

ENROLLED HOUSE JOINT RESOLUTION 1092
ENACTED BY THE SECOND REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 765
LEGISLATIVE REFERENDUM NUMBER 362

RECEIVED: MAY 25, 2012

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1092

By: Steele, Rousselot, Nelson,
Ownbey and Peterson of the
House

and

Treat, Brinkley and Johnson
(Constance) of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Sections 2, 3 and 4 of Article XXV of the Constitution of the State of Oklahoma and a proposed amendment to the Constitution of the State of Oklahoma adding a new section to Article XXV to be designated as Section 6; providing for the creation of a department to administer human services for the people; providing ballot title; and directing filing.

SUBJECT: Department to administer human services and public welfare

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 53RD 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 repeal of Sections 2, 3 and 4 of Article XXV of the Constitution of the State of Oklahoma which relate to the Oklahoma Public Welfare Commission and the Director of Public Welfare.

SECTION 2. 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 6 to Article XXV thereof, to read as follows:

Section 6. For the purpose of effectively administering and carrying into execution all laws enacted pursuant to the authority granted in Section 1 of this Article, the Legislature is hereby authorized to create a department or departments charged with the duty and responsibility of faithfully administering and carrying into execution all laws enacted pursuant to the authority granted in Section 1 of this Article and shall perform such other duties as may, from time to time, be prescribed by law.

SECTION 3. The Ballot Title for the proposed Constitutional amendment as set forth in SECTIONS 1 and 2 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 amends the State Constitution. It provides for the repeal of Sections 2, 3 and 4 of Article 25 which relate to the Department of Public Welfare, the Oklahoma Public Welfare Commission and the Director of Public Welfare. This measure grants the Legislature the authority to create and direct by law the administration of a department or departments to provide for public welfare for the people of the State of Oklahoma.


SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

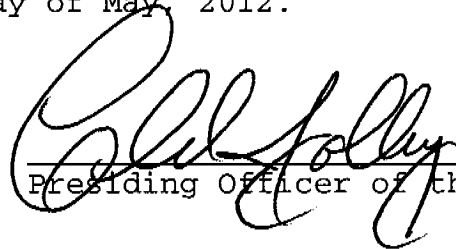
SECTION 4. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 22nd day of May, 2012.



Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2012.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

25th day of May, 2012,

at 11:31 o'clock A M.

By: Airchelle R. Day

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

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

Re: State Question 765, Legislative Referendum 362
Proposed Constitutional Amendment Repealing the Oklahoma
Public Welfare Commission

Dear Attorney General Pruitt:

You are hereby notified that Enrolled House Joint Resolution 1092 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 765, Legislative Referendum Number 362.**

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 further assistance, please let us know.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink that reads "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 765, Legislative Referendum Number 362

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

RECEIVED

MAY 29 2012

**OFFICE OF THE
GOVERNOR**

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

Re: State Question 765, Legislative Referendum 362
Proposed Constitutional Amendment Repealing the Oklahoma
Public Welfare Commission

Dear Governor Fallin:

You are hereby notified that Enrolled House Joint Resolution 1092 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 765, Legislative Referendum Number 362**.

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 this office may be of further assistance, please advise.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink, reading "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 765, Legislative Referendum Number 362

V. Glenn Coffee
Secretary of State

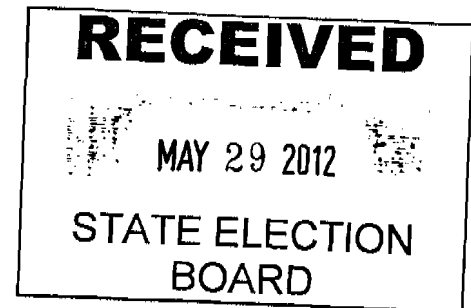


Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 29, 2012

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



Re: State Question 765, Legislative Referendum 362
Proposed Constitutional Amendment Repealing the Oklahoma
Public Welfare Commission

Dear Secretary Ziriach:

You are hereby notified that Enrolled House Joint Resolution 1092 was received in the Office of the Secretary of State on May 25, 2012. This resolution has been designated as **State Question Number 765, Legislative Referendum Number 362.**

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 further assistance, please let us know.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink, reading "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosure: State Question Number 765, Legislative Referendum Number 362



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUN 05 2012

OKLAHOMA SECRETARY
OF STATE

June 5, 2012

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, Oklahoma 73105

The Honorable Brian Bingman
Senate President Pro Tempore
2300 N. Lincoln Boulevard, Room 422
Oklahoma City, Oklahoma 73105

The Honorable Kris Steele
Speaker of the House of Representatives
2300 N. Lincoln Boulevard, Room 401
Oklahoma City, Oklahoma 73105

The Honorable Greg Treat
State Senator, District 47
2300 N. Lincoln Boulevard, Room 530
Oklahoma City, Oklahoma 73105

