

ENROLLED HOUSE JOINT RESOLUTION 1012

ENACTED BY THE 1ST REGULAR SESSION OF THE
55TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 777

LEGISLATIVE REFERENDUM NUMBER 368

RECEIVED: 04/30/2015

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1012

By: Biggs, Murdock, Pfeiffer,
Park, Newell, Denney,
McBride, Sanders, Hall,
Cockroft and Echols of the
House

and

Smalley of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 38 to Article II; guaranteeing the right to engage in certain farming and ranching practices; prohibiting Legislature from passing certain laws; providing for interpretation; providing ballot title; and directing filing.

SUBJECT: Farming and ranching

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 55TH 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 the Constitution of the State of Oklahoma by adding a new Section 38 to Article II thereof, to read as follows:

Section 38. To protect agriculture as a vital sector of Oklahoma's economy, which provides food, energy, health benefits, and security and is the foundation and stabilizing force of Oklahoma's economy, the rights of citizens and lawful residents of

Oklahoma to engage in farming and ranching practices shall be forever guaranteed in this state. The Legislature shall pass no law which abridges the right of citizens and lawful residents of Oklahoma to employ agricultural technology and livestock production and ranching practices without a compelling state interest.

Nothing in this section shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain, dominance of mineral interests, easements, rights of way or any other property rights. Nothing in this section shall be construed to modify or affect any statute or ordinance enacted by the Legislature or any political subdivision prior to December 31, 2014.

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. 368 State Question No. 777

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the State Constitution. It adds Section 38 to Article 2. It protects the rights of citizens and lawful residents of Oklahoma to engage in farming and ranching practices. It prohibits the Legislature from passing laws that would take away the right to employ agricultural technology and livestock production without a compelling state interest. It provides for interpretation of the section.

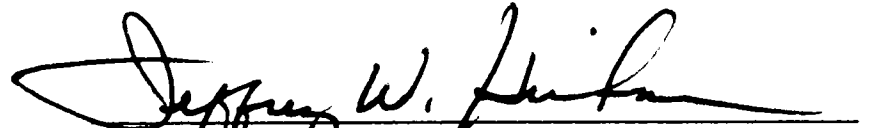
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The Chief Clerk of the House of Representatives 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 House of Representatives the 29th day of April, 2015.


Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 30th
day of April, 20 15, at 3:14 o'clock P. M.
By: Jeanne Ann McNaughton-Hayes

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 1, 2015

RECEIVED
MAY 04 2015
OFFICE OF THE
GOVERNOR

hand delivered

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Re: State Question 776, Legislative Referendum 367
Subject: Farming and Ranching

Dear Governor Fallin:

You are hereby notified that Enrolled House Joint Resolution 1012 was received in the Office of the Secretary of State on April 30, 2015. This resolution has been designated as **State Question Number 777, Legislative Referendum Number 368.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). The official ballot title will be submitted to you upon completion of the review.

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

Sincerely,

Chris Bengé
Secretary of State

Enclosure: State Question Number 777, Legislative Referendum Number 368

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 1, 2015

HAND DELIVERED

The Honorable E. Scott Pruitt
Oklahoma State Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

RECEIVED
RECEPTIONIST

MAY 04 2015

ATTORNEY GENERAL

Re: State Question 777, Legislative Referendum 368
Subject: Farming and ranching

Dear Attorney General Pruitt:

You are hereby notified that Enrolled House Joint Resolution 1012 was received in the Office of the Secretary of State on April 30, 2015. This resolution has been designated as **State Question Number 777, Legislative Referendum Number 368.**

Pursuant to 34 O.S. §9(C), this office is submitting the proposed ballot title to you for review.

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

Sincerely,

A handwritten signature in cursive script that reads "Chris Bengé".

Chris Bengé
Secretary of State

Enclosure: State Question Number 777, Legislative Referendum Number 368

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 1, 2015

hand delivered

The Honorable Paul Ziriaux
Oklahoma State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Re: State Question 777, Legislative Referendum 368
Subject: Farming and Ranching

Dear Secretary Ziriaux:

You are hereby notified that Enrolled House Joint Resolution 1012 was received in the Office of the Secretary of State on April 30, 2015. This resolution has been designated as **State Question Number 777, Legislative Referendum Number 368.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). The official ballot title will be submitted to you upon completion of the review.

