

1 **ENGLISH AS THE OFFICIAL LANGUAGE OF**
2 **THE STATE**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Tammy J. Rowan**

6 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; DECLARING ENGLISH TO BE
7 THE OFFICIAL LANGUAGE FOR THE CONDUCT OF GOVERNMENT BUSINESS IN
8 UTAH; REQUIRING THE RETURN TO THE GENERAL FUND OF ANY FUNDS
9 APPROPRIATED OR DESIGNATED FOR PROVIDING SERVICES IN ANOTHER
10 LANGUAGE; AND PROVIDING EXCEPTIONS.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 ENACTS:

13 **63-13-1.5**, Utah Code Annotated 1953

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **63-13-1.5** is enacted to read:

16 **63-13-1.5. Official state language.**

17 (1) English is declared to be the official language of Utah.

18 (2) Except as provided in Subsection (3), all official documents, transactions, proceedings,
19 meetings, or publications issued, conducted, or regulated by, on behalf of, or representing the state
20 and its political subdivisions shall be in English.

21 (3) Languages other than English may be used when required:

22 (a) by the United States Constitution, the Utah State Constitution, federal law, or federal
23 regulation;

24 (b) by law enforcement or public health and safety needs;

25 (c) in the public and higher education systems according to rules made by the State Board
26 of Education and the State Board of Regents to comply with Subsection (4);

27 (d) in judicial or administrative proceedings, when necessary to insure that justice is

28 served;

29 (e) to promote and encourage tourism and economic development, including the hosting
30 of international events such as the Olympics; and

31 (f) by libraries to:

32 (i) collect and promote foreign language materials; and

33 (ii) provide foreign language services and activities.

34 (4) The State Board of Education and the State Board of Regents shall make rules
35 governing the use of foreign languages in the public and higher education systems that promote
36 the following principles:

37 (a) non-English speaking children and adults should become able to read, write, and
38 understand English as quickly as possible;

39 (b) foreign language instruction should be encouraged;

40 (c) formal and informal programs in English as a Second Language should be initiated,
41 continued, and expanded; and

42 (d) public schools establish communication with non-English speaking parents of children
43 within their system, using a means designed to maximize understanding when necessary, while
44 encouraging those parents who do not speak English to become more proficient in English.

45 (5) Unless exempted by Subsection (3), all state funds appropriated or designated for the
46 printing or translation of materials or the provision of services or information in a language other
47 than English shall be returned to the General Fund.

48 (a) Each state agency that has state funds appropriated or designated for the printing or
49 translation of materials or the provision of services or information in a language other than English
50 shall:

51 (i) notify the Division of Finance that those monies exist and the amount of those monies;
52 and

53 (ii) return those monies to the Division of Finance.

54 (b) The Division of Finance shall account for those monies and inform the Legislature of
55 the existence and amount of those monies at the beginning of the Legislature's annual general
56 session.

57 (c) The Legislature may appropriate any monies received under this section to the State
58 School Board for use in English as a second language programs.

59 (6) Nothing in this section affects the ability of government employees, private businesses,
60 nonprofit organizations, or private individuals to exercise their rights under:

61 (a) the First Amendment of the United States Constitution; and

62 (b) Utah Constitution, Article 1, Sections 1 and 15.

63 (7) If any provision of this section, or the application of any such provision to any person
64 or circumstance, is held invalid, the remainder of this act shall be given effect without the invalid
65 provision or application.

Legislative Review Note
as of 1-18-99 9:13 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel