

THE HOUSE OF REPRESENTATIVES  
Wednesday, April 8, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1120

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1120 - By: SYKES  
of the Senate and TERRILL of the House.

An Act 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 creating a new Article XXX; declaring the English language to be the official language of this state; requiring the business of this state be conducted in English; providing exceptions; defining terms; providing ballot title; and directing filing.

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

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

4 ARTICLE XXX

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

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

8 1. The “State of Oklahoma” or “the state” includes all state agencies and  
9 departments, subdivisions and official entities, and also all officials, employees,

1 contractors, grantees, representatives, or agents, while performing official actions for the  
2 state;

3 2. “Official actions” are those which bind, commit or represent the state or  
4 reasonably give the appearance of presenting the official commitment, views or position  
5 of the state;

6 3. “Specifically required by federal law” means that the express language of the  
7 Constitution of the United States, federal laws, or binding and statutorily authorized  
8 federal regulations requires the use of a language other than English. “Federal law” does  
9 not include nonbinding rules, interpretations, guidelines, or similar pronouncements by  
10 federal Executive Orders, including federal Executive Order 13166, or by agency actions  
11 or agreements unless and until federal or state courts have held them to be mandatory  
12 and binding on the state;

13 4. “Protect the public health and safety” does not include the examination for or  
14 provision of licenses or permits for driving, professional, occupational, or other purposes;  
15 and

16 5. “Teach English to those who are not fluent in the language” means teaching  
17 English in the most rapid, efficient and effective manner available, and is not intended to  
18 change Section 5 of Article I of this Constitution, regarding the use of English in schools.  
19 This phrase does not authorize bilingual education programs which maintain a student  
20 in a language other than English.

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

4 2. a. No law, ordinance, decree, program, or policy of the state shall require  
5 or permit the use of any language other than English for any  
6 governmental documents, regulations, orders, transactions,  
7 proceedings, meetings, programs, or publication, or for any other  
8 official purpose, unless such other use is specifically required by  
9 federal law.

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

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

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

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

16 c. Unless otherwise specifically required by federal or state law, no  
17 person has a right to an unofficial or nonbinding translation or  
18 explanation, and no liability or commitment of the state shall be based  
19 on a translation or explanation.

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

1 D. The obligations of this Article shall be construed strictly and exclusively, and  
2 not be superseded by other laws unless the other laws are clear and express in their  
3 requirement to use languages other than English and unless their authority to command  
4 the state is clear. General requirements, including the right of the liberty of speech in  
5 Section 22 of Article II of the Oklahoma Constitution, shall be construed in harmony  
6 with the provisions of this Article, and shall not be construed to require the use of  
7 languages other than English in circumstances not otherwise described or permitted by  
8 this Article.

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

- 12 1. Teach or encourage the learning of languages other than English;
- 13 2. Protect the public health and safety;
- 14 3. Teach English to those who are not fluent in the language;
- 15 4. Teach and use sign language for the deaf and hard of hearing or Braille for the  
16 blind or sight impaired;
- 17 5. Comply with the Native American Languages Act, the Individuals with  
18 Disabilities Education Act, the Voting Rights Act, the Rehabilitation Act of 1973, as  
19 amended, or if otherwise specifically required by federal or state law;
- 20 6. Protect the rights of victims of crime and criminal defendants;
- 21 7. Promote trade, commerce, and tourism;
- 22 8. Promote relations with Native American tribes or organizations; and

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

4           F. 1. The declaration and use of English as the official language of the state shall  
5 not be construed to infringe upon the rights of any person to use a language other than  
6 English in private communications or actions, including the right of government officials,  
7 employees, contractors, or representatives to communicate with others while not  
8 performing official actions of the state.

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

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

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

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

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BALLOT TITLE

Legislative Referendum No. \_\_\_\_ State Question No. \_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES \_\_\_\_\_

AGAINST THE PROPOSAL — NO \_\_\_\_\_

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall 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.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-07-09 - DO PASS, As Amended.