

1999 DRAFTING REQUEST

Bill

Received: 12/9/98

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **State Government - miscellaneous**

Extra Copies:

Topic:

Official state language; encouragement of cultural diversity; use of English for governmental written expression; acquiring language proficiency; use of languages for nongovernmental purposes.

Instructions:

Per 1997 AB-16.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 12/13/98	ygeller 12/14/98		_____			
/1			martykr 12/14/98	_____	lrb_docadmin 12/14/98	lrb_docadmin 12/18/98	

FE Sent For:

Not Needed

<END>

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C DWS (R)

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12/1	kuesejt 12/13	11/12/14 JLG	12/14 Km	HH 12/14 Km			

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<END>

1997 - 1998 LEGISLATURE

1997 ASSEMBLY BILL 16

January 28, 1997 - Introduced by Representatives Ladwig, Zukowski, Sykora, Hutchison, Handrick, Porter, Ott, Ziegelbauer, Gunderson, Hoven, Green, Freese, Urban, M. Lehman, Duff, Seratti, Ainsworth, Owens, Musser, Otte, Ward, Goetsch, Grothman, Schafer, Nass and Powers, cosponsored by Senators Drzewiecki, Fitzgerald, Huelsman, Buettner, Zien, Farrow and A. Lasee. Referred to Committee on State Affairs.

Pg1Ln1 **An Act** to create 1.101, 1.102, 1.103 and 1.104 of the statutes; relating to: an
Pg1Ln2 official state language, encouragement of cultural diversity, use of English for
Pg1Ln3 governmental written expression, acquiring language proficiency and use of
Pg1Ln4 languages for nongovernmental purposes.



1997 ASSEMBLY BILL 16

January 28, 1997 - Introduced by Representatives LADWIG, ZUKOWSKI, SYKORA, HUTCHISON, HANDRICK, PORTER, OTT, ZIEGELBAUER, GUNDERSON, HOVEN, GREEN, FREESE, URBAN, M. LEHMAN, DUFF, SERATTI, AINSWORTH, OWENS, MUSSER, OTTE, WARD, GOETSCH, GROTHMAN, SCHAFFER, NASS and POWERS, cosponsored by Senators DRZEWIECKI, FITZGERALD, HUELSMAN, BUETTNER, ZIEN, FARROW and A. LASEE. Referred to Committee on State Affairs.

Regen

- 1 AN ACT *to create* 1.101, 1.102, 1.103 and 1.104 of the statutes; **relating to:** an
- 2 official state language, encouragement of cultural diversity, use of English for
- 3 governmental written expression, acquiring language proficiency and use of
- 4 languages for nongovernmental purposes.

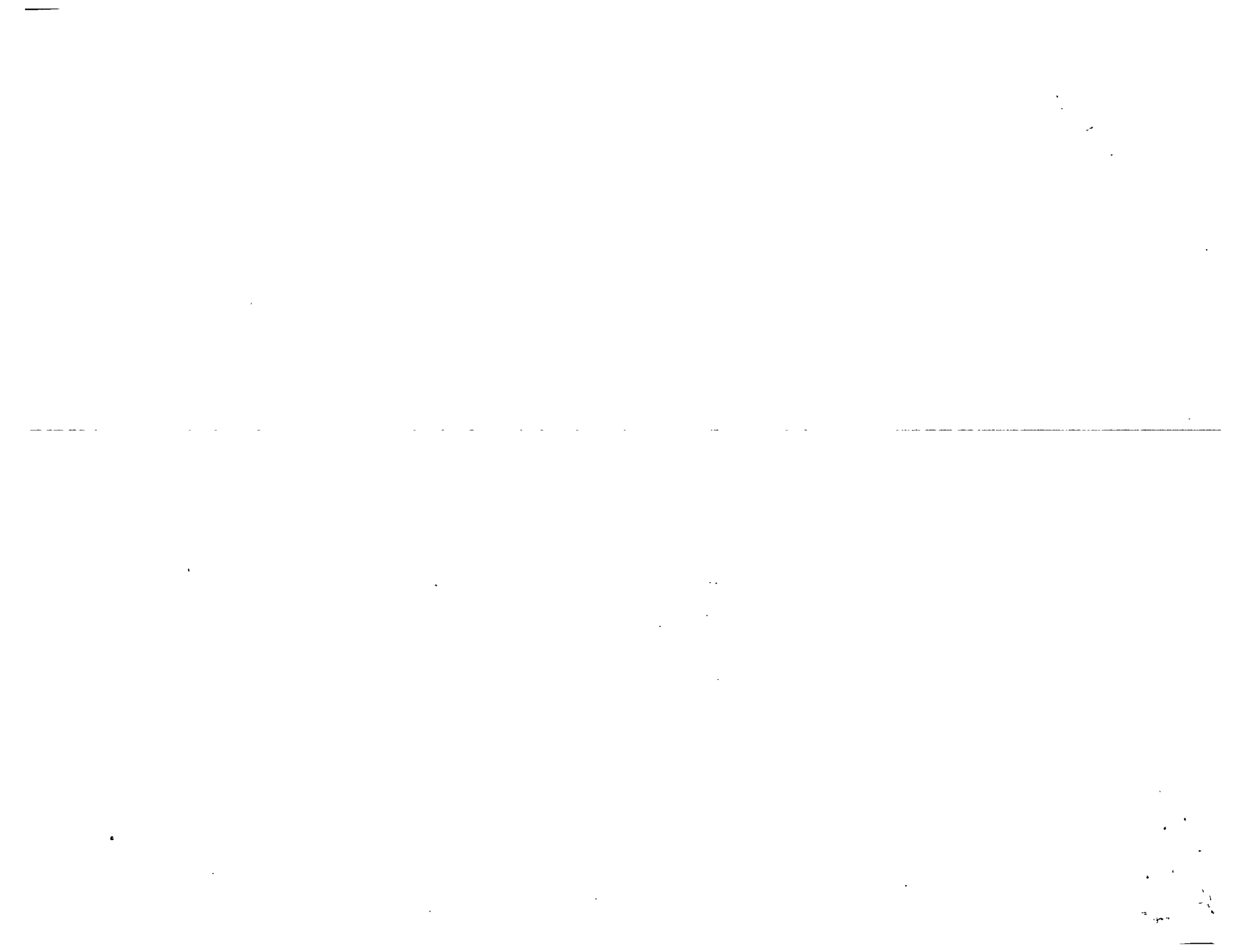
Analysis by the Legislative Reference Bureau

