 2001, stating that:

I think Leslie Beitsch that they had in was a trend setter for them [Oklahoma State Department of Health] and he did great work. I think he also made some mistakes like we all do. In his approach on things I think sometimes the Health Department thinks that their way is the only way... I think you have to know what your opposition is about. I think you have to be able to negotiate with your opposition...I am friends with two of the biggest tobacco lobbyists in the state here in Oklahoma... you have to know we all are up there working for whatever reason and you know I'm not going to not speak to these people...I think that's how you get things done is they have to work to their end and I have to work to mine, but if I don't know what they're doing then I don't know what I need to do.²⁴⁸

Recommendations

We do not suggest that health organizations abandon conventional insider lobbying activities, or that they discontinue meeting with and arranging legislation with legislators. Rather, they should combine such activities in tandem with a variety of aggressive public relations and outside political organizing activities to supplement traditional insider lobbying.

Initiatives can be used to propose and enact legislation that completely bypasses the legislature. Oklahoma statutory initiatives can be brought to the ballot with a signatory threshold of eight percent of votes cast in the last state election (for the state office receiving the largest number of votes, generally the governor). For a 2004 ballot initiative, this would have meant 82,850 signatures.²⁴⁹ The benefit of initiative campaigns is twofold. First, by running an initiative, there is almost always no need for compromise legislation from the state legislature, where industry power is most consolidated. Industry influence outside the legislature is not certain, and in the past has centered on galvanizing behind-the-scenes supporters to call their legislators and using allied organizations for public announcements and lobbying that would look suspicious coming directly from the industry. The strenuous industry-funded efforts that were employed against SQ 713 in November 2004, amounting to almost \$2 million dollars in public campaigning against the bill, were unsuccessful in part due to strong public support for vigorous tobacco control policies and health programs.

Second, initiative campaigns may draw public and media attention in with greater prominence than would be the case in legislative proposals, and as was the case with the publicity surrounding the Health Department's administrative rules, such public attention may compel officials to address the issue by enacting legislation in the following session. As the industry has maintained such a stronghold on preemption at the state level, initiatives may be an effective way to bring the preemption issue to Oklahoma voters.

Health groups and other advocates should also significantly increase and employ as many astute external public relations and political tactics as possible, especially when legislative bills or initiative campaigns are in progress, including public rallies at the capitol, letters to newspaper editors, paid issue ads, and involvement with possible community forums. Through these methods, politicians who support industry interests should be held publicly accountable. We believe that these methods will dramatically enhance efforts to enact tobacco control legislation, as demonstrated between 2002 and 2004, when the public fervor generated by Dr. Beitsch's aggressive approach augmented health organizations' efforts and moved the struggle outside conventional insider negotiation and lobbying.

Through these insider and outsider public campaigning techniques, the public health community can continue the winning record established between 2002 and 2004 by strengthening current clean indoor air and tobacco taxes and enacting effective tobacco control legislation in a variety of other areas. This should include, as noted in the May 2002 *Oklahoma State Plan* efforts to: strengthen restrictions on tobacco sales in vending machines, stiffen penalties and enforcement for tobacco sales to minors, repeal all state laws that preempt stricter local tobacco control laws, adopt stronger clean indoor air laws in workplaces, establish effective statewide counter-marketing advertisements, create effective cessation programs, and establish vigorous anti-tobacco education campaigns.

Appendix Table A-1: Recorded contributions to legislative officeholders, 1991-1992

1991-1992 Forty-Third Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Hager	James	D	House	36	\$0	\$200	\$0	\$0	\$0	\$0
Brown	Ben	D	Senate	43	\$0	\$200	\$300	\$0	\$0	\$0
Haney	Enoch Kelly	D	Senate	50	\$0	\$500	\$0	\$0	\$0	\$0
Totals					\$0	\$900	\$300	\$0	\$0	\$0

Source: Oklahoma Ethics Commission

Appendix Table A-2: Legislative Officeholders with no recorded contributions, 1991-1992

1991-1992: Forty-Third Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Adair	Larry E.	D	House	86	Hefner	Jerry W.	D	House	12
Bastin	Gary	D	House	94	Hilliard	Danny	D	House	22
Bates	Bart S.	D	House	19	Holt	James D.	R	House	37
Begley	Jack	D	House	61	Howard	James D.	D	House	60
Benson	Lloyd L.	D	House	63	Isaac	Jim L.	D	House	95
Boeckman	Steven	R	House	39	Istook	Ernest Jim	R	House	100
Boyd	Betty	D	House	23	Key	Charles	R	House	90
Coleman	Carolyn	R	House	53	Kinnamon	Don	D	House	32
Combs	Gene D.	D	House	74	Littlefield	Rick M.	D	House	5
Culver	Bob Ed	D	House	4	Maddox	Jim	D	House	62
Davis	Frank W.	R	House	31	Mass	Mike	D	House	17
Dunegan	James H.	D	House	21	Maxey	Gary	D	House	40
Dunlap	James R.	R	House	11	McCorkell	Don Jr.	D	House	72
Gish	Larry	D	House	34	Mentzer	Don	D	House	2
Graves	Bill	R	House	84	Mitchell	Billy J.	D	House	42
Greenwood	Joan	R	House	54	Paulk	William R.	D	House	92
Hamilton	James E.	D	House	3	Rhodes	Chester Dusty	D	House	15
Hamilton	Jeff	D	House	101	Roberts	Larry D.	D	House	7
Heaton	Joe L.	R	House	83	Smith	Dale	D	House	27
Henshaw	James E.	R	House	79	Stottlemyre	Gary	D	House	77
Hudson	Sid	D	House	64	Sullivan	Leonard E.	R	House	82
Hutchcroft	Kevin	D	House	89	Taylor	Gary S.	D	House	10
Johnson	Glen D.	D	House	24	Thomas	Tommy	D	House	20
Johnson	Rob	R	House	71	Todd	Flake	D	House	47
Kouba	Tony	R	House	43	Tyler	Mike	D	House	30
Larason	Linda H.	D	House	88	Widener	Bill	D	House	57
Leist	M.C.	D	House	16	Worthen	Robert D.	R	House	87
Lester	R.C.	D	House	29	Cain	Bernest	D	Senate	46
Lucas	Frank D.	R	House	59	Capps	Gilmer N.	D	Senate	26
Maddux	Elmer	R	House	58	Chandler	Rex W.	D	Senate	5
Manar	Tom J.	D	House	56	Coleman	Helen G.	R	Senate	45
Matlock	Terry J.	D	House	1	Cullison	Robert V.	D	Senate	34
Monks	John	D	House	14	Dickerson	Larry	D	Senate	4
Monson	Angela	D	House	99	Douglass	Brooks	R	Senate	40
Niemi	Bruce E.	D	House	78	Easley	Kevin Alan	D	Senate	18
Peltier	Wanda Jo	D	House	93	Fair	Mike	R	Senate	47
Pilgrim	Jessie	D	House	33	Fisher	Ted V.	D	Senate	12
Pope	Tim	R	House	98	Ford	Charles R.	R	Senate	51
Reese	Jim	R	House	38	Franklin	Carl C.	D	Senate	17
Rice	Larry	D	House	8	Giles	Ray. A.	D	Senate	23
Roach	Russ	D	House	66	Gustafson	Bill	R	Senate	22
Roberts	Walt	D	House	18	Harrison	J. Berry	D	Senate	10
Ross	Don	D	House	73	Helton	Sam	D	Senate	31
Sadler	Al	D	House	48	Hendrick	Howard H.	R	Senate	52
Satterfield	Shelby D.	D	House	68	Herbert	Dave	D	Senate	42

Seikel	Mark	D	House	96	Hobson	Cal	D	Senate	16
Settle	Bill	D	House	13	Hooper	Roy B.	D	Senate	32
Smith	Bill	D	House	51	Horner	Maxine	D	Senate	11
Stanley	Fred	D	House	49	Kerr	Robert M.	D	Senate	38
Steidley	Dwayne	D	House	9	Lawler	Larry	D	Senate	24
Thompson	Carolyn A.	D	House	44	Leftwich	Keith C.	D	Senate	44
Vaughn	George	D	House	6	Long	Ed	D	Senate	19
Vaughn	Ray	R	House	81	Long	Lewis Jr.	D	Senate	37
Veitch	William A.	R	House	69	Mickle	Billy A.	D	Senate	6
Voskuhl	Sean	D	House	41	Miles-LaGrange	Vicki	D	Senate	48
Weaver	Robert E.	R	House	26	Muegge	Paul	D	Senate	20
Webb	Dan	R	House	91	Pierce	Jerry T.	R	Senate	29
Weese	Don	R	House	76	Roberts	Darryl F.	D	Senate	14
Williams	Danny	D	House	28	Robinson	Ben H.	D	Senate	9
York	Gary R.	D	House	46	Rozell	Herbert	D	Senate	3
Apple	Ed	R	House	50	Rubottom	Don	R	Senate	35
Bryant	John	R	House	70	Schuelein	William M.	D	Senate	1
Campbell	Grover	R	House	75	Shedrick	Bernice	D	Senate	21
Cotner	Howard	D	House	52	Shurden	Franklin D.	D	Senate	8
Cox	Kevin	D	House	97	Smith	Jerry L.	R	Senate	39
Cozort	H. Wayne	R	House	67	Snyder	Mark	R	Senate	41
Crocker	Ed	D	House	45	Stipe	Gene	D	Senate	7
Fallin	Mary	R	House	85	Taylor	Stratton	D	Senate	2
Ferguson	Larry R.	R	House	35	Weedn	Patricia	D	Senate	15
Karroll G.	Rhoads	R	House	25	Wilkerson	Dick	D	Senate	13
Gates	Bob	R	House	80	Williams	Penny	D	Senate	33
Glover	Jim	D	House	65	Williams	Don	D	Senate	49
Grieser	Emil L.	D	House	55	Wright	Gerald "Ged"	R	Senate	54

Source: Oklahoma Ethics Commission

Appendix Table B-1: Recorded contributions to legislative officeholders, 1993-1994

