



Phil Mullin

*Bill Analysis*  
Legislative Service Commission

## **H.B. 553**

126th General Assembly  
(As Introduced)

**Reps. Combs, Reidelbach, Brinkman, Blasdel, Seitz, Domenick, Reinhard,  
Law, Fessler, Gilb, Aslanides**

---

### **BILL SUMMARY**

- Requires, with some exceptions, the use of the English language in the official records, actions, and proceedings of state agencies and political subdivisions.

---

### **CONTENT AND OPERATION**

#### **English language requirement**

##### **General rule**

The bill requires that the English language generally be used for all of the following (R.C. 5.15(B)):

- Public records;<sup>1</sup>
- Each meeting of a public body;<sup>2</sup>

---

<sup>1</sup> "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating the school, except for records excluded from public inspection and/or copying under the Public Records law itself, other Ohio or federal statutory law, or Ohio or federal common law (R.C. 5.15(A)(3) and R.C. 149.43--not in the bill).

<sup>2</sup> "Public body" includes, in pertinent part, any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and a legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution. "Meeting" means any

- Each official action of any state agency or political subdivision.<sup>3</sup>

This rule applies to each document or other type of record prepared, meeting held, policy issued, or other action taken under color of law (R.C. 5.15(B)).

### Exceptions

The bill permits a public body, state agency, or political subdivision through its officers or employees to use a language *other than English* for any of the following purposes (R.C. 5.15(B) and (C)):

- (1) To comply with federal or state law;
- (2) To protect or promote the public health, safety, or welfare;
- (3) To protect the rights of parties and witnesses in a civil or criminal action or proceeding in a court or in an administrative proceeding;
- (4) To provide instruction in foreign language courses;
- (5) To provide instruction designed to aid students with limited English language proficiency so they can make a timely transition to the use of English in the public schools;
- (6) To promote international commerce, trade, or tourism;
- (7) To utilize in documents terms of art or phrases from languages other than English;
- (8) To engage in informal and nonbinding translations or communications among or between these representatives of government and other individuals if this activity does not affect or impair supervision, management, conduct, or execution of official actions and if these representatives of government make clear

---

*prearranged discussion of the public business of a public body by a majority of its members. (R.C. 5.15(A)(1) and R.C. 121.22--not in the bill.)*

<sup>3</sup> "State agency" means every organized body, office, or agency, including the General Assembly and the courts, established by the laws of this state for the exercise of any function of state government. "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. (R.C. 5.15(A)(2) and (4).)

that the translations or communications are unofficial and are not binding on the state or a political subdivision;

(9) To comply with provisions of other Ohio statutory law, including particularly the provision of current law that allows a county recorder to accept an otherwise qualified document for recording that is executed or certified in a language other than English as long as the document is accompanied by a complete certified English translation (R.C. 317.113--not in the bill).

The bill further stipulates that its English language use requirement does not apply to any entity other than a public body, state agency, or political subdivision or infringe on the right of any individual to choose his or her primary language (R.C. 5.15(B)).

### **Other mandates applicable to public bodies, state agencies, and political subdivisions**

The bill prohibits any public body, state agency, or political subdivision from *denying* any individual *employment* solely on the basis that the individual lacks facility in a *foreign language*, except when that facility is a bona fide employment requirement to achieve a purpose for which the entity may use a language other than English for a purpose described under "**Exceptions**," above (R.C. 5.15(D)).

Also, all *projected expenditures* to be made during a budget period by a public body, state agency, or political subdivision that are related to the use of interpreters for, or the preparation, translation, printing, or reporting of documents, records, brochures, pamphlets, flyers, or other informational materials in, languages other than English must be delineated, as appropriate to the entity, in an individual appropriation item or categorized in a separate and distinct manner that indicates the proposed expenditure (R.C. 5.15(E)).

### **Enforcement actions**

The bill grants any Ohio resident standing to commence a mandamus action to obtain a judgment that orders a public body, state agency, or political subdivision to comply with its requirements. The mandamus action may be commenced in the court of common pleas of the county in which the resident resides. (R.C. 5.15(F).)

### **Effect on voting and civil rights**

The bill provides that nothing in it can be construed to limit or otherwise affect the voting or civil rights of any person (R.C. 5.15(G)).



---

## **HISTORY**

ACTION

DATE

Introduced

03-29-06

H0553-I-126.doc/jc

