ENROLLED SENATE JOINT RESOLUTION 38

ENACTED BY THE SECOND REGULAR SESSION OF THE

51ST LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 742

LEGISLATIVE REFERENDUM NUMBER 345

RECEIVED: MAY 6, 2008

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 38

By: Coffee, Rabon, Rice, Garrison, Ivester, Gumm, Sparks, Adelson, Paddack, Corn, Burrage, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Johnson (Constance), Johnson (Mike), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Reynolds, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick of the Senate

and

Terrill, Billy, Brannon, Coody, Denney, Dorman, Duncan, Harrison, Hoskin, Jackson, Jett, Johnson (Dennis), Kern, Luttrell, Martin (Steve), McMullen, Renegar, Reynolds, Sears, Smithson, Thompson, Turner and Walker of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 36; recognizing certain right of the citizens of this state related to game and fish; granting the Wildlife Conservation Commission certain power and authority; allowing for the use of certain methods, practices and procedures

to take certain wildlife; specifying preferred means of managing certain wildlife; providing for construction of law; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article II of the Constitution of the State of Oklahoma by adding a new Section 36 to read as follows:

Section 36. All citizens of this state shall have a right to hunt, fish, trap, and harvest game and fish, subject only to reasonable regulation as prescribed by the Legislature and the Wildlife Conservation Commission. The Wildlife Conservation Commission shall have the power and authority to approve methods, practices and procedures for hunting, trapping, fishing and the taking of game and fish. Traditional methods, practices and procedures shall be allowed for taking game and fish that are not identified as threatened by law or by the Commission. Hunting, fishing, and trapping shall be the preferred means of managing game and fish that are not identified as threatened by law or by the Commission. Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, or any other property rights.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES _____

AGAINST THE PROPOSAL – NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 5th day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2008.

Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 6th **day of** May, **20**08,

at 3:30 **o'clock** P. **M.**

By: M. Susan Lovegrove

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD. ROOM 101
OKLAHOMA CITY, OK 73105-4897
(405) 521-3912
Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 6, 2008

The Honorable Drew Edmondson
Attorney General
State Capitol, Room 112
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 38 was received in the Office of the Secretary of State on May 6, 2008. This bill has been designated as **State Question Number 742, Legislative Referendum Number 345.**

Pursuant to 34 O.S. 2007 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If our office may be of further assistance, please let us know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj

W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

May 9, 2008

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

Re: State Question Number 742 - Proposed Ballot Title
Legislative Referendum Number 345

Dear Secretary Savage:

Thank you for your letter regarding the above matter. I have referred this information to Neal Leader, Senior Assistant Attorney General, for his review and appropriate action.

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:st

cc: Neal Leader

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MAY 13 2008
OKLAHOMA SECRETARY OF STATE

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 14, 2008

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Mike Morgan
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED
MAY 14 2008
OKLAHOMA SECRETARY
OF STATE

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 742, Legislative Referendum No. 345

Dear Secretary Savage, Senator , Speaker :

We have, in accordance with the provisions of 34 O.S.Supp.2007, § 9(D), reviewed the Ballot Title for the above referenced State Question and conclude that it does comply with applicable laws.

As a Title 34 ballot title review, this does not constitute an Attorney General Opinion on the merits or constitutionally of the underlying change in the law.

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Respectfully submitted,

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD. ROOM 101
OKLAHOMA CITY, OK 73105-4897
(405) 521-3912
Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 14, 2008

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MAY 15 2008
OFFICE OF THE GOVERNOR

The Honorable Brad Henry
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title for State Question 742, Legislative Referendum 345; the State Question from Senate Joint Resolution 38; and the letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Title 34 O.S. 2001, Section 12, the Ballot Title has been reviewed and approved and the election proclamation may be issued with the date on which the vote will be held.

If there are any questions, please do not hesitate to contact this office at the above number or address.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD. ROOM 101
OKLAHOMA CITY, OK 73105-4897
(405) 521-3912
Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

May 14, 2008

The Honorable Michael Clingman
Oklahoma State Election Board
State Capitol
Oklahoma City, Oklahoma 73105

Dear Mr. Clingman:

Enclosed is a copy of the Attorney General's review of the proposed Ballot Title and an attested copy of State Question 742, Legislative Referendum 345 as stated in Senate Joint Resolution 38.

The Governor has been notified of the official ballot title pursuant to 34 O.S. 2001, Section 12. This office will provide a copy of the election proclamation upon receipt from the Governor's Office.

If there are any questions, please do not hesitate to contact this office at the above number or address.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj

RECEIVED
MAY 15 2008
STATE ELECTION BOARD

Brad Henry
Governor

FILED
JUL 2 3 2008
OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution and Section 12 of Title 34 of the Oklahoma Statutes, do hereby order that State Question Number 742, Legislative Referendum Number 345, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 4, 2008.

The substance of the measure is as follows:

> This measure adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

Copies of this Executive Proclamation shall be distributed to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Secretary of the State Election Board. The Secretary of the State Election Board and the secretaries of the appropriate county election boards are hereby directed to take all actions necessary to conduct the aforesaid election.

STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 212 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342 • FAX: (405) 521-3353

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 23rd day of July, 2008.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY

ATTEST:

SECRETARY OF STATE

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD. ROOM 101
OKLAHOMA CITY, OK 73105-4897
(405) 521-3912
Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

July 24, 2008

The Honorable Michael Clingman
Oklahoma State Election Board
Room 3, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

Enclosed is a copy of the Governor's Proclamation calling for the election on State Question Number 742, Legislative Referendum 345.

If there are any questions or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj

RECEIVED
JUL 24 2008
STATE ELECTION BOARD

Brad Henry
Governor

FILED
NOV 20 2008
OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, do hereby proclaim State Question Number 742 to have passed. The results of the election held on November 4, 2008, on State Question 742, Legislative Referendum Number 345, are as follows:

Total Votes – 1,352,128

YES — 1,082,341
NO – 269,787

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 20th day of November, 2008.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY

ATTEST:

SECRETARY OF STATE

STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 212 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342 • FAX: (405) 521-3353