1993-1994 Forty-Fourth Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Bastin	Gary	D	House	94	\$0	\$200	\$0	\$0	\$0	\$0
Boyd	Betty	D	House	23	\$0	\$200	\$0	\$0	\$0	\$0
Campbell	Grover	R	House	74	\$0	\$200	\$0	\$0	\$0	\$0
Crocker	Ed	D	House	45	\$0	\$200	\$0	\$0	\$0	\$0
Gates	Bob	R	House	80	\$0	\$150	\$0	\$0	\$0	\$0
Glover	Jim R.	D	House	65	\$0	\$400	\$0	\$0	\$0	\$0
Hager	James	D	House	36	\$0	\$350	\$0	\$0	\$0	\$0
Hutchinson	Joe J.	D	House	5	\$0	\$200	\$0	\$0	\$0	\$0
Isaac	Jim	D	House	95	\$0	\$200	\$0	\$0	\$0	\$0
Leist	M.C.	D	House	16	\$0	\$200	\$0	\$0	\$0	\$0
Maddox	Jim	D	House	62	\$0	\$200	\$0	\$0	\$0	\$0
Mass	Mike	D	House	17	\$0	\$200	\$0	\$0	\$0	\$0
Mitchell	Billy J.	D	House	42	\$0	\$150	\$0	\$0	\$0	\$0
Monks	John	D	House	14	\$0	\$100	\$0	\$0	\$0	\$0
Rhodes	Chester Dusty	D	House	15	\$0	\$150	\$0	\$0	\$0	\$0
Roberts	Larry D.	D	House	7	\$0	\$100	\$0	\$0	\$0	\$0
Sadler	Al	D	House	48	\$0	\$150	\$0	\$0	\$0	\$0
Smith	Dale	D	House	27	\$0	\$100	\$0	\$0	\$0	\$0
Smith	Bill	D	House	51	\$0	\$200	\$0	\$0	\$0	\$0
Stanley	Fred	D	House	49	\$0	\$200	\$0	\$0	\$0	\$0
Stites	J.T.	D	House	2	\$0	\$200	\$0	\$0	\$0	\$0
Stottlemyre	Gary	D	House	77	\$0	\$200	\$0	\$0	\$0	\$0
Thompson	David L.	D	House	29	\$0	\$100	\$0	\$0	\$0	\$0
Tyler	Mike	D	House	30	\$0	\$100	\$0	\$0	\$0	\$0
Voskuhl	Sean	D	House	41	\$0	\$200	\$0	\$0	\$0	\$0
Weaver	Robert E.	R	House	26	\$0	\$200	\$0	\$0	\$0	\$0
Webb	Dan	R	House	91	\$0	\$100	\$0	\$0	\$0	\$0
York	Gary R.	D	House	46	\$0	\$100	\$0	\$0	\$0	\$0
Douglass	Brooks	R	Senate	40	\$0	\$200	\$0	\$0	\$0	\$0
Easley	Kevin Alan	D	Senate	18	\$0	\$200	\$0	\$0	\$0	\$0
Haney	Enoch Kelly	D	Senate	50	\$0	\$200	\$0	\$0	\$0	\$0
Leftwich	Keith C.	D	Senate	44	\$0	\$200	\$0	\$0	\$0	\$0
Mickle	Billy A.	D	Senate	6	\$0	\$300	\$0	\$0	\$0	\$0
Totals					\$0	\$6,650	\$0	\$0	\$0	\$0

Source: Oklahoma Ethics Commission

Appendix Table B-2: Legislative Officeholders with no recorded contributions, 1993-1994

1993-1994: Forty-Fourth Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Adair	Larry E.	D	House	86	Seikel	Mark	D	House	96
Anthony	Calvin J.	D	House	34	Settle	Bill	D	House	13
Apple	Ed	R	House	50	Steidley	Dwayne	D	House	9
Bass	John A.	D	House	39	Sullivan	Leonard E.	R	House	82
Bates	Bart S.	D	House	19	Taylor	Gary S.	D	House	10
Begley	Jack	D	House	61	Thomas	Tommy	D	House	20
Benson	Loyd L.	D	House	63	Thornbrugh	Mike	R	House	75
Beutler	Randy	D	House	60	Todd	Flake	D	House	47
Boyd	Laura W.	D	House	44	Vaughn	George H.	D	House	6
Breckenridge	Flint	R	House	78	Vaughn	Ray	R	House	81
Bryant	John	R	House	70	Veitch	William A.	R	House	69
Caldwell	Tony	R	House	83	Weese	Don	R	House	76
Coleman	Carolyn	R	House	53	Widener	Bill	D	House	57
Cotner	Howard P.	D	House	52	Williams	Danny	D	House	28
Cox	Kevin	D	House	97	Worthen	Robert D.	R	House	87
Cozort	H. Wayne	R	House	67	Bell	Jack	D	Senate	5
Culver	Bob Ed	D	House	4	Brown	Ben	D	Senate	43
Davis	Frank W.	R	House	31	Cain	Bernest	D	Senate	46
Dunegan	James H.	D	House	21	Capps	Gilmer N.	D	Senate	26
Dunlap	James R.	R	House	11	Cole	Helen G.	R	Senate	45
Fallin	Mary	R	House	85	Cullison	Robert V.	D	Senate	34
Ferguson	Larry R.	R	House	35	Dickerson	Larry	D	Senate	4
Graves	Bill	R	House	84	Fair	Mike	R	Senate	47
Gray	Charles	D	House	89	Fisher	Ted V.	D	Senate	12
Greenwood	Joan	R	House	54	Ford	Charles R.	R	Senate	51
Grieser	Emil L.	D	House	55	Gustafson	Bill	R	Senate	22
Hamilton	James E.	D	House	3	Harrison	J. Berry	D	Senate	10
Hamilton	Jeff	D	House	101	Helton	Sam	D	Senate	31
Hefner	Jerry W.	D	House	12	Hendrick	Howard H.	R	Senate	52
Henshaw	Jim	R	House	79	Henry	Brad	D	Senate	17
Hilliard	Danny	D	House	22	Herbert	Dave	D	Senate	42
Holt	James D.	R	House	37	Hobson	Cal	D	Senate	16
Hudson	Sid	D	House	64	Hooper	Roy B.	D	Senate	32
Istook	Ernest J. Jr.	R	House	100	Horner	Maxine	D	Senate	11
Johnson	Glen D.	D	House	24	Kerr	Robert M.	D	Senate	38
Johnson	Rob	R	House	71	Lawler	Larry	D	Senate	24
Key	Charles	R	House	90	Littlefield	Rick	D	Senate	1
Kinnamon	Don	D	House	32	Long	Ed	D	Senate	19
Kouba	Tony	R	House	43	Long	Lewis Jr.	D	Senate	37
Larason	Linda	D	House	88	Miles-LaGrange	Vicki	D	Senate	48
Lucas	Frank D.	R	House	59	Muegge	Paul	D	Senate	20
Maddux	Elmer	R	House	58	Pierce	Jerry T.	R	Senate	29
Manar	Tom	D	House	56	Price	Bruce	D	Senate	23
Matlock	Terry J.	D	House	1	Roberts	Darryl F.	D	Senate	14
Maxey	Gary	D	House	40	Robinson	Ben H.	D	Senate	9

McCorkell	Don Jr.	D	House	72	Rozell	Herbert	D	Senate	3
Monson	Angela	D	House	99	Rubottom	Don	R	Senate	35
Paulk	William	D	House	92	Shedrick	Bernice	D	Senate	21
Peltier	Wanda Jo	D	House	93	Shurden	Franklin D.	D	Senate	8
Pilgrim	Jessie	D	House	33	Smith	Jerry L.	R	Senate	39
Pope	Tim	R	House	98	Snyder	Mark	R	Senate	41
Reese	Jim	R	House	38	Stipe	Gene	D	Senate	7
Rhoads	Karrol G.	R	House	25	Taylor	Stratton	D	Senate	2
Rice	Larry Dean	D	House	8	Weedn	Patricia	D	Senate	15
Roach	Russ	D	House	66	Wilkerson	Dick	D	Senate	13
Roberts	Walt	D	House	18	Williams	Don	D	Senate	49
Ross	Don	D	House	73	Williams	Penny	D	Senate	33
Satterfield	Shelby D.	D	House	68	Wright	Gerald "Ged"	R	Senate	54

Source: Oklahoma Ethics Commission

Appendix Table C-1: Recorded contributions to legislative officeholders, 1995-1996

