

By: Senator(s) Michel

To: Rules

SENATE BILL NO. 2073

1 AN ACT TO PROVIDE THAT THE ENGLISH LANGUAGE SHALL BE THE
2 LANGUAGE OF STATE GOVERNMENT IN MISSISSIPPI; TO CLARIFY AND
3 PROVIDE EXCEPTIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) The Legislature of the State of Mississippi
6 finds and declares the following:

7 (a) The State of Mississippi is comprised of
8 individuals from different ethnic, cultural and linguistic
9 backgrounds. The State of Mississippi encourages the assimilation
10 of Mississippi into Mississippi's rich culture.

11 (b) Throughout the history of Mississippi and of the
12 United States, the common thread binding individuals of differing
13 backgrounds together has been the English language.

14 (c) Among the powers reserved to each state is the
15 power to establish the English language as the official language
16 of the state, and otherwise to promote the English language within
17 the state, subject to the prohibition enumerated in the
18 Constitution of the United States and in laws of the state.

19 (2) In order to encourage every citizen of this state to
20 become more proficient in the English language, thereby
21 facilitating participation in the economic, political and cultural
22 activities of this state and of the United States, the English
23 language is hereby declared to be the official language of the
24 State of Mississippi.

25 (3) Except as otherwise provided for in subsections (4) and
26 (5), the English language shall be the language of government in
27 Mississippi. All official documents, regulations, orders,

28 transactions, proceedings, programs, meetings, publications or
29 actions taken or issued, which are conducted or regulated by, or
30 on behalf of, or representing the state and all of its political
31 subdivisions shall be in the English language. For the purposes
32 of this section, "official action" means any action taken by the
33 government in Mississippi or by an authorized officer or agent of
34 the government in Mississippi that does any of the following:

35 (a) Binds the government.

36 (b) Is required by law.

37 (c) Is otherwise subject to scrutiny by either the
38 press or the public.

39 (4) This section shall not apply to:

40 (a) The teaching of languages.

41 (b) Requirements under the federal Individuals with
42 Disabilities Education Act.

43 (c) Actions, documents or policies necessary for trade,
44 tourism or commerce.

45 (d) Actions or documents that protect the public health
46 and safety.

47 (e) Actions or documents that facilitate activities
48 pertaining to compiling any census of populations.

49 (f) Actions or documents that protect the rights of
50 victims of crimes or criminal defendants.

51 (g) Use of proper names, terms of art or phrases from
52 languages other than English.

53 (h) Any language usage required by or necessary to
54 secure the rights guaranteed by the Constitution and laws of the
55 United States of America or the Constitution of the State of
56 Mississippi.

57 (i) Any oral or written communications, examinations or
58 publications produced or utilized by a driver's license station,
59 provided public safety is not jeopardized.

60 (5) Nothing in this section shall be construed to do any of
61 the following:

62 (a) Prohibit an individual member of the Legislature or
63 officer of state government, while performing official business,
64 from communicating through any medium with another person in a
65 language other than English, if that member or officer deems it
66 necessary or desirable to do so.

67 (b) Limit the preservation or use of Native American
68 languages, as defined in the federal Native American Languages Act
69 of 1992.

70 (c) Disparage any language other than English or
71 discourage any person from learning or using a language other than
72 English.

73 (6) It is presumed that English language requirements in the
74 public sector are consistent with the laws of Mississippi and any
75 ambiguity in the English language text of the laws of Mississippi
76 shall be resolved, in accordance with the Ninth and Tenth
77 amendments of the Constitution of the United States, not to deny
78 or disparage rights retained by the people, and to reserve powers
79 to the states or to the people.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2004.