

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Joint
Resolution No. 1042

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 1042 - By:
TERRILL, OSBORN, FAUGHT AND CHRISTIAN of the House.

A Joint Resolution 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 by 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 RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF
THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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 by creating a new Article XXX to read as
4 follows:

5 ARTICLE XXX

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

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

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

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

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

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

18 5. “Teach English to those who are not fluent in the language” means teaching
19 English in the most rapid, efficient and effective manner available, and is not intended to
20 change Section 5 of Article I of this Constitution regarding the use of English in schools.
21 This phrase does not authorize bilingual education programs which maintain a student
22 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, filings
7 with a court or governmental entity, proceedings, meetings, programs,
8 or publication, or for any other official purpose, unless such other use
9 is specifically required by 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 law, no person has a
17 right to an unofficial or nonbinding translation or explanation, and no
18 liability or commitment of the state shall be based on a translation or
19 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 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 Legislative Referendum No. ____ State Question No. ____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure amends the Oklahoma Constitution. It would add a new Article 30.

4 This amendment makes English the official language of the state. All official state

5 actions will be done in English. This amendment provides exceptions when

6 languages other than English can be used, such as to protect public health and

7 safety. This amendment protects Native American languages and the private use of

8 languages other than English. This amendment also provides a private right of

9 action to seek an 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, immediately after

14 the passage of this resolution, shall prepare and file one copy thereof, including the

15 Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with

16 the Attorney General.

17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-19-09 - DO PASS, As

18 Amended and Coauthored.