Re: Proposed Ballot Title for State Question No. 765, Legislative Referendum No. 362

Dear Secretary Coffee, Senator Bingman, Speaker Steele and Senator Treat:

In accordance with the provisions of 34 O.S.2011, § 9(C), 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:

It does not adequately explain the effect of the proposition as:

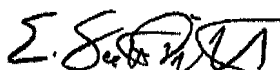
- it does not explain that the Department of Public Welfare is also known as the Department of Human Services, the Oklahoma Public Welfare Commission is also

known as the Commission for Human Services and the Director of Public Welfare is also known as the Director of Human Services, and

- it does not explain that the measure abolishes the Department of Human Services, the Commission for Human Services and the position of Director of Human Services which were created by the Oklahoma Constitution.

Having found that the Ballot Title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2011, § 9(C), within ten (10) business days, prepare a Ballot Title which complies with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written in a cursive style.

E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUN 18 2012

OKLAHOMA SECRETARY
OF STATE

June 15, 2012

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, Oklahoma 73105

The Honorable Brian Bingman
Senate President Pro Tempore
2300 N. Lincoln Boulevard, Room 422
Oklahoma City, Oklahoma 73105

The Honorable Kris Steele
Speaker of the House of Representatives
2300 N. Lincoln Boulevard, Room 401
Oklahoma City, Oklahoma 73105

The Honorable Greg Treat
State Senator, District 47
2300 N. Lincoln Boulevard, Room 530
Oklahoma City, Oklahoma 73105

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JUN 18 2012

OKLAHOMA SECRETARY
OF STATE

Re: Preliminary Ballot Title for State Question No. 765, Legislative Referendum No. 362

Dear Secretary Coffee, Senator Bingman, Speaker Steele and Senator Treat:

Having found that the proposed ballot title for the above-referenced State Question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.2011, § 9(C), prepared the following Preliminary Ballot Title. 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 Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 765

The measure amends the Oklahoma Constitution. It abolishes the Oklahoma Department of Human Services, the Oklahoma Commission of Human Services and the position of Director of the Oklahoma Department of Human Services. These entities were created under different names by Sections 2, 3 and 4 of Article 25 of the Oklahoma Constitution and given duties and responsibilities related to the care of the aged and needy. The measure repeals these sections of the Constitution and consequently, removes the power of the Commission of Human Services to establish policy and adopt rules and regulations. Under the measure, the Legislature and the people by initiative petition retain the power to adopt legislation for these purposes.

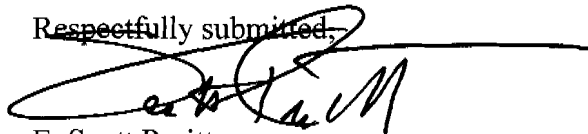
The measure adds a provision to the Constitution authorizing the Legislature to create a department or departments to administer and carry out laws to provide for the care of the aged and the needy. The measure also authorizes the Legislature to enact laws requiring the newly-created department or departments to perform other duties.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

~~Respectfully submitted,~~

A handwritten signature in black ink, appearing to read 'E. Scott Pruitt', is written over the crossed-out phrase 'Respectfully submitted,'.

E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUL 10 2012

OKLAHOMA SECRETARY
OF STATE

July 10, 2012

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, Oklahoma 73105

The Honorable Brian Bingman
Senate President Pro Tempore
2300 N. Lincoln Boulevard, Room 422
Oklahoma City, Oklahoma 73105

The Honorable Kris Steele
Speaker of the House of Representatives
2300 N. Lincoln Boulevard, Room 401
Oklahoma City, Oklahoma 73105

The Honorable Greg Treat
State Senator, District 47
2300 N. Lincoln Boulevard, Room 530
Oklahoma City, Oklahoma 73105

Re: Final Ballot Title for State Question No. 765, Legislative Referendum No. 362

Dear Secretary Coffee, Senator Bingman, Speaker Steele and Senator Treat:

Having found that the proposed ballot title for the above-referenced State Question did not comply with applicable laws we, in accordance with the provisions of 34 O.S.2011, § 9(C), prepared a Preliminary Ballot Title which we furnished to you. We have now prepared the following Final Ballot Title. 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, nor the ability of Federal law to preempt the changes in the law. The Final Ballot Title reads as follows:

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JUL 10 2012

OKLAHOMA SECRETARY
OF STATE



FINAL BALLOT TITLE FOR STATE QUESTION NO. 765

The measure amends the Oklahoma Constitution. It abolishes the Oklahoma Department of Human Services, the Oklahoma Commission of Human Services and the position of Director of the Oklahoma Department of Human Services. These entities were created under different names by Sections 2, 3 and 4 of Article 25 of the Oklahoma Constitution and given duties and responsibilities related to the care of the aged and needy. The measure repeals these sections of the Constitution and consequently, removes the power of the Commission of Human Services to establish policy and adopt rules and regulations. Under the measure, the Legislature and the people by initiative petition retain the power to adopt legislation for these purposes.

