

1 **SENATE FLOOR VERSION**

2 February 28, 2011

3 SENATE BILL NO. 905

By: Shortey of the Senate

4 and

5 Terrill of the House

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

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

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

1 This act shall be known and may be cited as the "Oklahoma
2 Official English Language Implementation Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 402 of Title 25, unless there is
5 created a duplication in numbering, reads as follows:

6 A. The English language is hereby declared to be the official
7 language of this state.

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

1 employer and as a government of the people, by using only the
2 English language in its official actions and activities. Drawing on
3 Oklahoma's rich history of relationships with Native American tribes
4 and with persons from diverse linguistic backgrounds, the
5 Legislature recognizes certain situations in which the use of
6 languages other than English by state government can be beneficial,
7 and delineates and preserves those exceptions to the general rules
8 for the use of English, including respect and encouragement for the
9 use and development of Native American languages.

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

13 A. The state shall preserve and enhance the role of English as
14 the official language of Oklahoma. The purpose of this section is
15 to implement, and not to expand or diminish, the requirements and
16 protections of the provisions of Article XXX of the Oklahoma
17 Constitution designating the English language as the official
18 language of this state.

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

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

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

1 c. Providing education funds, in amounts determined by
2 the Legislature in the normal course of
3 appropriations, to teach English to persons who are
4 not fluent in English shall be presumed to preserve
5 and enhance the role of English as the official
6 language.

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

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

1 c. The use of a language other than English during the
2 examination for or provision of driver licenses, or
3 professional or occupational licenses or permits shall
4 be presumed to diminish or ignore the role of English
5 as the official language of the state, unless
6 specifically required by state or federal law or
7 unless the profession or occupation for which the
8 license or permit is sought requires the use of a
9 language other than English, such as a license to
10 teach a foreign language.

11 d. Requiring a private employer to permit the use of a
12 language other than English on the job or sanctioning
13 a private employer for requiring the use of English on
14 the job shall be presumed to diminish or ignore the
15 role of English as the official language of Oklahoma.

16 e. Bilingual or bicultural education programs which
17 maintain a student in a language other than English
18 shall be presumed to diminish or ignore the role of
19 English as the official language.

20 3. For purposes of this section, actions consistent with the
21 Oklahoma Constitution's respect for and treatment of Native American
22 languages and private use of languages other than English, including
23 private materials, communications, or interactions shall not be
24 presumed to diminish or ignore the role of English as the official

1 language of this state. Private materials need not be produced by
2 the state, but may include those produced by other entities, if the
3 conditions outlined in the Oklahoma Constitution are met and the
4 source is disclosed. Private materials may include unofficial or
5 informal presentations and discussions by the public with the state,
6 including statements to public officials or employees, but no
7 private materials shall be used or relied upon for any official
8 action unless permitted pursuant to the Oklahoma Constitution or
9 laws of this state. Any private materials entered into the public
10 record of the state shall be accompanied by a translation or
11 interpretation into English made at no cost to the state, and the
12 English translation or interpretation shall be determinative if a
13 dispute over discrepancies arises from the record. No person shall
14 have a right to an English translation or interpretation.

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

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

5 a. interpreters,

6 b. expenses, wages, salaries, or charges to help
7 employees or contractors learn a language other than
8 English,

9 c. preparation, translation, printing, or recordation of
10 documents, records, brochures, pamphlets, flyers, or
11 other materials in a language other than English,

12 d. wage differentials or benefits provided to employees
13 or contractors because they are expected to speak
14 languages other than English while providing or
15 performing services for the state, and

16 e. otherwise providing any services or incurring any
17 costs, identified by purposes, which utilize languages
18 other than English.

19 E. Nothing in this section shall provide to any person a cause
20 of action to seek, or a right to demand in any other way,
21 governmental official or unofficial actions in languages other than
22 English.

23 SECTION 4. This act shall become effective November 1, 2011.
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1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-11 - DO
2 PASS, As Coauthored.

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