1995-1996 Forty-Fifth Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Adair	Larry E.	D	House	86	\$0	\$0	\$0	\$100	\$0	\$0
Adkins	Scott	R	House	80	\$0	\$0	\$0	\$100	\$0	\$0
Bastin	Gary	D	House	94	\$0	\$0	\$0	\$100	\$0	\$0
Benson	Loyd	D	House	63	\$0	\$250	\$0	\$200	\$0	\$0
Breckenridge	Flint	R	House	78	\$0	\$0	\$0	\$200	\$0	\$0
Case	Bill	R	House	95	\$0	\$100	\$0	\$0	\$0	\$0
Cox	Kevin	D	House	97	\$0	\$0	\$0	\$100	\$0	\$0
Dunlap	James R.	R	House	11	\$0	\$0	\$0	\$200	\$0	\$0
Ervin	Mike	D	House	28	\$0	\$0	\$0	\$100	\$0	\$0
Ferguson	Larry	R	House	35	\$0	\$0	\$0	\$100	\$0	\$0
Fields	Lloyd	D	House	18	\$0	\$0	\$0	\$100	\$0	\$0
Glover	Jim R.	D	House	65	\$0	\$0	\$200	\$100	\$0	\$0
Graves	Bill	R	House	84	\$0	\$0	\$100	\$0	\$0	\$0
Hastings	Chris	R	House	79	\$0	\$0	\$0	\$100	\$0	\$0
Hefner	Jerry W.	D	House	12	\$0	\$0	\$200	\$100	\$0	\$0
Hiett	Todd	R	House	29	\$0	\$100	\$0	\$100	\$0	\$0
Hilliard	Danny	D	House	22	\$0	\$100	\$100	\$0	\$0	\$0
Hutchison	Joe J.	D	House	5	\$0	\$0	\$0	\$100	\$0	\$0
Johnson	Glen D.	D	House	24	\$0	\$250	\$0	\$0	\$0	\$0
Kinnamon	Don	D	House	32	\$0	\$0	\$200	\$100	\$0	\$0
Kirby	Ron	D	House	64	\$0	\$0	\$0	\$100	\$0	\$0
Leist	M.C.	D	House	16	\$0	\$0	\$0	\$100	\$0	\$0
Mass	Mike	D	House	17	\$0	\$0	\$0	\$100	\$0	\$0
Matlock	Terry J.	D	House	1	\$0	\$100	\$0	\$0	\$0	\$0
Miller	Doug	R	House	46	\$0	\$0	\$0	\$100	\$0	\$0
Pettigrew	Wayne	R	House	39	\$0	\$0	\$0	\$100	\$0	\$0
Phillips	Richard	R	House	100	\$0	\$0	\$0	\$100	\$0	\$0
Plunk	Bob	D	House	25	\$0	\$0	\$100	\$100	\$0	\$0
Pope	Tim	R	House	98	\$0	\$300	\$0	\$100	\$0	\$0
Pope	Clay	D	House	59	\$0	\$0	\$100	\$0	\$0	\$0
Rice	Larry D.	D	House	8	\$0	\$0	\$0	\$100	\$0	\$0
Roach	Russ	D	House	66	\$0	\$0	\$0	\$100	\$0	\$0
Sadler	Al	D	House	48	\$0	\$0	\$0	\$100	\$0	\$0
Satterfield	Shelby	D	House	68	\$0	\$0	\$0	\$100	\$0	\$0
Seikel	Mark	D	House	96	\$0	\$0	\$0	\$100	\$0	\$0
Smith	Dale	D	House	27	\$0	\$0	\$100	\$100	\$0	\$0
Steidley	Dwayne	D	House	9	\$0	\$0	\$100	\$0	\$0	\$0
Stites	J.T.	D	House	2	\$0	\$0	\$100	\$0	\$0	\$0
Stottlemire	Gary	D	House	77	\$0	\$0	\$200	\$100	\$0	\$0
Sullivan	John	R	House	71	\$0	\$100	\$0	\$100	\$0	\$0
Taylor	Gary S.	D	House	10	\$0	\$0	\$0	\$100	\$0	\$0
Thornbrugh	Mike	R	House	75	\$0	\$0	\$100	\$100	\$0	\$0
Toure	Opio	D	House	99	\$0	\$0	\$0	\$200	\$0	\$0
Tyler	Mike	D	House	30	\$0	\$0	\$100	\$100	\$0	\$0
Voskuhl	Sean	D	House	41	\$0	\$0	\$0	\$100	\$0	\$0

Weaver	Robert	D	House	26	\$0	\$0	\$0	\$100	\$0	\$0
Bell	Jack	D	Senate	5	\$0	\$250	\$0	\$200	\$0	\$0
Brown	Ben	D	Senate	43	\$0	\$0	\$0	\$200	\$0	\$0
Ford	Charles R.	R	Senate	51	\$0	\$0	\$0	\$200	\$0	\$0
Littlefield	Rick	D	Senate	1	\$0	\$0	\$200	\$200	\$0	\$0
Rozell	Herbert	D	Senate	3	\$0	\$0	\$0	\$200	\$0	\$0
Smith	Jerry L.	R	Senate	39	\$0	\$0	\$150	\$200	\$0	\$0
Stipe	Gene	D	Senate	7	\$0	\$0	\$0	\$200	\$0	\$0
Williams	Don	D	Senate	49	\$0	\$0	\$300	\$200	\$0	\$0
Williams	Penny	D	Senate	33	\$0	\$0	\$0	(\$200)	\$0	\$0
Totals					\$0	\$1,800	\$2,350	\$6,100	\$0	\$0

Source: Oklahoma Ethics Commission

Appendix Table C-2: Legislative Officeholders with no recorded contributions, 1995-1996

1995-1996: Forty-Fifth Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Anthony	Calvin J.	D	House	34	Langmacher	Ron	D	House	56
Askins	Jari	D	House	50	Leftwich	Keith C.	D	Senate	44
Begley	Jack	D	House	61	Long	Ed	D	Senate	19
Beutler	Randy	D	House	60	Long	Lewis Jr.	D	Senate	37
Blackburn	Debbie	D	House	88	Maddox	Jim	D	Senate	32
Bonny	Jack	D	House	55	Maddux	Elmer	R	House	58
Boyd	Betty	D	House	23	Martin	Carol	R	Senate	24
Boyd	Laura	D	House	44	McCorkell	Don	D	House	72
Bryant	John	R	House	70	Mickle	Billy A.	D	Senate	6
Cain	Bernest	D	Senate	46	Mitchell	Bill	D	House	42
Campbell	Grover	R	Senate	34	Monson	Angela	D	Senate	48
Capps	Gilmer N.	D	Senate	26	Morgan	Fred	R	House	83
Claunch	Forrest	R	House	101	Muegge	Paul	D	Senate	20
Coleman	Carolyn	R	House	53	O'Neal	Mike	R	House	40
Coleman	Helen G.	R	Senate	45	Paulk	Bill	D	House	92
Cotner	Howard	D	House	52	Peltier	Wanda Jo	D	House	93
Cozort	Wayne	R	House	67	Perry	Fred	R	House	69
Crocker	Ed	D	House	45	Pierce	Jerry T.	R	Senate	29
Culver	Bob Ed	D	House	4	Price	Bruce	D	Senate	23
Dank	Odilia	R	House	85	Ramsey	Dan	R	House	47
Davis	Frank W.	R	House	31	Reese	Jim	R	House	38
Deutschendorf	Abe	D	House	62	Rhodes	Chester Dusty	D	House	15
Dickerson	Larry	D	Senate	4	Roberts	Larry E.	D	House	7
Douglass	Brooks	R	Senate	40	Roberts	Darryl F.	D	Senate	14
Dunegan	James H.	D	House	21	Robinaon	Ben H.	D	Senate	9
Easley	Kevin Alan	D	Senate	18	Ross	Don	D	House	73
Eddins	Joe	D	House	6	Rubottom	Don	R	Senate	35
Erwin	Randall Lee	D	House	19	Settle	Bill	D	House	13
Fair	Mike	R	Senate	47	Shedrick	Bernice	D	Senate	21
Fisher	Ted V.	D	Senate	12	Shurden	Franklin D.	D	Senate	8
Gray	Charles	D	House	89	Smaligo	John	R	House	74
Greenwood	Joan	R	House	54	Smith	Bill	D	House	51
Gustafson	Bill	R	Senate	22	Snyder	Mark	R	Senate	41
Hager	James	D	House	36	Staggs	Barbara	D	House	14
Hamilton	James E.	D	House	3	Stanley	Fred	D	House	49
Haney	Enoch Kelly	D	Senate	50	Sullivan	Lenard E.	R	House	82
Harrison	J. Berry	D	Senate	10	Taylor	Stratton	D	Senate	2
Helton	Sam	D	Senate	31	Thomas	Tommy	D	House	20
Hendrick	Howard	R	Senate	52	Vaughn	Ray	R	House	81
Henry	Brad	D	Senate	17	Webb	Dan	R	House	91
Herbert	Dave	D	Senate	42	Weedn	Patricia	D	Senate	15
Hobson	Cal	D	Senate	16	Weese	Don	R	House	76
Holt	James D.	R	House	37	Wells	Dale W.	D	House	33
Horner	Maxine	D	Senate	11	Widener	Bill	D	House	57
Kerr	Robert M.	D	Senate	38	Wilkerson	Dick	D	Senate	13

Key	Charles	R	House	90	Worthen	Robert D.	R	House	87
Kouba	Tony	R	House	43	Wright	Gerald Ged	R	Senate	54

Source: Oklahoma Ethics Commission

Appendix Table D-1: Recorded contributions to legislative officeholders, 1997-1998

1997-1998 Forty-Sixth Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Adair	Larry E.	D	House	86	\$0	\$0	\$300	\$200	\$0	\$200
Adkins	Scott	R	House	80	\$0	\$0	\$100	\$0	\$0	\$0
Begley	Jack	D	House	61	\$0	\$0	\$200	\$0	\$0	\$0
Beutler	Randy	D	House	60	\$0	\$0	\$100	\$0	\$0	\$0
Bonny	Jack	D	House	55	\$0	\$0	\$100	\$0	\$0	\$0
Boyd	Betty	D	House	23	\$0	\$0	\$0	\$100	\$0	\$0
Braddock	David B.	D	House	52	\$0	\$0	\$200	\$100	\$0	\$200
Bryant	John	R	House	70	\$0	\$0	\$200	\$100	\$0	\$0
Case	Bill	R	House	95	\$0	\$0	\$100	\$100	\$0	\$0
Cox	Kevin	D	House	97	\$0	\$0	\$100	\$200	\$0	\$0
Dickerson	Larry	D	Senate	4	\$0	\$0	\$200	\$0	\$0	\$0
Eddins	Joe	D	House	6	\$0	\$0	\$0	\$0	\$0	\$200
Ervin	Mike	D	House	28	\$0	\$0	\$100	\$100	\$0	\$200
Erwin	Randall Lee	D	House	19	\$0	\$0	\$0	\$200	\$0	\$0
Ferguson	Larry	R	House	35	\$0	\$0	\$100	\$0	\$0	\$0
Fields	Lloyd	D	House	18	\$0	\$0	\$500	\$400	\$0	\$400
Fisher	Ted V.	D	Senate	12	\$0	\$0	\$600	\$200	\$0	\$400
Frame	Bobby	D	House	15	\$0	\$0	\$100	\$100	\$0	\$200
Gilbert	Darrell	D	House	72	\$0	\$0	\$0	\$100	\$0	\$0
Graves	Bill	R	House	84	\$0	\$0	(\$100)	\$0	\$0	\$0
Gray	Charles	D	House	89	\$0	\$0	\$100	\$0	\$0	\$0
Gustafson	Bill	R	Senate	22	\$0	\$0	\$200	\$0	\$0	\$0
Haney	Enoch Kelly	D	Senate	50	\$0	\$0	\$400	\$200	\$0	\$700
Harrison	J. Berry	D	Senate	10	\$0	\$0	\$200	\$0	\$0	\$0
Hastings	Chris	R	House	79	\$0	\$0	(\$100)	\$0	\$0	\$0
Hefner	Jerry W.	D	House	12	\$0	\$0	\$300	\$100	\$0	\$200
Herbert	Dave	D	Senate	42	\$0	\$0	\$600	\$200	\$0	\$400
Hiett	Todd	R	House	29	\$0	\$0	\$100	\$100	\$0	\$200
Hutchison	Joe J.	D	House	5	\$0	\$0	\$100	\$100	\$0	\$200
Ingmire	Terry	R	House	34	\$0	\$0	\$0	\$0	\$0	(\$200)
Key	Charles	R	House	90	\$0	\$0	\$300	\$100	\$0	\$0
Kinnamon	Don	D	House	32	\$0	\$0	\$100	\$0	\$0	\$0
Kirby	Ron	D	House	64	\$0	\$0	\$400	\$100	\$0	\$200
Langmacher	Ron	D	House	56	\$0	\$0	\$0	\$100	\$0	\$0
Liotta	Mark	R	House	77	\$0	\$0	\$0	\$0	\$0	\$200
Maddox	Jim	D	Senate	32	\$0	\$0	\$200	\$200	\$0	\$0
Maddux	Elmer	R	House	58	\$0	\$0	\$0	\$0	\$0	\$200
Martin	Carol	R	Senate	24	\$0	\$0	\$200	\$0	\$0	\$0
Mass	Mike	D	House	17	\$0	\$0	\$100	\$0	\$0	\$0
Matlock	Terry J.	D	House	1	\$0	\$0	\$0	\$100	\$0	\$0
McCarter	Raymond G.	D	House	51	\$0	\$0	\$0	\$100	\$0	\$0
Mickle	Billy A.	D	Senate	6	\$0	\$0	\$0	\$0	\$0	\$200
Miller	Doug	R	House	46	\$0	\$0	\$0	\$100	\$0	\$0
O'Neal	Mike	R	House	40	\$0	\$0	\$300	\$0	\$0	\$200
Ostrander	Phil	D	House	74	\$0	\$0	\$0	\$100	\$0	\$0

