

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1156 _____
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, 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

4 SUBSTITUTE

5 FOR ENGROSSED

6 SENATE BILL NO. 1156

By: Anderson of the Senate

and

Billy of the House

7
8
9 PROPOSED COMMITTEE SUBSTITUTE

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

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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 creating a new Article XXX to read as follows:

ARTICLE XXX

23 Section 1. A. The English language is the official language of
24 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 United States, federal
13 laws, or binding and statutorily authorized federal regulations
14 requires the use of a language other than English. "Federal law"
15 does not include nonbinding rules, interpretations, guidelines, or
16 similar pronouncements by federal Executive Orders, including
17 federal Executive Order 13166, or by agency actions or agreements
18 unless and until federal or state courts have held them to be
19 mandatory and binding on the state;

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

23 5. "Teach English to those who are not fluent in the language"
24 means teaching English in the most rapid, efficient and effective

1 manner available, and is not intended to change Section 5 of Article
2 I of this Constitution, regarding the use of English in schools.
3 This phrase does not authorize bilingual education programs which
4 maintain a student in a language other than English.

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

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

16 b. Unofficial or nonbinding translations or explanations
17 of official actions may be provided separately in
18 languages other than English, if:

19 (1) they are made and distributed at no cost to the
20 state,

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

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

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

6 3. No agency of the state shall enter into, maintain, or
7 enforce a contract or agreement, including with the federal
8 government, which is inconsistent with this Article, unless
9 specifically required by federal law.

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

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

23 1. Teach or encourage the learning of languages other than
24 English;

- 1 2. Protect the public health and safety;
- 2 3. Teach English to those who are not fluent in the language;
- 3 4. Teach and use sign language for the deaf and hard of hearing
- 4 or Braille for the blind or sight impaired;
- 5 5. Comply with the Native American Languages Act, the
- 6 Individuals with Disabilities Education Act, the Voting Rights Act,
- 7 the Rehabilitation Act of 1973, as amended, or if otherwise
- 8 specifically required by federal or state law;
- 9 6. Protect the rights of victims of crime and criminal
- 10 defendants;
- 11 7. Promote trade, commerce, and tourism;
- 12 8. Promote relations with Native American tribes or
- 13 organizations; and
- 14 9. Create or promote mottos or designations, inscribe public
- 15 monuments, or utilize terms of art or similar terms or phrases from
- 16 other languages which are commonly used as part of communications
- 17 otherwise in English.
- 18 F. 1. The declaration and use of English as the official
- 19 language of the state shall not be construed to infringe upon the
- 20 rights of any person to use a language other than English in private
- 21 communications or actions, including the right of government
- 22 officials, employees, contractors, or representatives to communicate
- 23 with others while not performing official actions of the state.

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

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

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

15 SECTION 2. The Ballot Title for the proposed Constitutional
16 amendment as set forth in Section 1 of this act shall be in the
17 following form:

18 BALLOT TITLE
19 Legislative Referendum No. _____ State Question No. _____

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends the Oklahoma Constitution. It would add a
22 new Article 30. This amendment makes English the official
23 language of the state. All official state actions will be done
24 in English. This amendment provides exceptions when languages

1 other than English can be used, such as to protect public health
2 and safety. This amendment protects Native American languages
3 and the private use of languages other than English. This
4 amendment also provides a private right of action to seek an
5 injunction for violations of this amendment.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

9 SECTION 3. The Chief Clerk of the House of Representatives,
10 immediately after the passage of this act, shall prepare and file
11 one copy thereof, including the Ballot Title set forth in SECTION 2
12 hereof, with the Secretary of State and one copy with the Attorney
13 General.

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15 52-1-7658 SDR 04/03/09
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