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

Sincerely,

A handwritten signature in black ink that reads "Chris Bengé". The signature is written in a cursive, flowing style.

Chris Bengé
Secretary of State

Enclosure: State Question Number 777, Legislative Referendum Number 368

RECEIVED

MAY 04 2015

STATE ELECTION
BOARD



E. SCOTT PRUITT
ATTORNEY GENERAL

FILED

MAY 08 2015

OKLAHOMA SECRETARY
OF STATE

May 8, 2015

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Chris Benge, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator Jason Smalley
2300 N. Lincoln Blvd., Room 416
Oklahoma City, Oklahoma 73105-4897

Representative Scott Biggs
2300 N. Lincoln Blvd., Room 242
Oklahoma City, Oklahoma 73105-4897

RE: Ballot Title for State Question No. 777, Legislative Referendum No. 368

Dear Sirs:

In accordance with the provisions of 34 O.S. § 9(C), as amended by House Bill 1484, we have reviewed the Proposed Ballot Title for the above-referenced State Question and conclude that it does **not** comply with applicable laws for the following reasons:

1. The statutorily required function of a ballot's title is to explain the effect of the proposition. The Proposed Ballot Title fails to fully explain that the measure will not be construed to modify any provision of case law or statutes relating to

trespass, eminent domain, dominance of mineral interests, easements, rights of way, or any other property rights.

2. Further, it fails to explain that the measure will not be construed to modify or affect any statute or ordinance enacted by the Legislature or any political subdivision prior to December 31, 2014.

3. And, finally, it fails to explain what a compelling state interest is.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S. §9 (C), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law and furnish a copy to each of you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is fluid and cursive, with a large initial "E" and "P".

E. Scott Pruitt
Attorney General

ESP/cr



FILED

MAY 22 2015

OKLAHOMA SECRETARY,
OF STATE

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA
May 22, 2015

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
Oklahoma House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Chris Bengé
Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator James Smalley
2300 N. Lincoln Blvd., Room 416
Oklahoma City, Oklahoma 73105-4897

Representative Scott Biggs
2300 N. Lincoln Blvd., Room 242
Oklahoma City, Oklahoma 73105-4897

**Re: Preliminary Ballot Title for State Question No. 777,
Legislative Referendum No. 368**

Dear Sirs:

On May 4, 2015, we notified you that the Proposed Ballot Title for the above-referenced State Question did not comply with the requirements of 34 O.S. § 9(C). In accordance with Section 9(C), we have prepared the following Preliminary Ballot Title. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 777

This measure adds Section 38 to Article II of the Oklahoma Constitution.

The new Section creates state constitutional rights. It creates the following guaranteed rights to engage in farming and ranching:

- The right to make use of agricultural technology,
- The right to make use of livestock procedures, and
- The right to make use of ranching practices.

These constitutional rights receive extra protection under this measure that not all constitutional rights receive. This extra protection is a limit on lawmakers' ability to interfere with the exercise of these rights. Under this extra protection, no law can interfere with these rights, unless the law is justified by a compelling state interest—a clearly identified state interest of the highest order. Additionally, the law must be necessary to serve that compelling state interest.

This measure—and the protections identified above—do not apply to and do not impact state laws related to:

- Trespass,
- Eminent domain,
- Dominance of mineral interests,
- Easements,
- Right of way or other property rights, and
- Any state statutes and political subdivision ordinances enacted before December 31, 2014.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES _____

AGAINST THE PROPOSAL – NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

FILED

JUN 12 2015

OKLAHOMA SECRETARY
OF STATE



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

June 10, 2015

Chris Benge, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

RECEIVED

JUN 12 2015

OKLAHOMA SECRETARY
OF STATE

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Senator James Smalley
2300 N. Lincoln, Room 416
Oklahoma City, Oklahoma 73105-4897

Representative Scott Biggs
2300 N. Lincoln, Room 3242
Oklahoma City, Oklahoma 73105-4897

Re: **Final Ballot Title for State Question No. 777,
Legislative Referendum No. 368**

Dear Sirs:

Having found that the Proposed Ballot Title for the above-referenced state question did not comply with applicable laws and having prepared and filed a Preliminary Ballot Title more than five business days ago, in accordance with 34 O.S. § 9(C), we have prepared the following Final Ballot Title for the above-referenced State Question. As a Title 34 ballot title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

BALLOT TITLE FOR STATE QUESTION NO. 777

This measure adds Section 38 to Article II of the Oklahoma Constitution.