Phillips	Richard	R	House	100	\$0	\$0	\$100	\$0	\$0	\$0
Plunk	Bob	D	House	25	\$0	\$0	\$100	\$0	\$0	\$0
Pope	Clay	D	House	59	\$0	\$0	\$100	\$0	\$0	\$0
Reese	Jim	R	House	38	\$0	\$0	\$0	\$100	\$0	\$200
Roach	Russ	D	House	66	\$0	\$0	\$0	\$200	\$0	\$0
Ross	Don	D	House	73	\$0	\$0	\$200	\$100	\$0	\$250
Satterfield	Shelby	D	House	68	\$0	\$0	\$300	\$100	\$0	\$200
Seikel	Mark	D	House	96	\$0	\$0	\$200	\$100	\$0	\$200
Shurden	Franklin D.	D	Senate	8	\$0	\$0	\$600	\$200	\$0	\$400
Smith	Dale	D	House	27	\$0	\$0	\$300	\$100	\$0	\$200
Smith	Hopper	R	House	67	\$0	\$0	\$0	\$0	\$0	\$200
Smith	Jerry L.	R	Senate	39	\$0	\$0	(\$150)	\$0	\$0	\$0
Steidley	Dwayne	D	House	9	\$0	\$0	\$100	\$0	\$0	\$0
Stites	J.T.	D	House	2	\$0	\$0	\$300	\$0	\$0	\$200
Sullivan	John	R	House	71	\$0	\$0	\$200	\$0	\$0	\$250
Taylor	Gary S.	D	House	10	\$0	\$0	\$400	\$0	\$0	\$200
Thomas	Tommy	D	House	20	\$0	\$0	\$300	\$0	\$0	\$200
Thornbrugh	Mike	R	House	75	\$0	\$0	\$300	\$100	\$0	\$200
Toure	Opio	D	House	99	\$0	\$0	\$100	\$0	\$0	\$0
Turner	Dale	D	House	24	\$0	\$0	\$300	(\$100)	\$0	\$0
Tyler	Mike	D	House	30	\$0	\$0	\$100	\$0	\$0	\$200
Voskuhl	Sean	D	House	41	\$0	\$0	\$100	\$0	\$0	\$250
Webb	Dan	R	House	91	\$0	\$0	\$300	\$0	\$0	\$200
Weese	Don	R	House	76	\$0	\$0	\$100	\$0	\$0	\$0
Wells	Dale W.	D	House	33	\$0	\$0	\$100	\$0	\$0	\$0
Wright	Gerald "Ged"	R	Senate	54	\$0	\$0	\$600	\$200	\$0	\$400
Totals					\$0	\$0	\$13,950	\$7,100	\$0	\$8,550

Source: Oklahoma Ethics Commission

Appendix Table D-2: Legislative Officeholders with no recorded contributions, 1997-1998

1997-1998: Forty-Sixth Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Alan	Kevin Alan Easley	D	Senate	18	Lindley	Al	D	House	93
Askins	Jari	D	House	50	Littlefield	Rick	D	Senate	1
Bastin	Gary	D	House	94	Long	Lewis Jr.	D	Senate	37
Benson	Loyd	D	House	63	Milack	Robert V.	R	Senate	19
Blackburn	Debbie	D	House	88	Mitchell	Bill	D	House	42
Boyd	Laura	D	House	44	Monson	Angela	D	Senate	48
Brown	Ben	D	Senate	43	Morgan	Fred	R	House	83
Cain	Bernest	D	Senate	46	Morgan	Mike	D	Senate	21
Campbell	Grover	R	Senate	34	Muegge	Paul	D	Senate	20
Capps	Gilmer N.	D	Senate	26	Newport	Jim	R	House	37
Claunch	Forrest	R	House	101	Paulk	Bill	D	House	92
Coleman	Carolyn	R	House	53	Perry	Fred	R	House	69
Collins	Wallace	D	House	45	Pettigrew	Wayne	R	House	39
Covey	James E.	D	House	57	Pope	Tim	R	House	98
Culver	Bob Ed	D	House	4	Price	Bruce	D	Senate	23
Dank	Odilia	R	House	85	Rabon	Jeff	D	Senate	5
Davis	Frank W	R	House	31	Rick	Larry D.	D	House	8
Deutschendorf	Abe	D	House	62	Roberts	Larry D.	D	House	7
Douglass	Brooks	R	Senate	40	Roberts	Darryl F.	D	Senate	14
Dunegan	James H.	D	House	21	Robinson	Ben H.	D	Senate	9
Dunlap	Jim	R	Senate	29	Rozell	Herbert	D	Senate	3
Easley	Mary	D	House	78	Sadler	Al	D	House	48
Fair	Mike	R	Senate	47	Settle	Bill	D	House	13
Ford	Charles R.	R	Senate	51	Snyder	Mark	R	Senate	41
Glover	Jim R.	D	House	65	Staggs	Barbara	D	House	14
Greenwood	Joan	R	House	54	Stanley	Fred	D	House	49
Hager	James	D	House	36	Stipe	Gene	D	Senate	7
Hamilton	James E.	D	House	3	Sullivan	Leonard E.	R	House	82
Helton	Sam	D	Senate	31	Taylor	Stratton	D	Senate	2
Hendrick	Howard H.	R	Senate	52	Vaughn	Ray	R	House	81
Henry	Brad	D	Senate	17	Weaver	Robert	D	House	26
Hilliard	Danny	D	House	22	Weedn	Patricia	D	Senate	15
Hobson	Cal	D	Senate	16	Wilcoxson	Kathleen	R	Senate	45
Horner	Maxine	D	Senate	11	Wilkerson	Dick	D	Senate	13
Kerr	Robert M.	D	Senate	38	Williams	Penny	D	Senate	33
Kouba	Tony	R	House	43	Williamson	James A.	R	Senate	35
Laughlin	Owen	R	Senate	49	Wilt	Mike	R	House	11
Leftwich	Keith C.	D	Senate	44	Worthen	Robert D.	R	House	87
Leist	M.C.	D	House	16					

Source: Oklahoma Ethics Commission

Appendix Table E-1: Recorded contributions to legislative officeholders, 1999-2000

1999-2000 Forty-Seventh Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Adair	Larry E.	D	House	86	\$0	\$0	\$125	\$0	\$0	\$500
Adkins	Scott	R	House	80	\$0	\$0	\$125	\$0	\$0	\$0
Begley	Jack	D	House	61	\$0	\$0	\$100	\$0	\$0	\$0
Benge	Chris	R	House	68	\$0	\$0	\$0	\$150	\$0	\$0
Bonny	Jack	D	House	55	\$0	\$0	\$125	\$0	\$0	\$0
Boyd	Betty	D	House	23	\$0	\$0	\$100	\$0	\$0	\$0
Brown	Ben	D	Senate	43	\$0	\$0	\$0	\$0	\$0	\$400
Calvey	Kevin	R	House	94	\$0	\$0	\$225	\$0	\$0	\$0
Collins	Wallace	D	House	45	\$0	\$0	\$100	\$0	\$0	\$0
Covey	James E.	D	House	57	\$0	\$0	\$125	\$200	\$0	\$0
Cox	Kevin	D	House	97	\$0	\$0	\$125	\$0	\$0	\$0
Douglass	Brooks	R	Senate	40	\$0	\$0	\$0	\$200	\$0	\$0
Dunegan	James H.	D	House	21	\$0	\$0	\$100	\$0	\$0	\$0
Dunlap	Jim	R	Senate	29	\$0	\$0	\$200	\$0	\$0	\$400
Easley	Kevin A.	D	Senate	18	\$0	\$0	\$125	\$0	\$0	\$0
Eddins	Joe	D	House	6	\$0	\$0	\$100	\$0	\$0	\$0
Erwin	Randall Lee	D	House	19	\$0	\$0	\$200	\$0	\$0	\$0
Fair	Mike	R	Senate	47	\$0	\$0	\$0	\$0	\$0	\$400
Ferguson	Larry	R	House	35	\$0	\$0	\$0	\$250	\$0	\$0
Fields	Lloyd L.	D	House	18	\$0	\$0	\$375	\$250	\$0	\$0
Ford	Charles R.	R	Senate	51	\$0	\$0	\$0	\$0	\$0	\$400
Frame	Bobby	D	House	15	\$0	\$0	\$125	\$0	\$0	\$0
Gilbert	Darrell	D	House	72	\$0	\$0	\$0	\$200	\$0	\$0
Glover	Jim R.	D	House	65	\$0	\$0	\$100	\$0	\$0	\$400
Haney	Enoch Kelly	D	Senate	50	\$0	\$0	\$0	\$250	\$0	\$0
Hefner	Jerry W.	D	House	12	\$0	\$0	\$100	\$200	\$0	\$0
Helton	Sam	D	Senate	31	\$0	\$0	\$0	\$0	\$0	\$250
Henry	Brad	D	Senate	17	\$0	\$0	\$0	\$0	\$0	\$400
Herbert	Dave	D	Senate	42	\$0	\$0	\$0	\$0	\$0	\$250
Hiett	Todd	R	House	29	\$0	\$0	\$100	\$0	\$0	\$0
Horner	Maxine	D	Senate	11	\$0	\$0	\$400	\$250	\$0	\$650
Hutchison	Joe J.	D	House	5	\$0	\$0	\$100	\$100	\$0	\$0
Jones	Tad	R	House	9	\$0	\$0	\$0	\$150	\$0	\$0
Kirby	Ron	D	House	64	\$0	\$0	\$200	\$150	\$0	\$0
Langmacher	Ron	D	House	56	\$0	\$0	\$0	\$200	\$0	\$0
Laughlin	Owen	R	Senate	49	\$0	\$0	\$0	\$0	\$0	\$400
Leist	M.C.	D	House	16	\$0	\$0	\$200	\$0	\$0	\$0
Littlefield	Rick	D	Senate	1	\$0	\$0	\$200	\$0	\$0	\$650
Long	Lewis Jr.	D	Senate	37	\$0	\$0	\$450	\$0	\$0	\$250
Martin	Carol	R	Senate	24	\$0	\$0	\$250	\$0	\$0	\$0
Matlock	Terry J.	D	House	1	\$0	\$0	\$200	\$250	\$0	\$0
Milacek	Robert V.	R	Senate	19	\$0	\$0	\$0	\$200	\$0	\$400
Miller	Doug	R	House	46	\$0	\$0	\$0	\$150	\$0	\$0
Morgan	Mike	D	Senate	21	\$0	\$0	\$0	\$250	\$0	\$400
Nations	Bill	D	House	44	\$0	\$0	\$100	\$0	\$0	\$0

