



Phil Mullin

Bill Analysis

Legislative Service Commission

H.B. 477

127th General Assembly
(As Introduced)

Rep. Mecklenborg

BILL SUMMARY

- Requires, with some exceptions, the use of the English language in the official records of, and in the 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 each meeting of a public body¹ and for each official action of any state agency or political subdivision.² This rule applies to each record³ prepared, meeting held, policy issued, or other action taken under color of law (R.C. 5.151(A)).

¹ "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 prearranged discussion of the public business of a public body by a majority of its members. (R.C. 5.15(A).)

² "State agency" means every organized body, office, or agency, including the General Assembly and the courts, established by the laws of Ohio 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(B) and (D).)

³ "Public record" includes any document, device, or item, regardless of physical form or characteristic, including and electronic record, created or received by or coming under the

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:

- (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.
- (9) To comply with 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 so long as the document is accompanied by a complete certified English translation. (R.C. 5.151(A) and (B).)

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

The bill prohibits a 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 public body, state agency, or political subdivision may use a language other than English for a purpose described in the exceptions listed above (R.C. 5.151(C)).

jurisdiction of any public office of the state or its political subdivisions, which serves to document the organizations, functions, policies, decisions, procedures, operations, or other activities of the office (R.C. 5.15(C)).

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, under the exceptions described above, 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 public body, state agency, or political subdivision, in an individual appropriation item or categorized in a separate and distinct manner that indicates the proposed expenditure (R.C. 5.151(D)).

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. 5.152.)

Affect on voting and civil rights

The bill specifies that nothing in it can be construed to limit or otherwise affect the voting or civil rights of any person (R.C. 5.151(E)).

HISTORY

ACTION	DATE
Introduced	02-12-08

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