

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 30

By: Sykes

5
6 AS INTRODUCED

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

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
16 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

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

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

1. The "State of Oklahoma" or "the state" includes all state
agencies and departments, subdivisions and official entities, and

1 also all officials, employees, contractors, grantees,
2 representatives, or agents, while performing official actions for
3 the state;

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

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

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

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

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

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

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

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

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

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

22 c. Unless otherwise specifically required by federal law,
23 no person has a right to an unofficial or nonbinding
24 translation or explanation, and no liability or

1 commitment of the state shall be based on a
2 translation or explanation.

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

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

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

- 20 1. Teach or encourage the learning of languages other than
21 English;
- 22 2. Protect the public health and safety;
- 23 3. Teach English to those who are not fluent in the language;

1 4. Teach and use sign language for the deaf and hard of hearing
2 or Braille for the blind or sight impaired;

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

7 6. Protect the rights of victims of crime and criminal
8 defendants;

9 7. Promote trade, commerce, and tourism;

10 8. Promote relations with Native American tribes or
11 organizations; and

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

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

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

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

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

13 SECTION 2. The Ballot Title for the proposed Constitutional
14 amendment as set forth in SECTION 1 of this resolution shall be in
15 the following form:

16 BALLOT TITLE
17 Legislative Referendum No. _____ State Question No. _____

18 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

19 This measure amends the Oklahoma Constitution. It would add a
20 new Article 30. This amendment makes English the official
21 language of the state. All official state actions will be done
22 in English. This amendment provides exceptions when languages
23 other than English can be used, such as to protect public health
24 and safety. This amendment protects Native American languages

1 and the private use of languages other than English. This
2 amendment also provides a private right of action to seek an
3 injunction for violations of this amendment.

4 SHALL THE PROPOSAL BE APPROVED?

5 FOR THE PROPOSAL - YES _____

6 AGAINST THE PROPOSAL - NO _____

7 SECTION 3. The President Pro Tempore of the Senate shall,
8 immediately after the passage of this resolution, prepare and file
9 one copy thereof, including the Ballot Title set forth in SECTION 2
10 hereof, with the Secretary of State and one copy with the Attorney
11 General.

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