Ostrander	Phil	D	House	74	\$0	\$0	\$200	\$0	\$0	\$0
Pettigrew	Wayne	R	House	39	\$0	\$0	\$0	\$200	\$0	\$0
Phillips	Richard	R	House	100	\$0	\$0	\$200	\$0	\$0	\$0
Plunk	Bob	D	House	25	\$0	\$0	\$100	\$100	\$0	\$0
Pope	Clay	D	House	59	\$0	\$0	\$100	\$0	\$0	\$0
Pope	Tim	R	House	98	\$0	\$0	\$125	\$150	\$0	\$0
Price	Bruce	D	Senate	23	\$0	\$0	\$125	\$0	\$0	\$0
Rabon	Jeff	D	Senate	5	\$0	\$0	\$400	\$250	\$0	\$400
Roach	Russ	D	House	66	\$0	\$0	\$100	\$0	\$0	\$0
Roggow	Curt	R	House	41	\$0	\$0	\$100	\$0	\$0	\$0
Ross	Don	D	House	73	\$0	\$0	\$200	\$250	\$0	\$0
Rozell	Herbert	D	Senate	3	\$0	\$0	\$450	\$0	\$0	\$400
Seikel	Mark	D	House	96	\$0	\$0	\$0	\$200	\$0	\$0
Smith	Dale	D	House	27	\$0	\$0	\$200	\$0	\$0	\$0
Smith	Hopper	R	House	67	\$0	\$0	\$0	\$100	\$0	\$0
Smith	Jerry L.	R	Senate	39	\$0	\$0	\$200	\$0	\$0	\$400
Snyder	Mark	R	Senate	41	\$0	\$0	\$0	\$0	\$0	\$400
Staggs	Barbara	D	House	14	\$0	\$0	(\$200)	\$0	\$0	\$0
Stipe	Gene	D	Senate	7	\$0	\$0	\$200	\$0	\$0	\$400
Stites	J.T.	D	House	2	\$0	\$0	\$200	\$200	\$0	\$0
Sullivan	John	R	House	71	\$0	\$0	\$350	\$200	\$0	\$0
Sweeden	Joe	D	House	36	\$0	\$0	\$0	\$200	\$0	\$0
Taylor	Gary S.	D	House	10	\$0	\$0	\$200	\$200	\$0	\$0
Thomas	Tommy	D	House	20	\$0	\$0	\$0	\$200	\$0	\$0
Thornbrugh	Mike	R	House	75	\$0	\$0	\$125	\$0	\$0	\$0
Tyler	Mike	D	House	30	\$0	\$0	\$225	\$0	\$0	\$0
Webb	Dan	R	House	91	\$0	\$0	\$100	\$0	\$0	\$0
Wells	Dale W.	D	House	33	\$0	\$0	\$0	\$150	\$0	\$0
Wilcoxson	Kathleen	R	Senate	45	\$0	\$0	\$0	\$0	\$0	\$400
Williams	Penny	D	Senate	33	\$0	\$0	\$200	\$0	\$0	\$0
Williamson	James A.	R	Senate	35	\$0	\$0	\$0	\$0	\$0	\$400
Totals					\$0	\$0	\$8,675	\$5,800	\$0	\$10,850

Source: Oklahoma Ethics Commission

Appendix Table E-2: Legislative Officeholders with no recorded contributions, 1999-2000

1999-2000: Forty-Seventh Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Askins	Jari	D	House	50	Liotta	Mark	R	House	77
Benson	Loyd	D	House	63	Maddox	Jim	D	Senate	32
Beutler	Randy	D	House	60	Maddux	Elmer	R	House	58
Blackburn	Debbie	D	House	88	Mass	Mike	D	House	17
Braddock	David B.	D	House	52	McCarter	Raymond G.	D	House	51
Bryant	John	R	House	70	Mickle	Billy A.	D	Senate	6
Cain	Bernest	D	Senate	46	Mitchell	Bill	D	House	42
Campbell	Grover	R	Senate	34	Monson	Angela	D	Senate	48
Capps	Gilmer N.	D	Senate	26	Morgan	Fred	R	House	83
Case	Bill	R	House	95	Muegge	Paul	D	Senate	20
Claunch	Forrest	R	House	101	Nance	John	R	House	90
Coffee	Glenn	R	Senate	52	Newport	Jim	R	House	37
Coleman	Carolyn	R	House	53	Paulk	Bill	D	House	92
Corn	Kenneth	D	House	3	Perry	Fred	R	House	69
Crutchfield	Jonnie C.	D	Senate	14	Piatt	Greg A.	R	House	48
Culver	Bob Ed	D	House	4	Pruitt	Scott	R	Senate	54
Dank	Odilia	R	House	85	Reese	Jim	R	House	38
Davis	Frank W.	R	House	31	Rice	Larry D.	D	House	8
Deutschendorf	Abe	D	House	62	Roberts	Larry D.	D	House	7
Dickerson	Larry	D	Senate	4	Robinson	Ben H.	D	Senate	9
Easley	Mary	D	House	78	Sellers	John	D	House	40
Ervin	Mike	D	House	28	Settle	Bill	D	House	13
Fisher	Ted V.	D	Senate	12	Shurden	Franklin D.	D	Senate	8
Graves	Bill	R	House	84	Stanley	Fred	D	House	49
Gray	Charles	D	House	89	Sullivan	Leonard E.	R	House	82
Greenwood	Joan	R	House	54	Taylor	Stratton	D	Senate	2
Harrison	J. Berry	D	Senate	10	Toure	Opio	D	House	99
Hastings	Chris	R	House	79	Turner	Dale	D	House	24
Hilliard	Danny	D	House	22	Vaughn	Ray	R	House	81
Hobson	Cal III	D	Senate	16	Weaver	Robert	D	House	26
Ingmire	Terry	R	House	34	Weedn	Patrica	D	Senate	15
Johnson	Mike	R	Senate	22	Wilkerson	Dick	D	Senate	13
Kerr	Robert M.	D	Senate	38	Wilt	Mike	R	House	11
Kinnamon	Don	D	House	32	Winchester	Susan	R	House	47
Kouba	Tony	R	House	43	Worthen	Robert D.	R	House	87
Leftwich	Keith	D	Senate	44	Wright	John A.	R	House	76
Lindley	Al	D	House	93					

Source: Oklahoma Ethics Commission

Appendix Table F-1: Recorded contributions to legislative officeholders, 2001-2002

