



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4053 (Substitute H-1 as passed by the House)
Sponsor: Representative Tom Barrett
House Committee: Government Operations
Senate Committee: Judiciary

Date Completed: 3-20-18

CONTENT

The bill would create a new statute to designate English as the official language of Michigan and do the following:

- **Require English to be the principal language used for a public record, a meeting, or official functions and acts of a public body.**
- **Specify that the proposed act could not be applied or construed to deny a person's rights under the Michigan or United States Constitution, or any State or Federal law, or to disparage any language or discourage a person from learning or using any language.**
- **Provide that the proposed act would not apply if there were a conflict with State or Federal law, or the public safety, health, or justice required the use of languages other than English, or under certain other circumstances.**

Specifically, except as otherwise provided, English would have to be the principal language used for all of the following:

- A public record, as defined in Section 2 of the Freedom of Information Act (FOIA).
- A meeting, as defined in Section 2 of the Open Meetings Act.
- Official functions and acts of a public body (as defined in Section 2 of the Open Meetings Act) that would be enforceable, binding, or required by law.

(As defined by FOIA, "public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. As defined by the Open Meetings Act, "meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under the Home Rule City Act. The Open Meetings Act defines "public body" as any State or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by State constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under the Home Rule City Act.)

The proposed act could not be applied or construed in any way to deny a person's rights under the Michigan Constitution, the United States Constitution, or any State or Federal law, or in

any way to disparage any language or discourage a person from learning or using any language.

The Act would not apply if there were a conflict with State or Federal law, or if the public safety, health, or justice required the use of languages other than English.

The Act also would not apply to any of the following:

- Instruction designed to teach the speaking, reading, or writing of foreign languages.
- Instruction designed to aid students with limited English proficiency in their transition and integration into the State's education system.
- The promotion of commerce, tourism, sporting events, or cultural events.
- The use of terms of art or phrases from languages other than English.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

SAS\S1718\4053sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.