

1 ENGROSSED HOUSE
JOINT
2 RESOLUTION NO. 1042

By: Terrill, Osborn, Faught,
Christian, Reynolds,
3 Duncan, Kern and Tibbs of
the House

4
5 and

6 Sykes of the Senate
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9 A Joint Resolution directing the Secretary of State
to refer to the people for their approval or
10 rejection a proposed amendment to the Constitution of
the State of Oklahoma by creating a new Article XXX;
11 declaring the English language to be the official
language of this state; requiring the business of
12 this state be conducted in English; providing
exceptions; defining terms; providing ballot title;
13 and directing filing.
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16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
17 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

22 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, filings with a
13 court or governmental entity, proceedings, meetings,
14 programs, or publication, or for any other official
15 purpose, unless such other use is specifically
16 required by federal law.

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

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

22 (2) they are appropriately labeled as unofficial and
23 nonbinding on the state, and
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1 (3) reference is made to a method to obtain the
2 official action.

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

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

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13 and exclusively, and not be superseded by other laws unless the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

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

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

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

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

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

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

20 BALLOT TITLE
21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

23 This measure amends the Oklahoma Constitution. It would add a
24 new Article 30. This amendment makes English the official

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

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES _____

10 AGAINST THE PROPOSAL - NO _____

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

1 Passed the House of Representatives the 11th day of March, 2009.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2009.

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9 Presiding Officer of the Senate
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