This bill provides that the official language of this state is English. Currently, this state has no official language.

The bill also provides that the legislature encourages the preservation of Wisconsin's ethnic, cultural, religious and linguistic heritage through the teaching, learning and practice of languages other than English, in order to facilitate a multilingual exchange of ideas and to foster mutual understanding and trust among all peoples, but this policy does not apply to any action that is specifically required to comply with any law. No specific legislative policy concerning cultural diversity exists currently.

The bill provides that, unless otherwise specifically required by law, all written expression by all units of state and local government in this state shall be in the English language, except that such expression may be in another language when appropriate to the circumstances of an individual case, the implementation of a program in a specific instance or the discharge of a responsibility in a particular situation.

In addition, the bill precludes any unit of state or local government in this state from prohibiting any person from becoming proficient in any language or restricting



ASSEMBLY BILL 16

the oral or written use of any language for a nongovernmental purpose. Currently, such action is prohibited under the federal and state constitutions, except that a governmental employer may regulate the conduct of employees while the employees are engaged in official responsibilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 1.101^X of the statutes is created to read:

2 **1.101 Official state language.** The official language of this state is English.

3 **SECTION 2.** 1.102^X of the statutes is created to read:

4 **1.102 Encouragement of cultural diversity.** (1) Except as provided in sub.
5 (2)[✓], the legislature encourages the preservation of Wisconsin's ethnic, cultural,
6 religious and linguistic heritage through the teaching, learning and practice of
7 languages other than English, in order to facilitate a multilingual exchange of ideas
8 and to foster mutual understanding and trust among all peoples.

9 (2) Subsection (1)[✓] does not apply to any action that is required to comply with
10 s. 1.103[✓] or any other action that is specifically required by law.

11 **SECTION 3.** 1.103^X of the statutes is created to read:

12 **1.103 Use of English for governmental written expression.** Unless
13 otherwise specifically authorized or required by law, all written expression by all
14 units of state and local government in this state shall be in the English language,
15 except that such expression may be in another language when appropriate to the
16 circumstances of an individual case, the implementation of a program in a specific
17 instance or the discharge of a responsibility in a particular situation.

18 **SECTION 4.** 1.104^X of the statutes is created to read:

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

1188
LRB-0198/1dn

JTK: [initials] jg:km

stays

new
date. E Monday, December 2, 1996

1. This draft is based on the language contained in the drafts that were used last session but restructures that language for improved organization and clarity. Because every LRB draft must be free of unreconciled conflicts, either internally to the draft or externally with other laws, the draft also makes clear that: 1) the policy concerning encouragement of cultural diversity under proposed s. 1.102 does not override the requirement under proposed s. 1.103 that, with certain exceptions, all written expression by all units of state and local government in this state be in English; and 2) neither the encouragement of cultural diversity nor the requirement to use English overrides current statutes on the books that specifically authorize or require the use of English or another language. See, for example, s. 35.35 (3), stats., requiring certain legal notices to be published in the English language; s. 48.839 (2) (a), stats., requiring guardians to file copies of certain laws of foreign states with English translations; s. 49.193 (3) (d), stats., requiring the department of industry, labor and job development to provide information concerning the job opportunities and basic skills program to a person who does not speak English in a language that the person understands; and s. 59.14 (4), stats., permitting county boards to order tax redemption notices to be printed in a language other than English.

2. Proposed s. 1.104, which precludes any unit of state or local government in this state from prohibiting a person from becoming proficient in any language, is consistent with existing prohibitions in the federal and state constitutions. However, you may wish to clarify that the provision does not defeat the right of any governmental employer to prohibit any conduct by employees while the employees are engaged in official responsibilities.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1188/1dn
JTK:jlg:km

December 14, 1998

Proposed s. 1.104, which precludes any unit of state or local government in this state from prohibiting a person from becoming proficient in any language, is consistent with existing prohibitions in the federal and state constitutions. However, you may wish to clarify that the provision does not defeat the right of any governmental employer to prohibit any conduct by employees while the employees are engaged in official responsibilities.

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Assistant Chief Counsel
266-6778

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 12/14/98

To: Representative Ladwig

Relating to LRB drafting number: LRB-1188

Topic

Official state language; encouragement of cultural diversity; use of English for governmental written expression; acquiring language proficiency; use of languages for nongovernmental purposes.

Subject(s)

State Government - miscellaneous

1. **JACKET** the draft for introduction Bonnie Ladwig
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778

