

BILL SUMMARY
1st Session of the 52nd Legislature

Bill No.:	HJR 1042
Version:	Senate Amendment
Author:	Representative Terrill/ Senator Sykes
Date:	April 28, 2009
Impact:	Potential Savings: Printing, Signage, Translators/Translations Dependent on Passage of Constitutional Amendment

Bill Summary

Fiscal Summary

Fiscal Analyst: Terry McKenna

The Senate Amendment to HJR1042 refers to the people for their approval or rejection an amendment to the Oklahoma Constitution which provides that as English is the common and unifying language of the State of Oklahoma, all official actions of the state shall be conducted in the English language, except as required by federal law. No person shall have a cause of action against an agency or political subdivision of this state for failure to provide any official government actions in any language other than English. Nothing in this Article shall be construed to diminish or impair the use, study, development, or encouragement of any Native American language in any context or for any purpose.

Fiscal Analysis

The Senate Amendment to HJR1042 would have the same fiscal impact as the engrossed version of the measure and is as follows:

Various state agencies produce bi-lingual manuals, rules, regulations and employ translators. Staff queried the largest agencies regarding any potential savings or costs that might be associated with the provisions of HJR1042.

Department of Public Safety (DPS) – In 2005, DPS translated and published a Driver Manual in Spanish in accordance with SB 966 (2004 Session) at a cost of \$22,000. Also, it currently provides a Driver License test in Spanish given by computer; the translation for the test is provided at no cost by University of Oklahoma Spanish language students who are involved in IT projects. DPS advises that if the proposed amendment is passed it would simply “pull the plug” on the Spanish language test. Therefore, the agency reports no fiscal impact.

Department of Corrections (DOC) - The agency publishes bi-lingual inmate orientation materials and signage for correctional facilities. DOC believes that it is a public health and safety issue to have its offender rules and inmate orientation in Spanish. The agency also regards the limited signage at its institutions as a safety issue, identifying emergency exits for example. DOC thus reports no fiscal impact.

Oklahoma Health Care Authority (OHCA) - The agency provides bi-lingual materials (educational information, provider directories, and member handbooks) in compliance with federal Medicaid law. In administering the state and federal Medicaid program, the agency is bound by 42 CFR 438.10 to establish a methodology for identifying the prevalent non-English languages spoken by enrollees and potential enrollees throughout the State. The State must make available written information in each prevalent non-English language. Therefore, the agency concludes that HJR 1042 has no fiscal impact to OHCA as federal law requires it to continue current practices

Oklahoma Department of Health (ODH) - All federal programs (e.g., the Women, Infants and Children program, Vaccinations for Children, etc) that provide funding for public health services presently mandate the provision of bilingual services to non-English-speaking populations seeking such services. Implementation of the provisions of HJR 1042 that restrict use of languages other than English for official actions of the State should have a nominal fiscal impact.

Department of Education (DOE) – The Department advises that a preliminary examination of the effect of this measure on school operations indicates minimal savings in translation/translator expenses. In order to produce a complete report, DOE would have to conduct a statewide survey of all Oklahoma school districts.

Long Term Fiscal Considerations

HJR 1042, as amended, would yield minimal immediate savings to the state as detailed above. However, the Legislature would be prohibited from mandating bi-lingual materials, as was the case with the DPS Driver Manual. Any future economies realized by state agencies would most likely be related to that prohibition.

Fiscal Analysis Reviewed by:

Mark Tygret

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