

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HJR1042 _____
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By striking the Title, the Resolving Clause, the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Randy Terrill _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE JOINT
6 RESOLUTION NO. 1042

By: Terrill

7 PROPOSED COMMITTEE SUBSTITUTE

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to the Constitution of
11 the State of Oklahoma by creating a new Article XXX;
12 declaring the English language to be the official
13 language of this state; requiring the business of
14 this state be conducted in English; providing
15 exceptions; defining terms; providing ballot title;
16 and directing filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
18 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

19 SECTION 1. The Secretary of State shall refer to the people for
20 their approval or rejection, as and in the manner provided by law,
21 the following proposed amendment to the Constitution of the State of
22 Oklahoma by creating a new Article XXX to read as follows:

23 ARTICLE XXX

24 Section 1. A. The English language is the official language of
the State of Oklahoma.

1 B. For purposes of this Article, the following terms have the
2 following meanings:

3 1. The "State of Oklahoma" or "the state" includes all state
4 agencies and departments, subdivisions and official entities, and
5 also all officials, employees, contractors, grantees,
6 representatives, or agents, while performing official actions for
7 the state;

8 2. "Official actions" are those which bind, commit or represent
9 the state or reasonably give the appearance of presenting the
10 official commitment, views or position of the state;

11 3. "Specifically required by federal law" means that the
12 express language of the Constitution of the State of Oklahoma,
13 including exceptions and provisions in this Article, the
14 Constitution of the United States, federal laws, or binding and
15 statutorily authorized federal regulations requires the use of a
16 language other than English. "Federal law" does not include
17 nonbinding rules, interpretations, guidelines, or similar
18 pronouncements by federal Executive Orders, including federal
19 Executive Order 13166, or by agency actions or agreements unless and
20 until federal or state courts have held them to be mandatory and
21 binding on the state;

22 4. "Protect the public health and safety" does not include the
23 examination for or provision of licenses or permits for driving,
24 professional, occupational, or other purposes; and

1 5. "Teach English to those who are not fluent in the language"
2 means teaching English in the most rapid, efficient and effective
3 manner available, and is not intended to change Section 5 of Article
4 I of this Constitution regarding the use of English in schools.
5 This phrase does not authorize bilingual education programs which
6 maintain a student in a language other than English.

7 C. 1. Official actions of the state shall be taken in the
8 English language. This declaration is intended to be exclusive to
9 the use of any other language, unless such other use is specifically
10 required by federal law.

11 2. a. No law, ordinance, decree, program, or policy of the
12 state shall require or permit the use of any language
13 other than English for any governmental documents,
14 regulations, orders, transactions, filings with a
15 court or governmental entity, proceedings, meetings,
16 programs, or publication, or for any other official
17 purpose, unless such other use is specifically
18 required by federal law.

19 b. Unofficial or nonbinding translations or explanations
20 of official actions may be provided separately in
21 languages other than English, if:

22 (1) they are made and distributed at no cost to the
23 state,

24

1 (2) they are appropriately labeled as unofficial and
2 nonbinding on the state, and

3 (3) reference is made to a method to obtain the
4 official action.

5 c. Unless otherwise specifically required by federal law,
6 no person has a right to an unofficial or nonbinding
7 translation or explanation, and no liability or
8 commitment of the state shall be based on a
9 translation or explanation.

10 3. No agency of the state shall enter into, maintain, or
11 enforce a contract or agreement, including with the federal
12 government, which is inconsistent with this Article, unless
13 specifically required by federal law.

14 D. The obligations of this Article shall be construed strictly
15 and exclusively, and not be superseded by other laws unless the
16 other laws are clear and express in their requirement to use
17 languages other than English and unless their authority to command
18 the state is clear. General requirements, including the right of
19 the liberty of speech in Section 22 of Article II of the Oklahoma
20 Constitution, shall be construed in harmony with the provisions of
21 this Article, and shall not be construed to require the use of
22 languages other than English in circumstances not otherwise
23 described or permitted by this Article.

1 E. The state may use a language other than English for any of
2 the following purposes, whether or not the use would be considered
3 part of an official action, if the use is essential to:

4 1. Teach or encourage the learning of languages other than
5 English;

6 2. Protect the public health and safety;

7 3. Teach English to those who are not fluent in the language;

8 4. Teach and use sign language for the deaf and hard-of-hearing
9 or Braille for the blind or sight-impaired;

10 5. Comply with the Native American Languages Act, the
11 Individuals with Disabilities Education Act, the Voting Rights Act,
12 the Rehabilitation Act of 1973, as amended, or if otherwise
13 specifically required by federal law;

14 6. Protect the rights of victims of crime and criminal
15 defendants;

16 7. Promote trade, commerce, and tourism;

17 8. Promote relations with Native American tribes or
18 organizations; and

19 9. Create or promote mottos or designations, inscribe public
20 monuments, or utilize terms of art or similar terms or phrases from
21 other languages which are commonly used as part of communications
22 otherwise in English.

23 F. 1. The declaration and use of English as the official
24 language of the state shall not be construed to infringe upon the

1 rights of any person to use a language other than English in private
2 communications or actions, including the right of government
3 officials, employees, contractors, or representatives to communicate
4 with others while not performing official actions of the state.

5 2. Nothing in this Article or in Section 22 of Article II of
6 the Oklahoma Constitution shall provide to any person a cause of
7 action to seek, or a right to demand in any other way, governmental
8 official or unofficial actions in languages other than English.

9 3. Nothing in this Article shall be construed to diminish or
10 impair the use, study, development, or encouragement of any Native
11 American language in any context or for any purpose.

12 G. Any person who is a resident of, or doing business in, the
13 state shall have standing to sue any agency or official of the state
14 to seek a declaratory judgment as to whether this Article has been
15 violated and to obtain injunctive relief therefrom. A person who
16 prevails, in whole or in part, in such a suit shall be entitled to
17 costs of bringing and maintaining the suit, including reasonable
18 attorney fees.

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

22 BALLOT TITLE
23 Legislative Referendum No. _____ State Question No. _____

24 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

1 This measure amends the Oklahoma Constitution. It would add a
2 new Article 30. This amendment makes English the official
3 language of the state. All official state actions will be done
4 in English. This amendment provides exceptions when languages
5 other than English can be used, such as to protect public health
6 and safety. This amendment protects Native American languages
7 and the private use of languages other than English. This
8 amendment also provides a private right of action to seek an
9 injunction for violations of this amendment.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES _____

12 AGAINST THE PROPOSAL - NO _____

13 SECTION 3. The Chief Clerk of the House of Representatives,
14 immediately after the passage of this resolution, shall prepare and
15 file one copy thereof, including the Ballot Title set forth in
16 SECTION 2 hereof, with the Secretary of State and one copy with the
17 Attorney General.

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19 52-1-6887 SDR 02/17/09
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