

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE CONCURRENT RESOLUTION 1035

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVIII, SECTIONS 1 AND 4, CONSTITUTION OF ARIZONA; RELATING TO ENGLISH AS THE OFFICIAL LANGUAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Article XXVIII, sections 1 and 4, Constitution of Arizona, are
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the Governor:

6 1. Definitions

7 Section 1. In this article, unless the context otherwise
8 requires:

9 1. "Government" includes all laws, public proceedings,
10 rules, publications, orders, actions, programs, policies,
11 departments, boards, agencies, organizations and
12 instrumentalities of this state or political subdivisions of
13 this state, as appropriate under the circumstances to a
14 particular official action.

15 2. "Official action" includes the performance of any
16 function or action on behalf of this state or a political
17 subdivision of this state or required by state law that appears
18 to present the views, position or imprimatur of the state or
19 political subdivision or that binds or commits the state or
20 political subdivision, but does not include:

21 (a) The teaching of or the encouragement of learning
22 languages other than English.

23 (b) Actions required under the federal individuals with
24 disabilities education act or other federal laws.

25 (c) Actions, documents or policies necessary for tourism,
26 commerce or international trade.

27 (d) Actions or documents that protect the public health
28 and safety, including law enforcement and emergency services.

29 (e) Actions that protect the rights of victims of crimes
30 or criminal defendants.

31 (f) Using terms of art or phrases from languages other
32 than English.

33 (g) Using or preserving Native American languages.

34 (h) Providing assistance to hearing impaired or
35 illiterate persons.

36 (i) Informal and nonbinding translations or
37 communications among or between representatives of government
38 and other persons if this activity does not affect or impair
39 supervision, management, conduct or execution of official
40 actions and if **BOTH OF THE FOLLOWING OCCUR:**

41 (i) The representatives of government make clear that
42 these translations or communications are unofficial and are not
43 binding on this state or a political subdivision of this state.

1 (ii) A RECIPIENT OF THE COMMUNICATION OR TRANSLATION
2 REQUESTS THE USE OF A LANGUAGE OTHER THAN ENGLISH FOR THAT
3 SPECIFIC COMMUNICATION OR TRANSLATION.

4 (j) Actions necessary to preserve the right to petition
5 for the redress of grievances.

6 3. "Preserve, protect and enhance the role of English"
7 includes:

8 (a) Avoiding any official actions that ignore, harm or
9 diminish the role of English as the language of government.

10 (b) Protecting the rights of persons in this state who
11 use English.

12 (c) Encouraging greater opportunities for individuals to
13 learn the English language.

14 (d) To the greatest extent possible under federal
15 statute, providing services, programs, publications, documents
16 and materials in English.

17 4. "Representatives of government" includes all
18 individuals or entities during the performance of the
19 individual's or entity's official actions.

20 4. Official actions to be conducted in English

21 Section 4. A. Official actions shall be conducted in
22 English.

23 B. A REPRESENTATIVE OF GOVERNMENT SHALL NOT USE OR OFFER
24 TO USE A LANGUAGE OTHER THAN ENGLISH IN ANY COMMUNICATION OR
25 TRANSLATION IN CONNECTION WITH ANY OFFICIAL ACTION OR ANY OTHER
26 ACTION UNLESS A RECIPIENT OF THE COMMUNICATION OR TRANSLATION
27 REQUESTS THE USE OF A LANGUAGE OTHER THAN ENGLISH FOR THAT
28 SPECIFIC COMMUNICATION OR TRANSLATION. THE RECIPIENT'S REQUEST
29 DOES NOT CREATE A DUTY ON THE GOVERNMENT TO USE THE LANGUAGE
30 REQUESTED.

31 2. The Secretary of State shall submit this proposition to the voters
32 at the next general election as provided by article XXI, Constitution of
33 Arizona.