

June 13, 2008

The Honorable C. Brad Henry
Governor of the State of Oklahoma
State Capitol Building, Room 212
2300 N. Lincoln Blvd.
Oklahoma City, OK 73105

RE: State of Oklahoma Ethics Commission

Dear Governor:

Although the Commission appreciates the support that you have given us in past matters, and also appreciates the time which you and your staff have devoted to the Commission current budget crisis, we now have an additional request.

As you know, the Oklahoma Constitution imposes the following specific requirements: “The Ethics Commission shall receive an annual appropriation by the Legislature sufficient to enable it to perform its duties as set forth in this Constitutional Amendment . . . the Commission may employ an Executive Director and other staff, including attorneys, necessary to fulfill its duties.” Oklahoma Constitution, Article 29, Section 2(A) & (C).

Without elaborating upon the information already provided to you and to the leadership of the Legislature, suffice it to say that the Legislature has not provided, and does not provide for the coming fiscal year, “sufficient” funding for the Ethics Commission. The failure of the Legislature to do so is a matter of Constitutional urgency.

The current needs of the Commission are, by any objective standard, modest. Unfortunately, the Legislature has been unwilling to meet even the modest budgetary needs of the Commission.

Negotiations last year and this year with the leaders and key members of the Oklahoma House and the Oklahoma Senate have produced budget appropriations that do not come close to sufficient funding of the operation of the Commission. As the “watchdogs”

of elected State officials, the Commissioners take their own oaths seriously and have reached the conclusion that, for whatever reasons, the Oklahoma Legislature will not comply with the quoted requirements established by our Constitution.

The Commission has announced that we are giving serious consideration to the filing of litigation as a remedy for this violation of the Oklahoma Constitution. We have also announced repeatedly that we would do everything possible to avoid filing such litigation, because we believe in general that a solution that represents an accommodation by all parties will prove to be more efficacious. In an effort to find a remedy short of filing a lawsuit, the Commission respectfully requests that you take the initiative on this issue of paramount public importance. We ask that you take the extraordinary step of calling the Legislature into special session for the sole purpose of creating and sending to you a bill that appropriates sufficient funding for the State of Oklahoma Ethics Commission.

As chief executive officer of this State, you have enormous responsibilities, and we fully acknowledge the exceptional nature of our request to you. We respectfully submit, however, that there is no more fundamental duty upon the part of the Governor of Oklahoma than enforcing the provisions of the Oklahoma Constitution. We hasten to point out that the operational needs of the Ethics Commission do not require an additional appropriation that would materially affect any other agency or project of the State.

The Commissioners genuinely believe that Oklahoma citizens will applaud the calling of a special session by you for this limited purpose. We submit this request in the hope that a special session called for this purpose will enable the Ethics Commission to execute its own responsibilities in the manner that Oklahomans anticipated when they approved the Constitutional Amendment in 1990 that created the Commission and established its powers and duties.

Thank you for your consideration of this request.

Sincerely,

Donald M. Bingham
Chairman/Oklahoma Ethics Commission