2001-2002 Forty-Eighth Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Adair	Larry E.	D	House	86	\$0	\$0	\$0	\$0	\$0	\$400
Adkins	Dennis	R	House	75	\$0	\$0	\$200	\$0	\$0	\$100
Balkman	Thad	R	House	45	\$0	\$0	\$200	\$0	\$0	\$100
Benge	Chris	R	House	68	\$0	\$0	\$300	\$0	\$0	\$350
Bonny	Jack	D	House	55	\$0	\$0	\$100	\$0	\$0	\$0
Braddock	David B.	D	House	52	\$0	\$0	\$200	\$0	\$0	\$350
Calvey	Kevin	R	House	94	\$0	\$0	\$300	\$0	\$0	\$350
Capps	Gilmer N.	D	Senate	26	\$0	\$0	\$0	\$0	\$0	\$300
Cargill	Lance	R	House	96	\$0	\$0	\$200	\$0	\$0	\$100
Case	Bill	R	House	95	\$0	\$0	\$0	\$0	\$0	\$100
Coffee	Glenn	R	Senate	52	\$0	\$0	\$250	\$0	\$0	\$300
Corn	Kenneth	D	House	3	\$0	\$0	(\$250)	\$0	\$0	\$0
Covey	James E.	D	House	57	\$0	\$0	\$300	\$0	\$0	\$100
Cox	Kevin	D	House	97	\$0	\$0	\$100	\$0	\$0	\$0
Crutchfield	Johnie C.	D	Senate	14	\$0	\$0	\$250	\$0	\$0	\$550
Dank	Odilia	R	House	85	\$0	\$0	\$0	\$0	\$0	(\$100)
Eddins	Joe	D	House	6	\$0	\$0	\$300	\$0	\$0	\$0
Ericson	Stuart	R	House	13	\$0	\$0	\$100	\$0	\$0	\$100
Ervin	Mike	D	House	28	\$0	\$0	\$100	\$0	\$0	\$0
Erwin	Randall Lee	D	House	19	\$0	\$0	\$300	\$0	\$0	\$250
Ferguson	Larry	R	House	35	\$0	\$0	\$100	\$0	\$0	\$0
Fisher	Ted V.	D	Senate	12	\$0	\$0	\$250	\$0	\$0	\$300
Friskup	Kent	R	House	32	\$0	\$0	\$200	\$0	\$0	\$0
Gilbert	Darrell	D	House	72	\$0	\$0	\$250	\$0	\$0	\$0
Glover	Jim R.	D	House	65	\$0	\$0	\$100	\$0	\$0	\$0
Graves	Bill	R	House	84	\$0	\$0	\$100	\$0	\$0	\$100
Gray	Charles	D	House	89	\$0	\$0	\$0	\$0	\$0	(\$100)
Harrison	J. Berry	D	Senate	10	\$0	\$0	\$250	\$0	\$0	\$550
Hefner	Jerry W.	D	House	12	\$0	\$0	\$0	\$0	\$0	(\$100)
Herbert	Dave	D	Senate	42	\$0	\$0	\$250	\$0	\$0	\$300
Hiett	Todd	R	House	29	\$0	\$0	\$100	\$0	\$0	\$100
Hutchison	Joe J.	D	House	5	\$0	\$0	\$0	\$200	\$0	\$350
Ingmire	Terry	R	House	34	\$0	\$0	\$0	\$0	\$0	\$100
Johnson	Mike	R	Senate	22	\$0	\$0	\$250	\$0	\$0	\$300
Jones	Tad	R	House	9	\$0	\$0	\$200	\$0	\$0	\$100
Kerr	Robert M.	D	Senate	38	\$0	\$0	\$0	\$0	\$0	\$300
Kirby	Ron	D	House	64	\$0	\$0	\$300	\$0	\$0	\$100
Leist	M.C.	D	House	16	\$0	\$0	\$0	\$0	\$0	\$100
Liotta	Mark	R	House	77	\$0	\$0	\$200	\$0	\$0	\$250
Martin	Carol	R	Senate	24	\$0	\$0	\$250	\$0	\$0	\$300
Mass	Mike	D	House	17	\$0	\$0	\$100	\$0	\$0	\$0
Matlock	Terry J.	D	House	1	\$0	\$0	\$0	\$0	\$0	(\$100)
Miller	Doug	R	House	46	\$0	\$0	\$100	\$0	\$0	\$350
Morgan	Fred	R	House	83	\$0	\$0	\$0	\$0	\$0	\$400
Nance	John	R	House	90	\$0	\$0	\$100	\$0	\$0	(\$100)

Nations	Bill	D	House	44	\$0	\$0	\$200	\$0	\$0	\$0
Perry	Fred	R	House	69	\$0	\$0	\$200	\$0	\$0	\$0
Peterson	Ron	R	House	80	\$0	\$0	\$200	\$0	\$0	\$250
Pettigrew	Wayne	R	House	39	\$0	\$0	\$200	\$0	\$0	\$0
Phillips	Richard	R	House	100	\$0	\$0	\$100	\$0	\$0	\$350
Piatt	Greg A.	R	House	48	\$0	\$0	\$300	\$0	\$0	\$100
Plunk	Bob	D	House	25	\$0	\$0	\$0	\$0	\$0	\$100
Pope	Clay	D	House	59	\$0	\$0	\$100	\$0	\$0	\$100
Pruitt	Scott	R	Senate	54	\$0	\$0	\$250	\$0	\$0	\$300
Rice	Larry D.	D	House	8	\$0	\$0	\$100	\$0	\$0	\$0
Roan	Paul D.	D	House	20	\$0	\$0	\$300	\$0	\$0	\$0
Roggow	Curt	R	House	41	\$0	\$0	\$100	\$0	\$0	(\$100)
Ross	Don	D	House	73	\$0	\$0	\$0	\$0	\$0	\$250
Shurden	Franklin D.	D	Senate	8	\$0	\$0	\$250	\$0	\$0	\$300
Smaligo	John	R	House	74	\$0	\$0	\$0	\$0	\$0	\$100
Smith	Hopper	R	House	67	\$0	\$0	\$0	\$0	\$0	\$100
Smith	Dale	D	House	27	\$0	\$0	\$300	\$0	\$0	\$0
Stites	J.T.	D	House	2	\$0	\$0	\$100	\$0	\$0	\$100
Sweeden	Joe	D	House	36	\$0	\$0	\$200	\$0	\$0	\$0
Taylor	Gary S.	D	House	10	\$0	\$0	\$300	\$0	\$0	\$100
Taylor	Stratton	D	Senate	2	\$0	\$0	\$250	\$0	\$0	\$0
Tibbs	Sue	R	House	23	\$0	\$0	\$0	\$0	\$0	\$100
Turner	Dale	D	House	24	\$0	\$0	\$300	\$0	\$0	\$0
Tyler	Mike	D	House	30	\$0	\$0	\$300	\$0	\$0	\$750
Walker	Purcy D.	D	House	60	\$0	\$0	\$0	\$250	\$0	\$0
Webb	Dan	R	House	91	\$0	\$0	\$100	\$0	\$0	\$350
Wells	Dale W.	D	House	33	\$0	\$0	\$300	\$0	\$0	\$0
Wilt	Mike	R	House	11	\$0	\$0	\$100	\$0	\$0	\$100
Wright	John A.	R	House	76	\$0	\$0	\$0	\$0	\$0	\$100
Young	Ray	R	House	43	\$0	\$0	\$0	\$0	\$0	(\$100)
Totals					\$0	\$0	\$10,600	\$450	\$0	\$10,300

Source: Oklahoma Ethics Commission

Appendix Table F-2: Legislative Officeholders with no recorded contributions, 2001-2002

2001-2002: Forty-Eighth Legislature: No Contributions Recorded									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Askins	Jari	D	House	50	Miller	Ray	D	House	15
Begley	Jack	D	House	61	Mitchell	Bill	D	House	42
Benson	Loyd	D	House	63	Monson	Angela	D	Senate	48
Blackburn	Debbie	D	House	88	Morgan	Mike	D	Senate	21
Cain	Bernest	D	Senate	46	Muegge	Paul	D	Senate	20
Campbell	Grover	R	Senate	34	Newport	Jim	R	House	37
Claunch	Forrest	R	House	101	Nichols	Jonathan	R	Senate	15
Coleman	Carolyn	R	House	53	O'Neal	Mike	R	House	40
Davis	Frank W.	R	House	31	Paulk	Bill	D	House	92
Deutschendorf	Abe	D	House	62	Peters	Ron	R	House	70
Dickerson	Larry	D	Senate	4	Pope	Tim	R	House	98
Douglass	Brooks	R	Senate	40	Price	Bruce	D	Senate	23
Dunegan	James H.	D	House	21	Rabon	Jeff	D	Senate	5
Dunlap	Jim	R	Senate	29	Reese	Jim	R	House	38
Easley	Kevin A.	D	Senate	18	Reynolds	Jim	R	Senate	43
Easley	Mary	D	House	78	Riley	Nancy	R	Senate	37
Fair	Mike	R	Senate	47	Roach	Russ	D	House	66
Fields	Lloyd L.	D	House	18	Roberts	Larry D.	D	House	7
Ford	Charles R.	R	Senate	51	Robinson	Ben H.	D	Senate	9
Greenwood	Joan	R	House	54	Rozell	Herbert	D	Senate	3
Haney	Enoch Kelly	D	Senate	50	Smith	Jerry L.	R	Senate	39
Hastings	Chris	R	House	79	Snyder	Mark	R	Senate	41
Helton	Sam	D	Senate	31	Staggs	Barbara	D	House	14
Henry	Brad	D	Senate	17	Stanley	Fred	D	House	49
Hilliard	Danny	D	House	22	Steele	Kris	R	House	26
Hobson	Cal III	D	Senate	16	Stipe	Gene	D	Senate	7
Horner	Maxine	D	Senate	11	Sullivan	John	R	House	71
Langmacher	Ron	D	House	56	Sullivan	Leonard E.	R	House	82
Laughlin	Owen	R	Senate	49	Toure	Opio	D	House	99
Leftwich	Keith	D	Senate	44	Vaughn	Raymond	R	House	81
Lindley	Al	D	House	93	Wilcoxson	Kathleen	R	Senate	45
Littlefield	Rick	D	Senate	1	Wilkerson	Dick	D	Senate	13
Maddox	Jim	D	Senate	32	Williams	Penny	D	Senate	33
Maddux	Elmer	R	House	58	Williamson	James A.	R	Senate	35
McCarter	Raymond G.	D	House	51	Wilson	Jim	D	House	4
Mikle	Billy A.	D	Senate	6	Winchester	Susan	R	House	47
Milacek	Robert V.	R	Senate	19	Worthen	Robert D.	R	House	87

Source: Oklahoma Ethics Commission

Appendix Table G-1: Recorded contributions to legislative officeholders, 2003-2004

