

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 522

By: Shortey

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

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. The Legislature finds that use of a common language removes  
7 barriers of misunderstanding and helps to unify the people of this  
8 state and the United States, and helps to enable the full economic,  
9 political, and civic participation of all of its people, regardless  
10 of national origin, creed, race or other characteristics, and thus a  
11 compelling governmental interest exists in promoting, preserving,  
12 and strengthening the use of the English language. Proficiency in  
13 the 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 English  
24 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 Article XXX of the Oklahoma  
15 Constitution designating the English language as the official  
16 language of this 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 employees  
2           or contractors learn a language other than English,  
3           c. preparation, translation, printing or recordation of  
4           documents, records, brochures, pamphlets, flyers or  
5           other materials in a language other than English,  
6           d. wage differentials or benefits provided to employees  
7           or contractors because they are expected to speak  
8           languages other than English while providing or  
9           performing services for the state, and  
10          e. otherwise providing any services or incurring any  
11          costs, identified by purposes, which utilize languages  
12          other than English.

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

17          SECTION 4. This act shall become effective November 1, 2015.

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