

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 3014

By: Terrill

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5
6 AS INTRODUCED

7 An Act relating to definitions and general
8 provisions; creating the Oklahoma Official English
9 Language Implementation Act; declaring the English
10 language to be the official language of this state;
11 stating legislative findings; requiring that the
12 state preserve and enhance the role of English as the
13 official language; stating purpose; prohibiting
14 actions which diminish or ignore the role of English
15 as the official language of this state; defining
16 actions which preserve, enhance, diminish, or ignore
17 the role of English as the official language of this
18 state; requiring disclosure of requirements, and
19 separate budget delineations of costs, for using
20 languages other than English; specifying that the
21 Oklahoma Official English Language Implementation Act
22 creates no new rights of action or claims; providing
23 for codification; and providing an effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 401 of Title 25, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma
23 Official English Language Implementation Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 402 of Title 25, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The English language is hereby declared to be the official
5 language of this state.

6 B. Use of a common language removes barriers of
7 misunderstanding and helps to unify the people of this state and the
8 United States, and helps to enable the full economic, political, and
9 civic participation of all of its people, regardless of national
10 origin, creed, race, or other characteristics, and thus a compelling
11 governmental interest exists in promoting, preserving, and
12 strengthening the use of the English language. Proficiency in the
13 English language, as well as in languages other than the English
14 language, benefits this state and its people both economically and
15 culturally and should be encouraged. In addition to any other ways
16 to promote proficiency in the English language, the government of
17 the state can promote proficiency in English by using the English
18 language in its official actions and activities. Use of English in
19 official actions and activities promotes civic participation and
20 governmental accountability, in particular by fostering public
21 participation in and supervision of governmental activities. The
22 state can reduce costs and promote efficiency, in its roles as
23 employer and as a government of the people, by using only the
24 English language in its official actions and activities. Drawing on

1 Oklahoma's rich history of relationships with Native American tribes
2 and with persons from diverse linguistic backgrounds, the
3 Legislature recognizes certain situations in which the use of
4 languages other than English by state government can be beneficial,
5 and delineates and preserves those exceptions to the general rules
6 for the use of English, including respect and encouragement for the
7 use and development of Native American languages.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 403 of Title 25, unless there is
10 created a duplication in numbering, reads as follows:

11 A. The state shall preserve and enhance the role of English as
12 the official language of Oklahoma. The purpose of this section is
13 to implement, and not to expand or diminish, the requirements and
14 protections of the provisions of the Oklahoma Constitution
15 designating the English language as the official language of this
16 state if approved by a vote of the people of the state.

17 B. The state shall not make, implement, or enforce a law or
18 policy, whether created by state or federal law, which diminishes or
19 ignores the role of English as the official language of the state,
20 unless specifically required to do so by the Constitution of
21 Oklahoma or of the United States or by law.

22 C. 1. a. For purposes of this section, "preserve and enhance
23 the role of English as the official language" means an
24 affirmative obligation of strict compliance with the

1 letter and spirit of the Oklahoma Official English
2 Language Implementation Act including, but not limited
3 to, promoting the use of English by all persons in
4 Oklahoma and avoiding the use of languages other than
5 English for official actions. This obligation shall
6 be presumed to be superseded if use of a language
7 other than English is specifically required by federal
8 or state law or is permitted by the Oklahoma
9 Constitution, but only to the extent necessary for an
10 individual circumstance, and not as a general policy.

11 b. If the state has the choice to take an action in
12 English or in a language other than English, a choice
13 to take the action in English instead of in the other
14 language shall be presumed to help preserve and
15 enhance the role of English as the official language.
16 Taking the action in the other language, or in both
17 English and the other language, without being
18 specifically required to do so by federal or state
19 law, shall be presumed not to preserve and enhance the
20 role of English as the official language.

21 c. Providing education funds, in amounts determined by
22 the Legislature in the normal course of
23 appropriations, to teach English to persons who are
24 not fluent in English shall be presumed to preserve

1 and enhance the role of English as the official
2 language.

