

ENROLLED SENATE JOINT RESOLUTION 38  
ENACTED BY THE SECOND REGULAR SESSION OF THE  
51<sup>ST</sup> 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.

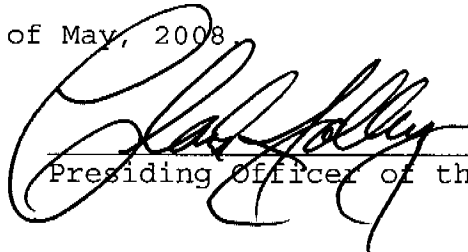
SHALL THE PROPOSAL BE APPROVED?

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  
6<sup>th</sup> day of May, 2008,  
at 3:30 o'clock P. M.

By: M. Susan Swartz



**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

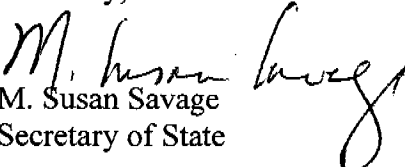
Dear Attorney General Edmondson:

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,

A handwritten signature in black ink, appearing to read "W.A. Edmondson".

W.A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE:st

cc: Neal Leader

**RECEIVED**

MAY 13 2008

**OKLAHOMA SECRETARY  
OF STATE**



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

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

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

**FILED**

**MAY 14 2008**

**OKLAHOMA SECRETARY  
OF STATE**

**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 constitutionality of the underlying change in the law.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Drew Edmondson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab



**OKLAHOMA SECRETARY OF STATE**

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

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Fax # (405) 521-3771

**M. Susan Savage**  
Secretary of State

**Brad Henry**  
Governor

May 14, 2008

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

**RECEIVED**

**MAY 15 2008**

**OFFICE OF THE  
GOVERNOR**

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

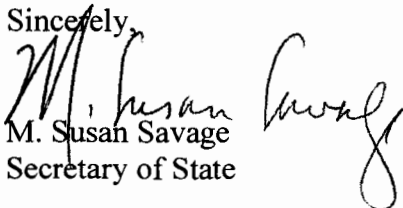
Dear Mr. Clingman:

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.

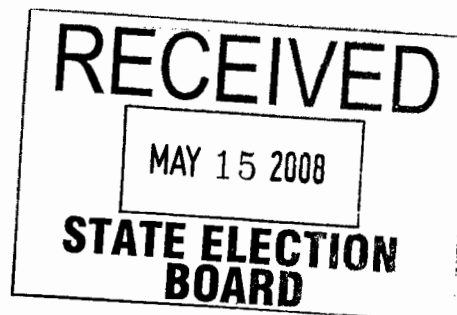
The Governor has been notified of the official ballot title pursuant to 34 O.S. 2001, Section 12. This office will provide a copy of the election proclamation upon receipt from the Governor's Office.

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





*Brad Henry*  
Governor

**FILED**

**JUL 23 2008**

**OKLAHOMA SECRETARY  
OF STATE**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE PROCLAMATION**

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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.

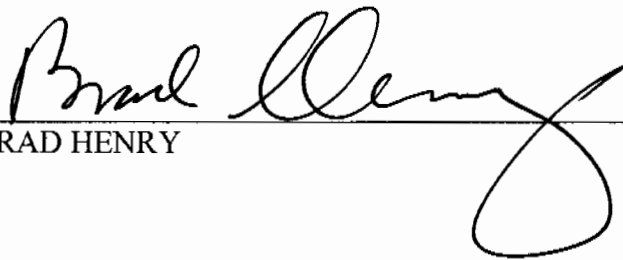
The substance of the measure is as follows:

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.

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





**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

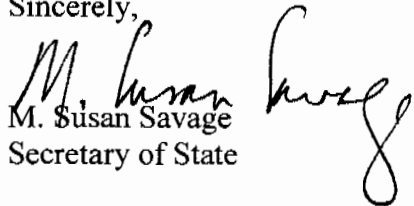
The Honorable Michael Clingman  
Oklahoma State Election Board  
Room 3, State Capitol  
Oklahoma City, Oklahoma 73105

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