2003-2004 Forty-Ninth Legislature										
Last Name	First Name	Party	House	District	B&W	OATCD	PM	RJR	TI	UST
Adkins	Dennis	R	House	75	\$0	\$0	\$0	\$250	\$0	\$0
Armes	Don	R	House	63	\$0	\$0	\$100	\$250	\$0	\$0
Balkman	Thad	R	House	45	\$0	\$0	\$0	\$200	\$0	\$0
Blackwell	Gus	R	House	61	\$0	\$0	\$100	\$250	\$0	\$0
Braddock	David B.	D	House	52	\$0	\$0	\$100	\$0	\$0	\$0
Calvey	Kevin	R	House	94	\$0	\$0	\$0	\$250	\$0	\$0
Case	Bill	R	House	95	\$0	\$0	\$0	\$250	\$0	\$0
Covey	James E.	D	House	57	\$0	\$0	\$200	\$250	\$0	\$0
Dorman	Joe	D	House	65	\$0	\$0	\$100	\$250	\$0	\$0
Ericson	Stuart	R	House	13	\$0	\$0	\$100	\$250	\$0	\$0
Gumm	Jay Pual	D	Senate	6	\$0	\$0	\$250	\$0	\$0	\$0
Hamilton	Rebecca	D	House	89	\$0	\$0	\$200	\$250	\$0	\$0
Harrison	Terry	D	House	18	\$0	\$0	\$100	\$250	\$0	\$0
Hiett	Todd	R	House	29	\$0	\$0	\$0	\$0	\$0	\$750
Jones	Tad	R	House	9	\$0	\$0	\$0	\$250	\$0	\$0
Laster	Charlie	D	Senate	17	\$0	\$0	\$0	\$250	\$0	\$0
Lawler	Daisy	D	Senate	24	\$0	\$0	\$250	\$0	\$0	\$0
Liotta	Mark	R	House	77	\$0	\$0	\$100	\$0	\$0	\$0
McClain	Roy	D	House	71	\$0	\$0	\$100	\$0	\$0	\$0
Miller	Doug	R	House	46	\$0	\$0	\$0	\$250	\$0	\$0
Morgan	Danny	D	House	32	\$0	\$0	\$100	\$0	\$0	\$0
Morgan	Fred	R	House	83	\$0	\$0	\$250	\$0	\$0	\$0
Nations	Bill	D	House	44	\$0	\$0	\$100	\$0	\$0	\$0
Nichols	Jonathan	R	Senate	15	\$0	\$0	\$250	\$0	\$0	\$0
O'Neal	Mike	R	House	40	\$0	\$0	\$100	\$0	\$0	\$0
Peterson	Ron	R	House	80	\$0	\$0	\$0	\$250	\$0	\$0
Pettigrew	Wayne	R	House	39	\$0	\$0	\$0	\$250	\$0	\$0
Phillips	Richard	R	House	100	\$0	\$0	\$100	\$0	\$0	\$0
Piatt	Greg A.	R	House	48	\$0	\$0	\$0	\$250	\$0	\$250
Plunk	Bob	D	House	25	\$0	\$0	\$100	\$0	\$0	\$0
Rabon	Jeff	D	Senate	5	\$0	\$0	\$250	\$250	\$0	\$0
Reynolds	Jim	R	Senate	43	\$0	\$0	\$100	\$0	\$0	\$0
Riley	Nancy	R	Senate	37	\$0	\$0	\$250	\$0	\$0	\$0
Roan	Paul D.	D	House	20	\$0	\$0	\$0	\$250	\$0	\$0
Roggow	Curt	R	House	41	\$0	\$0	\$200	\$0	\$0	\$0
Smith	Hopper	R	House	67	\$0	\$0	\$100	\$0	\$0	\$0
Sweeden	Joe	D	House	36	\$0	\$0	\$200	\$250	\$0	\$0
Taylor	Gary S.	D	House	10	\$0	\$0	\$0	\$200	\$0	\$0
Tibbs	Sue	R	House	23	\$0	\$0	\$0	\$250	\$0	\$0
Trebilcock	John	R	House	98	\$0	\$0	\$0	\$250	\$0	\$0
Wilcoxson	Kathleen	R	Senate	45	\$0	\$0	\$250	\$0	\$0	\$0
Wilt	Mike	R	House	11	\$0	\$0	\$0	\$250	\$0	\$250
Wright	John A.	R	House	76	\$0	\$0	\$0	\$200	\$0	\$0
Totals					\$0	\$0	\$4,050	\$7,100	\$0	\$1,250

Source: Oklahoma Ethics Commission

Appendix Table G-2: Legislative Officeholders with no recorded contributions, 2003-2004

2003-2004: Forty-Ninth Legislature: No Contributions Recorded (in 2003)									
Last Name	First Name	Party	House	District	Last Name	First Name	Party	House	District
Adair	Larry E.	D	House	86	Leftwich	Keith	D	Senate	44
Aldridge	Cliff	R	Senate	42	Leist	M.C.	D	House	16
Askins	Jari	D	House	50	Lerblance	Richard	D	House	17
Benge	Chris	R	House	68	Lindley	Al	D	House	93
Blackburn	Debbie	D	House	88	Littlefield	Rick	D	Senate	1
Bonny	Jack	D	House	55	Maddox	Jim	D	Senate	32
Borne	David Daniel	D	House	28	Maddux	Elmer	R	House	58
Branan	Cliff	R	Senate	40	McCarter	Raymond G.	D	House	51
Brannon	Neil	D	House	3	McIntyre	Judy Eason	D	House	73
Brogdon	Randy	R	Senate	34	Milacek	Robert V.	R	Senate	19
Cain	Bernest	D	Senate	46	Miller	Ray	D	House	15
Capps	Gilmer N.	D	Senate	26	Mitchell	Bill	D	House	42
Carey	John	D	House	21	Monson	Angela	D	Senate	48
Cargill	Lance	R	House	96	Morgan	Mike	D	Senate	21
Claunch	Forrest	R	House	101	Myers	David	R	Senate	20
Coates	Harry	R	Senate	28	Nance	John	R	House	90
Coffee	Glenn	R	Senate	30	Newport	Jim	R	House	37
Coleman	Carolyn	R	House	53	Paulk	Bill	D	House	92
Corn	Kenneth	D	Senate	4	Perry	Fred	R	House	69
Cox	Kevin	D	House	97	Peters	Ron	R	House	70
Crutchfield	Johnnie C.	D	Senate	14	Pope	Clay	D	House	59
Dank	Odilia	R	House	85	Price	Bruce	D	Senate	23
Davis	Frank W.	R	House	31	Pruitt	Scott	R	Senate	36
Deutschendorf	Abe	D	House	62	Reynolds	Mike	R	House	91
DeWitt	Dale	R	House	38	Rice	Larry D.	D	House	8
Dunlap	Jim	R	Senate	29	Roberts	Larry D.	D	House	7
Easley	Mary	D	House	78	Robinson	Ben H.	D	Senate	9
Easley	Kevin A.	D	Senate	18	Rozell	Herbert	D	Senate	3
Eddins	Joe	D	House	6	Shurden	Franklin D.	D	Senate	8
Ellis	Jerry	D	House	1	Smaligo	John	R	House	74
Erwin	Randall Lee	D	House	19	Smith	Dale	D	House	27
Fair	Mike	R	Senate	47	Smith	Jerry L.	R	Senate	39
Ferguson	Larry	R	House	35	Smithson	Glen Bud	D	House	2
Fisher	Ted V.	D	Senate	12	Snyder	Mark	R	Senate	41
Ford	Charles R.	R	Senate	25	Staggs	Barbara	D	House	14
Gilbert	Darrell	D	House	72	Stanley	Fred	D	House	49
Graves	Bill	R	House	84	Steele	Kris	R	House	26
Greenwood	Joan	R	House	54	Stipe	Gene	D	Senate	7
Harrison	J. Berry	D	Senate	10	Sullivan	Leonard E.	R	House	82
Hastings	Chris	R	House	79	Taylor	Stratton	D	Senate	2
Hefner	Jerry W.	D	House	12	Toure	Opio	D	House	99
Helton	Sam	D	Senate	31	Turner	Dale	D	House	24
Hilliard	Danny	D	House	22	Tyler	Mike	D	House	30
Hobson	Cal III	D	Senate	16	Vaughn	Raymond	R	House	81
Horner	Maxine	D	Senate	11	Walker	Purcy D.	D	House	60
Hutchison	Joe J.	D	House	5	Wells	Dale W.	D	House	33
Ingmire	Terry	R	House	34	Wilkerson	Dick	D	Senate	13

Johnson	Mike	R	Senate	22	Williams	Penny	D	Senate	33
Kerr	Robert M.	D	Senate	38	Williamson	James A.	R	Senate	35
Kirby	Ron	D	House	64	Wilson	Jim	D	House	4
Lamons	Lucky	D	House	66	Winchester	Susan	R	House	47
Langmacher	Ron	D	House	56	Worthen	Robert D.	R	House	87
Laughlin	Owen	R	Senate	27	Young	Ray	R	House	43

Source: Oklahoma Ethics Commission

Appendix H-1: Total Contributions to Legislators who received contributions, 1991-2004.
 (Compiled from data in Appendixes A-1 though G-1. Number of Terms refers to the number of terms during which the legislator received contributions. Returned amounts are indicated in previous tables with parentheses).

Last Name	First Name	Party	House	District	Total Received	Number of Terms	Latest Term
Adair	Larry E.	D	House	86	\$1,825	4	2001-2002
Adkins	Dennis	R	House	75	\$550	2	2003-2004
Adkins	Scott	R	House	80	\$325	3	1999-2000
Armes	Don	R	House	63	\$350	1	2003-2004
Balkman	Thad	R	House	45	\$500	2	2003-2004
Bastin	Gary	D	House	94	\$300	2	1995-1996
Begley	Jack	D	House	61	\$300	2	1999-2000
Bell	Jack	D	Senate	5	\$450	1	1995-1996
Benge	Chris	R	House	68	\$800	2	2001-2002
Benson	Loyd	D	House	63	\$450	1	1995-1996
Beutler	Randy	D	House	60	\$100	1	1997-1998
Blackwell	Gus	R	House	61	\$350	1	2003-2004
Bonny	Jack	D	House	55	\$325	3	2001-2002
Boyd	Betty	D	House	23	\$400	3	1999-2000
Braddock	David B.	D	House	52	\$1,150	3	2003-2004
Breckenridge	Flint	R	House	78	\$200	1	1995-1996
Brown	Ben	D	Senate	43	\$1,100	3	1999-2000
Bryant	John	R	House	70	\$300	1	1997-1998
Calvey	Kevin	R	House	94	\$1,125	3	2003-2004
Campbell	Grover	R	House	74	\$200	1	1993-1994
Capps	Gilmer N.	D	Senate	26	\$300	1	2001-2002
Cargill	Lance	R	House	96	\$300	1	2001-2002
Case	Bill	R	House	95	\$650	4	2003-2004
Coffee	Glenn	R	Senate	52	\$550	1	2001-2002
Collins	Wallace	D	House	45	\$100	1	1999-2000
Corn	Kenneth	D	House	3	\$0	1	2001-2002
Covey	James E.	D	House	57	\$1,175	3	2003-2004
Cox	Kevin	D	House	97	\$625	4	2001-2002
Crocker	Ed	D	House	45	\$200	1	1993-1994
Crutchfield	Johnie C.	D	Senate	14	\$800	1	2001-2002
Dank	Odilia	R	House	85	\$0	1	2001-2002
Dickerson	Larry	D	Senate	4	\$200	1	1997-1998
Dorman	Joe	D	House	65	\$350	1	2003-2004
Douglass	Brooks	R	Senate	40	\$400	2	1999-2000
Dunegan	James H.	D	House	21	\$100	1	1999-2000
Dunlap	James R.	R	House	11	\$200	1	1995-1996
Dunlap	Jim	R	Senate	29	\$600	1	1999-2000
Easley	Kevin Alan	D	Senate	18	\$325	2	1993-1994
Eddins	Joe	D	House	6	\$600	3	2001-2002
Ericson	Stuart	R	House	13	\$550	2	2003-2004
Ervin	Mike	D	House	28	\$600	3	2001-2002
Erwin	Randall Lee	D	House	19	\$950	3	2001-2002
Fair	Mike	R	Senate	47	\$400	1	1999-2000