3 2. a. For purposes of this section, "diminish or ignore the
4 role of English as the official language of the State
5 of Oklahoma" includes a law or policy which requires
6 or permits the use of a language other than English,
7 or both English and another language, for an official
8 action, unless specifically required to do so by
9 federal or state law or permitted by the Oklahoma
10 Constitution.

11 b. A law or policy shall be presumed to diminish or
12 ignore the role of English as the official language of
13 this state if, under threat of legal penalties and
14 without being specifically required to do so by
15 federal or state law or permitted by the Oklahoma
16 Constitution, it compels any person to use, or permit
17 the use of, a language other than English in private
18 activities, including those necessary for education-,
19 employment- or business-related purposes.

20 c. The use of a language other than English during the
21 examination for or provision of driver licenses, or
22 professional or occupational licenses or permits shall
23 be presumed to diminish or ignore the role of English
24 as the official language of the state, unless

1 specifically required by state or federal law or
2 unless the profession or occupation for which the
3 license or permit is sought requires the use of a
4 language other than English, such as a license to
5 teach a foreign language.

6 d. Requiring a private employer to permit the use of a
7 language other than English on the job or sanctioning
8 a private employer for requiring the use of English on
9 the job shall be presumed to diminish or ignore the
10 role of English as the official language of Oklahoma.

11 e. Bilingual or bicultural education programs which
12 maintain a student in a language other than English
13 shall be presumed to diminish or ignore the role of
14 English as the official language.

15 3. For purposes of this section, actions consistent with the
16 Oklahoma Constitution's respect for and treatment of Native American
17 languages and private use of languages other than English, including
18 private materials, communications, or interactions, shall not be
19 presumed to diminish or ignore the role of English as the official
20 language of this state. Private materials need not be produced by
21 the state, but may include those produced by other entities, if the
22 conditions outlined in the Oklahoma Constitution are met and the
23 source is disclosed. Private materials may include unofficial or
24 informal presentations and discussions by the public with the state,

1 including statements to public officials or employees, but no
2 private materials shall be used or relied upon for any official
3 action unless permitted pursuant to the Oklahoma Constitution or
4 laws of this state. Any private materials entered into the public
5 record of the state shall be accompanied by a translation or
6 interpretation into English made at no cost to the state, and the
7 English translation or interpretation shall be determinative if a
8 dispute over discrepancies arises from the record. No person shall
9 have a right to an English translation or interpretation.

10 D. 1. If, pursuant to the Oklahoma Constitution, a specific
11 constitutional or statutory provision requires the use of a language
12 other than English, the agency or entity which is responsible for
13 implementing or enforcing the provision shall, prior to complying
14 with the requirements and in addition to any other public
15 notification or qualification obligations, notify the Governor and
16 Attorney General of the provision and publicly declare and identify
17 the specific statutory language creating the requirement. If the
18 requirement is continuing, the notification and public declaration
19 shall be repeated not less than annually.

20 2. If any agency or official of the state uses a language other
21 than English for any purpose, the official budget of that government
22 agency, department, or office shall include separate delineations of
23 those costs, including specific costs for:

24 a. interpreters,

- 1 b. expenses, wages, salaries, or charges to help
2 employees or contractors learn a language other than
3 English,
4 c. preparation, translation, printing, or recordation of
5 documents, records, brochures, pamphlets, flyers, or
6 other materials in a language other than English,
7 d. wage differentials or benefits provided to employees
8 or contractors because they are expected to speak
9 languages other than English while providing or
10 performing services for the state, and
11 e. otherwise providing any services or incurring any
12 costs, identified by purposes, which utilize languages
13 other than English.

14 E. Nothing in this section shall provide to any person a cause
15 of action to seek, or a right to demand in any other way,
16 governmental official or unofficial actions in languages other than
17 English.

18 SECTION 4. This act shall become effective November 1, 2012.

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