

Representative Tammy J. Rowan proposes to substitute the following bill:

ESTABLISHING ENGLISH AS THE COMMON LANGUAGE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Tammy J. Rowan

AN ACT RELATING TO STATE AFFAIRS IN GENERAL AND PUBLIC EDUCATION;
DECLARING ENGLISH TO BE THE COMMON LANGUAGE FOR THE CONDUCT OF
GOVERNMENT BUSINESS IN UTAH; PROVIDING EXCEPTIONS; PROVIDING A \$500,000
APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR DISTRIBUTION TO
SCHOOL DISTRICTS TO HELP FUND THEIR ENGLISH AS A SECOND LANGUAGE
ADULT EDUCATION CLASSES; AND PROVIDING AN EFFECTIVE DATE.

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

ENACTS:

63-13-1.5, Utah Code Annotated 1953

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

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

63-13-1.5. Official state language.

(1) In order to continue to develop Utah's rich heritage of integration and acceptance of the value of peoples of all cultures, in order to encourage understanding and social harmony between various cultures through use of a shared language, and while recognizing the importance of multilingualism to vital state interests and while continuing to encourage the State of Utah's linguistic resources, English is declared to be the common language of Utah.

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

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

26 (a) by the United States Constitution, the Utah Constitution, federal law, or federal
27 regulation;

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

29 (c) in the public and higher education systems according to rules made by the State Board
30 of Education and the State Board of Regents that meet the requirements of Subsection (4);

31 (d) in judicial or administrative proceedings, when necessary to insure that justice is
32 served;

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

35 (f) by libraries to:

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

37 (ii) provide foreign language services and activities; and

38 (g) when the Legislature, upon petition by a state agency or political subdivision
39 demonstrating a compelling state interest, authorizes by statute the printing of documents or the
40 provision of services in a language other than English.

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

44 (a) that Utah is becoming a pluralistic society with an increasing diversity of peoples and
45 beliefs, that this diversity will require the development of greater respect and understanding among
46 the people of Utah, and that respect and understanding are encouraged by effective
47 communication;

48 (b) that, to encourage the respect and understanding that comes from effective
49 communication, non-English speaking children and adults should become able to read, write, and
50 understand English as quickly as possible;

51 (c) that, to encourage the respect and understanding that comes from effective
52 communication, foreign language instruction should be encouraged;

53 (d) that, to encourage the respect and understanding that comes from effective
54 communication, formal and informal programs in English as a second language should be initiated,
55 continued, and expanded; and

56 (e) that, to encourage the respect and understanding that comes from effective

57 communication, public schools establish communication with non-English speaking parents of
58 children within their system using, when necessary, a means designed to maximize understanding
59 while informing those parents who do not speak English about English as a second language
60 programs that are available through the school district, a local higher education institution, or in
61 the community.

62 (5) Nothing in this section prohibits or affects:

63 (a) the ability of government employees, private businesses, nonprofit organizations, or
64 private individuals to exercise their rights under:

65 (i) the First Amendment of the United States Constitution; or

66 (ii) Utah Constitution, Article 1, Sections 4 and 15;

67 (b) the incidental use of a language other than English by a government officer or
68 employee acting in the course and scope of their employment, including, if the officer or employee
69 chooses, the incidental use of a language other than English in a government document or record;
70 or

71 (c) meaningful communication between constituents and their elected representatives.

72 **Section 2. Appropriation.**

73 (1) Except as provided in H.B. 4, Appropriations Coordination Act, there is appropriated
74 from the Uniform School Fund for fiscal year 1999-2000, \$500,000 to the State Board of
75 Education for distribution to school districts to help fund their English as a second language adult
76 education classes.

77 (2) Local school boards shall use the appropriation to meet the limited-English-proficient
78 and second language acquisition needs of Utah's adult population.

79 (3) (a) The board shall allocate the appropriation to school districts on the basis of
80 submission of competitive grant applications and compliance with qualifying criteria established
81 by the state board pursuant to its rulemaking authority.

82 (b) The board shall include in its qualifying criteria a provision that encourages districts
83 to use volunteers and other community resources in their English as a second language adult
84 education classes to maximize funding.

85 (4) The appropriation is in addition to any other appropriation made for adult education
86 programs, including the appropriation for adult high school completion under Section
87 53A-17a-119.

88 Section 3. **Effective date.**

89 This act takes effect on July 1, 1999.