An Attempt to Expand Gubernatorial Powers Could Lead to Constitutional Change by Bryan Nowlin

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Oklahoma possesses a notoriously complex constitution. From 1907 until apparently 2014 when a number of amendments allowed Alabama to claim the crown, Oklahoma's constitution was the longest constitution of all 50 states containing at least 81,666 words. By comparison, the Constitution of the United States utilizes only 4,400 words. And we now have a new governor who seeks to expand gubernatorial powers.

Specifically, Governor Stitt, along with allies in the Legislature, proposes to expand the governor's power to appoint certain agency heads. Currently, Oklahoma has a plethora of agencies, boards, committees and subcommittees, with some governmental function but with only limited input by the elected governor. The framers of the Oklahoma constitution were said to design a strong legislature but a weak executive. That goal was achieved, along with a number of inexplicably important issues to the framers whose quest for specificity included listing the flash test temperature of kerosene in article XX of the Oklahoma constitution.

Governor Stitt's request for more powers for the governor is consistent with his campaign in which he noted the governor does not directly appoint the head of the Oklahoma Department of Transportation. This allows ODOT, or any similar agency or board, to act without or with limited regard to elected officials. A notable recent example is the State Board of Health's decision to nearly gut a voter-approved medical marijuana initiative, until a public outcry and the Attorney General, pointed out that the unelected entity lacks such power. The State Senate President Pro-Tem filed five bills which will allow the governor to appoint the heads of five large state agencies: the Oklahoma Health Care Authority, the head of ODOT, the director of the Department of Corrections, the commissioner of the Department of Mental Health & Substance Abuse, and the director of the Office of Juvenile Affairs.

If this legislative initiative fails, the Governor may take the next logical step and seek to amend the state constitution itself to increase the power of the elected governor and reduce the power of the innumerable boards and commissions. The Oklahoma constitution has been amended almost 200 times, a few more cannot hurt, especially if the goal is simplification. A direct route could be taken to modernization, that

being a state constitutional convention to modernize and simplify the 1907 Constitution that in many ways is the root cause of the problem of government which is not connected to the voters.

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