Ferguson	Larry	R	House	35	\$550	4	2001-2002
Fields	Lloyd L.	D	House	18	\$2,025	3	1999-2000
Fisher	Ted V.	D	Senate	12	\$1,750	2	2001-2002
Ford	Charles R.	R	Senate	51	\$600	2	1999-2000
Frame	Bobby	D	House	15	\$525	2	1999-2000
Friskup	Kent	R	House	32	\$200	1	2001-2002
Gates	Bob	R	House	80	\$150	1	1993-1994
Gilbert	Darrell	D	House	72	\$550	3	2001-2002
Glover	Jim R.	D	House	65	\$1,300	4	2001-2002
Graves	Bill	R	House	84	\$300	3	2001-2002
Gumm	Jay Pual	D	Senate	6	\$250	1	2003-2004
Gustafson	Bill	R	Senate	22	\$200	1	1997-1998
Hager	James	D	House	36	\$550	2	1993-1994
Hamilton	Rebecca	D	House	89	\$450	1	2003-2004
Haney	Enoch Kelly	D	Senate	50	\$2,250	4	1999-2000
Harrison	J. Berry	D	Senate	10	\$1,000	2	2001-2002
Harrison	Terry	D	House	18	\$350	1	2003-2004
Hastings	Chris	R	House	79	\$100	2	1997-1998
Hefner	Jerry W.	D	House	12	\$1,200	4	2001-2002
Helton	Sam	D	Senate	31	\$250	1	1999-2000
Henry	Brad	D	Senate	17	\$400	1	1999-2000
Herbert	Dave	D	Senate	42	\$2,000	3	2001-2002
Hiett	Todd	R	House	29	\$1,650	5	2003-2004
Hilliard	Danny	D	House	22	\$200	1	1995-1996
Horner	Maxine	D	Senate	11	\$1,300	1	1999-2000
Hutchison	Joe J.	D	House	5	\$1,450	5	2001-2002
Ingmire	Terry	R	House	34	\$100	2	2001-2002
Isaac	Jim	D	House	95	\$200	1	1993-1994
Johnson	Glen D.	D	House	24	\$250	1	1995-1996
Johnson	Mike	R	Senate	22	\$550	1	2001-2002
Jones	Tad	R	House	9	\$700	3	2003-2004
Kerr	Robert M.	D	Senate	38	\$300	1	2001-2002
Key	Charles	R	House	90	\$400	1	1997-1998
Kinnamon	Don	D	House	32	\$400	2	1997-1998
Kirby	Ron	D	House	64	\$1,550	4	2001-2002
Langmacher	Ron	D	House	56	\$300	2	1999-2000
Laster	Charlie	D	Senate	17	\$250	1	2003-2004
Laughlin	Owen	R	Senate	49	\$400	1	1999-2000
Lawler	Daisy	D	Senate	24	\$250	1	2003-2004
Leftwich	Keith C.	D	Senate	44	\$200	1	1993-1994
Leist	M.C.	D	House	16	\$600	4	2001-2002
Liotta	Mark	R	House	77	\$750	3	2003-2004
Littlefield	Rick	D	Senate	1	\$1,250	2	1999-2000
Long	Lewis Jr.	D	Senate	37	\$700	1	1999-2000
Maddox	Jim	D	Senate	32	\$600	2	1997-1998
Maddux	Elmer	R	House	58	\$200	1	1997-1998
Martin	Carol	R	Senate	24	\$1,000	3	2001-2002
Mass	Mike	D	House	17	\$500	4	2001-2002

Matlock	Terry J.	D	House	1	\$650	4	1997-1998
McCarter	Raymond G.	D	House	51	\$100	1	1997-1998
McClain	Roy	D	House	71	\$100	1	2003-2004
Mickle	Billy A.	D	Senate	6	\$500	2	1997-1998
Milacek	Robert V.	R	Senate	19	\$600	1	1999-2000
Miller	Doug	R	House	46	\$1,050	5	2003-2004
Mitchell	Billy J.	D	House	42	\$150	1	1993-1994
Monks	John	D	House	14	\$100	1	1993-1994
Morgan	Danny	D	House	32	\$100	1	2003-2004
Morgan	Fred	R	House	83	\$650	2	2003-2004
Morgan	Mike	D	Senate	21	\$650	1	1999-2000
Nance	John	R	House	90	\$100	1	2001-2002
Nations	Bill	D	House	44	\$400	3	2003-2004
Nichols	Jonathan	R	Senate	15	\$250	1	2003-2004
O'Neal	Mike	R	House	40	\$600	2	2003-2004
Perry	Fred	R	House	69	\$200	1	2001-2002
Peterson	Ron	R	House	80	\$700	2	2003-2004
Pettigrew	Wayne	R	House	39	\$750	4	2003-2004
Phillips	Richard	R	House	100	\$950	5	2003-2004
Piatt	Greg A.	R	House	48	\$900	2	2003-2004
Plunk	Bob	D	House	25	\$700	5	2003-2004
Pope	Clay	D	House	59	\$500	4	2001-2002
Pope	Tim	R	House	98	\$675	2	1999-2000
Price	Bruce	D	Senate	23	\$125	1	1999-2000
Pruitt	Scott	R	Senate	54	\$550	1	2001-2002
Rabon	Jeff	D	Senate	5	\$1,550	2	2003-2004
Ramsey	Dan	R	House	47	\$0	1	1997-1998
Reese	Jim	R	House	38	\$300	1	1997-1998
Reynolds	Jim	R	Senate	43	\$100	1	2003-2004
Rhodes	Chester Dusty	D	House	15	\$150	1	1993-1994
Rice	Larry D.	D	House	8	\$200	2	2001-2002
Riley	Nancy	R	Senate	37	\$250	1	2003-2004
Roach	Russ	D	House	66	\$400	3	1999-2000
Roan	Paul D.	D	House	20	\$550	2	2003-2004
Roberts	Larry D.	D	House	7	\$100	1	1993-1994
Roggow	Curt	R	House	41	\$300	3	2003-2004
Ross	Don	D	House	73	\$1,250	3	2001-2002
Rozell	Herbert	D	Senate	3	\$1,050	2	1999-2000
Sadler	Al	D	House	48	\$250	2	1995-1996
Satterfield	Shelby	D	House	68	\$700	2	1997-1998
Seikel	Mark	D	House	96	\$800	3	1999-2000
Shurden	Franklin D.	D	Senate	8	\$1,750	2	2001-2002
Smaligo	John	R	House	74	\$100	1	2001-2002
Smith	Bill	D	House	51	\$200	1	1993-1994
Smith	Dale	D	House	27	\$1,400	5	2001-2002
Smith	Hopper	R	House	67	\$500	4	2003-2004
Smith	Jerry L.	R	Senate	39	\$950	3	1999-2000
Snyder	Mark	R	Senate	41	\$400	1	1999-2000

Staggs	Barbara	D	House	14	\$0	1	1999-2000
Stanley	Fred	D	House	49	\$200	1	1993-1994
Steidley	Dwayne	D	House	9	\$200	2	1997-1998
Stipe	Gene	D	Senate	7	\$800	2	1999-2000
Stites	J.T.	D	House	2	\$1,400	5	2001-2002
Stottlemyre	Gary	D	House	77	\$500	2	1995-1996
Sullivan	John	R	House	71	\$1,200	3	1999-2000
Sweeden	Joe	D	House	36	\$850	3	2003-2004
Taylor	Gary S.	D	House	10	\$1,700	5	2003-2004
Taylor	Stratton	D	Senate	2	\$250	1	2001-2002
Thomas	Tommy	D	House	20	\$700	2	1999-2000
Thompson	David L.	D	House	29	\$100	1	1993-1994
Thornbrugh	Mike	R	House	75	\$925	3	1999-2000
Tibbs	Sue	R	House	23	\$350	2	2003-2004
Toure	Opio	D	House	99	\$300	2	1997-1998
Trebilcock	John	R	House	98	\$250	1	2003-2004
Turner	Dale	D	House	24	\$500	2	2001-2002
Tyler	Mike	D	House	30	\$1,875	5	2001-2002
Voskuhl	Sean	D	House	41	\$650	3	1997-1998
Walker	Purcy D.	D	House	60	\$250	1	2001-2002
Weaver	Robert E.	R	House	26	\$300	2	1993-1994
Webb	Dan	R	House	91	\$1,150	4	2001-2002
Weese	Don	R	House	76	\$100	1	1997-1998
Wells	Dale W.	D	House	33	\$550	3	2001-2002
Wilcoxson	Kathleen	R	Senate	45	\$650	2	2003-2004
Williams	Don	D	Senate	49	\$500	1	1995-1996
Williams	Penny	D	Senate	33	\$200	2	1999-2000
Williamson	James A.	R	Senate	35	\$400	1	1999-2000
Wilt	Mike	R	House	11	\$700	2	2003-2004
Wright	Gerald "Ged"	R	Senate	54	\$1,200	1	1997-1998
Wright	John A.	R	House	76	\$300	2	2003-2004
York	Gary R.	D	House	46	\$100	1	1993-1994
Young	Ray	R	House	43	\$0	1	2001-2002
Grand Total					\$98,525		

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