The new Section creates state constitutional rights. It creates the following guaranteed rights to engage in farming and ranching:

- The right to make use of agricultural technology,
- The right to make use of livestock procedures, and
- The right to make use of ranching practices.

These constitutional rights receive extra protection under this measure that not all constitutional rights receive. This extra protection is a limit on lawmakers' ability to interfere with the exercise of these rights. Under this extra protection, no law can interfere with these rights, unless the law is justified by a compelling state interest—a clearly identified state interest of the highest order. Additionally, the law must be necessary to serve that compelling state interest.

The measure—and the protections identified above—do not apply to and do not impact state laws related to:

- Trespass,
- Eminent domain,
- Dominance of mineral interests,
- Easements,
- Right of way or other property rights, and
- Any state statutes and political subdivision ordinances enacted before December 31, 2014.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

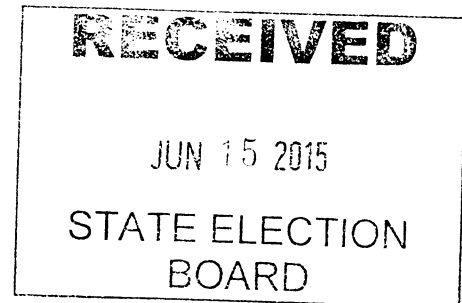
Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

June 15, 2015



The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room B-6
Oklahoma City, Oklahoma 73105

Re: State Question 777, Legislative Referendum 368
Subject: Farming and Ranching

Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 777, Legislative Referendum 368 and attest that the enclosed copy of House Joint Resolution 1012 is a true and accurate copy of the measure filed with this office. Also enclosed is the Final Ballot Title as prepared by the Attorney General.

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

Sincerely,

Chris Bengé
Secretary of State

Enclosures: State Question 777, Legislative Referendum 368
Attorney General's Final Ballot Title

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

June 15, 2015

RECEIVED

JUN 15 2015

OFFICE OF THE
GOVERNOR

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Re: State Question 777, Legislative Referendum 368
Subject: Farming and Ranching

Dear Governor Fallin:

Pursuant to 34 O.S. § 9(C)(2), the Secretary of State has transmitted to the Secretary of the State Election Board an attested copy of the above referenced measure. Please find enclosed a copy of the transmittal letter and a file stamped copy of the Attorney General's Final Ballot Title.

If there are any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads 'Chris Bengé'.

Chris Bengé
Secretary of State

Enclosures: Copy of Transmittal Letter to Secretary of the State Election Board
Copy of Attorney General's Final Ballot Title



Mary Fallin
Governor

FILED

JUN 29 2015

OKLAHOMA SECRETARY
OF STATE

**EXECUTIVE DEPARTMENT
EXECUTIVE PROCLAMATION**

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that Legislative Referendum Number 368, State Question 777, 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 8, 2016.

The substance of the measure is as follows:

This measure adds Section 38 to Article II of the Oklahoma Constitution.

The new Section creates state constitutional rights. It creates the following guaranteed rights to engage in farming and ranching:

- The right to make use of agricultural technology,
- The right to make use of livestock procedures, and
- The right to make use of ranching practices.

These constitutional rights receive extra protection under this measure that not all constitutional rights receive. This extra protection is a limit on lawmakers' ability to interfere with the exercise of these rights. Under this extra protection, no law can interfere with these rights, unless the law is justified by a compelling state interest—a clearly identified state interest of the highest order. Additionally, the law must be necessary to serve that compelling state interest.

The measure—and the protections identified above—do not apply to and do not impact state laws related to:

- Trespass,
- Eminent domain,
- Dominance of mineral interests,
- Easements,
- Right of way or other property rights, and
- Any state statutes and political subdivision ordinances enacted before December 31, 2014.

Copies of this Executive Proclamation shall be delivered 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.

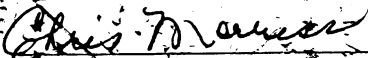
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 29th day of June, 2015.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST:



Assistant SECRETARY OF STATE

Assistant SECRETARY OF STATE