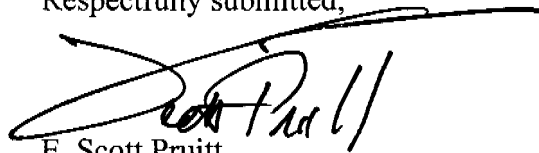
The measure adds a provision to the Constitution authorizing the Legislature to create a department or departments to administer and carry out laws to provide for the care of the aged and the needy. The measure also authorizes the Legislature to enact laws requiring the newly-created department or departments to perform other duties.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

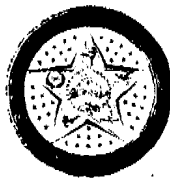
Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt
Attorney General

ESP/ab

KRIS STEELE
SPEAKER



CAPITOL BUILDING
PHONE: (405) 557-7345

Office of the Speaker
Oklahoma House of Representatives
Oklahoma City, OK 73105

FILED

JUL 11 2012

OKLAHOMA SECRETARY
OF STATE

July 10, 2012

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

Dear Attorney General Pruitt,

Pursuant to the provisions of 34 O.S. 2011, § 9(C), I have reviewed your proposed ballot title for State Question No. 765 and respectfully submit the following comment. I request that the ballot title include language addressing the passage of HB3137 which reconstituted the Department of Human Services in statute. I believe this language is necessary as it speaks to the effect of the proposition as required by 34 O.S. 2011, § 9(B)(2).

Thank you for your thoughtful consideration of these concerns and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Steele".

Kris Steele
Speaker of the House

Cc: Senate President Pro Tempore Brian Bingman
Glenn Coffee, Secretary of State
Senator Greg Treat

KS:jb

RECEIVED

JUL 11 2012

OKLAHOMA SECRETARY
OF STATE

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

July 11, 2012

RECEIVED

JUL 11 2012

OFFICE OF THE
GOVERNOR

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

Re: State Question 765, Legislative Referendum 362
Proposed Constitutional Amendment relating to the Department of Public Welfare

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. A copy of the transmittal letter and the Attorney General's Final Ballot Title are enclosed for your information and records.

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

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink that reads "Michelle R. Day". The signature is written in a cursive style with a large, stylized "M" and "D".

Michelle R. Day
Assistant Secretary of State

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

V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

July 11, 2012

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

RECEIVED

JUL 11 2012

**STATE ELECTION
BOARD**

Re: State Question No. 765, Legislative Referendum 362
Proposed Constitutional Amendment relating to the Department of Public Welfare

Dear Secretary Ziriak:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 765, Legislative Referendum 362 and attest that the enclosed copy of House Joint Resolution 1092 is a true and accurate copy of the measure filed with this office. Also enclosed is the Final Ballot Title prepared by the Attorney General.

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

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink, reading "Michelle R. Day".

Michelle R. Day
Assistant Secretary of State

Enclosures: State Question 765, Legislative Referendum 362
Attorney General's Final Ballot Title



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUL 17 2012

**OKLAHOMA SECRETARY
OF STATE**

July 11, 2012

The Honorable Kris Steele
Speaker of the House of Representatives
2300 N. Lincoln Boulevard, Room 401
Oklahoma City, Oklahoma 73105

Re: Final Ballot Title for State Question No. 765, Legislative Referendum No. 362

Dear Speaker Steele:

I received a letter from you late yesterday addressing your concerns with the Preliminary Ballot Title for State Question No. 765, Legislative Referendum No. 362, reconstituting the Department of Human Services. You ask that the final ballot title include language addressing the passage of HB 3137 which redefines the duties and requirements of the Department of Human Services, subject to passage of the constitutional amendment.

Pursuant to 34 O.S. 2011, § 9(B), a ballot title is to explain, in basic words, the effect of the constitutional amendment. To comply with this requirement, the final ballot title includes specific language that the Legislature has the power to adopt legislation and that the Legislature may "create a department or departments to administer and carry out laws to provide for the care of the aged and the needy." This language is sufficient to explain the effect of the measure as required by law. The specific language in HB 3137 is not a part of the constitutional amendment and is subject to change by this Legislature or subsequent legislatures. Therefore, I have not included language from this legislation as part of the ballot title.

Thank you for your comments and participation in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL

RECEIVED

**JUL 12 2012
OKLAHOMA SECRETARY
OF STATE**

cc:

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Boulevard, Room 101
Oklahoma City, Oklahoma 73105

The Honorable Brian Bingman
Senate President Pro Tempore
2300 N. Lincoln Boulevard, Room 422
Oklahoma City, Oklahoma 73105

The Honorable Greg Treat
State Senator, District 47
2300 N. Lincoln Boulevard, Room 530
Oklahoma City, Oklahoma 73105