



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

February 6, 1989

The Honorable James Henderson, Jr.
Arizona State Senate
State Capitol - Senate Wing
Phoenix, Arizona 85007

Re: I89-014 (R89-001)

Dear Senator Henderson:

You have asked us a number of questions regarding the effects article XXVIII of the Arizona Constitution (English as the Official Language) will have on you as a State Senator, other government officials and many of your constituents who speak Navajo.

We have recently issued an opinion, Ariz. Att'y Gen. Op. I89-009, regarding this Constitutional amendment which addresses most of the questions you have asked.

You ask whether article XXVIII imposes any limitations on you as a State Senator whose constituents include people who speak Navajo. You also ask about constituent communication by state, city and county officials. In section d. of Ariz. Att'y Gen. Op. I89-009, we conclude that an elected official may have a "first amendment right to communicate with constituents in a language of choice."

You also inquire whether there are any limitations on the use of a language other than English by state employees while negotiating contracts with the Navajo Nation or any state, city or county officials and employees while transacting business with the Navajo Nation.

In section h. of the opinion, we conclude that discussions in a language other than English and translations of resulting official documents are permissible under article XXVIII "but the official documents as they are to be acted upon by governments in Arizona must be in English."

The Honorable James Henderson, Jr.
February 6, 1989
Page 2

You also ask, "What are the other ways in which Prop. 106 [article XXVIII] may affect the Navajo Nation . . . ?" We are unable to predict all of the future effects article XXVIII will have, but believe that our responses to the nine general questions discussed in Ariz. Att'y Gen. Op. 189-009 provide some guidance regarding the scope and effect of article XXVIII. We reiterate our opinion that this amendment "will not greatly change the way government operates presently."

Finally, you inquire what "reasonable steps" the state must take to preserve, protect and enhance the role of the English language as the official language of Arizona pursuant to article XXVIII, § 2. Non-technical words contained in a constitutional amendment adopted by a vote of the people "should be given the meaning most common to the ordinary individual." Downs v. Sulphur Springs Valley Electric Cooperative, Inc., 80 Ariz. 286, 293, 297 P.2d 339, 343 (1956). The applicable dictionary definition of "reasonable" is "being or remaining within the bounds of reason: not extreme: not excessive." Webster's Third New International Dictionary 1892 (1976). Whether something is "reasonable generally depends upon many and varied facts. No hard and fast rule controls the subject." Waschak v. Moffat, 173 Pa. Super. 209, 215, 96 A.2d 163, 166 (1953). We cannot formulate a list of reasonable steps that must be taken to enhance the role of the English language as the official language of the state because what is reasonable will depend on the facts and circumstances of each situation that arises.

Sincerely,



BOB CORBIN
Attorney General

BC:JGF:bl