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**BILL ANALYSIS**

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House Bill 5633 (as reported without amendment)
Sponsor: Representative Jacob Hoogendyk
House Committee: Government Operations
Senate Committee: Local, Urban and State Affairs

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RATIONALE

In Michigan, the percentage of people over five years old who spoke a language other than English at home rose from 6.6% in 1990 to 8.4% in 2000, according to U.S. Census Bureau figures. Though the increase in Michigan was smaller, it reflects the trend across the nation, where the percentage rose from 13.8% in 1990 to 17.9% in 2000. These numbers raise concern among some that immigrants are not being properly assimilated into American society, and that English language fluency is not being adequately promoted. According to an organization called "ProEnglish", 27 or 28 other states have enacted laws making English their official language. Some people believe that Michigan should do so as well.

CONTENT

The bill would create a new statute to designate the English language as the State's official language.

Under the bill, except as otherwise provided by law, a State agency would not be required to provide documents, publish written materials, or provide website content in any language other than the State's official language.

"State agency" would mean that term as defined in the Management and Budget Act, i.e., a department, board, commission, office, agency, authority, or other unit of State government. The term does not include an institution of higher education or a community college, or, for certain purposes, the legislative branch of government.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

As the U.S. Census Bureau data show, the percentage of Michigan residents who do not speak English at home rose 37.1% between 1990 and 2000. While many of these people no doubt have some ability to speak English, there is a clear increase in the population whose native language is not English. This can have the effect of creating an underclass of residents who are socially isolated and economically disadvantaged. According to a study by the Educational Testing Service of employed immigrants' annual earnings during 1999, mean earnings were only \$16,345 for those who could not speak English, rose to \$29,448 for those who spoke English well, and peaked at \$43,651 for those who spoke only English ("A Human Capital Concern: The Literacy Proficiency of U.S. Immigrants", March 2004). These numbers, which do not reflect the population of unemployed immigrants, show that fluency in English is strongly associated with income level. Governmental programs that encourage people to remain dependent on their native language do a disservice to immigrants and impose a cost on the taxpayers. The Secretary of State's office, for example, prints the driver license test in a number of different languages—reported to be 19 or 20—even though highway signs are in English.

By designating English as the official language of the State, the bill would promote commonality among Michigan's residents and the assimilation of non-

English-speaking immigrants. Encouraging people to learn English would improve their ability get and keep good jobs, as well as obtain an education. In addition, the bill would help ensure that the State's official documents are written in English, and would keep down the cost of government by specifying that a State agency would not be required to prepare or publish written materials in a language other than English. The bill would prevent State agencies from being compelled to print documents in numerous other languages, based on the argument that they already print the material in some foreign languages.

Supporting Argument

According to the Michigan Association of Registers of Deeds, some counties' registers of deeds have been asked to record documents that were written in foreign languages. To ensure that these documents met statutory recording requirements and to verify the information for indexing and retrieval purposes, the registers of deeds required that the documents be transcribed into English. The statutes that govern deeds and the recording of instruments, however, do not specify that documents must be in English. By designating English as the official State language, the bill would provide clarification and help ensure that documents are recorded in the language most recognizable to the residents of the State.

Response: This is a valid goal, but to accomplish it, the statute that contains the recording requirements should be amended.

Opposing Argument

The bill would be merely symbolic and unnecessary if it were not divisive. For as long as Michigan has been a state, immigrants have arrived without the ability to speak English, and continue to do so. These people gradually learn the language, have children who can speak two languages, and have grandchildren who often can speak only English. Immigrants realize that communicating in English is critical to economic success and do not need a law to tell them that. While it is their responsibility to learn English, creating an official State language would neither motivate nor direct them to do so. Instead, making essential information available only in English could further isolate non-English-speakers and hinder their efforts to get ahead. If the State truly wanted to integrate immigrants

and increase people's use of English, it would fund English-as-a-second-language classes and adult education programs.

Furthermore, according to the U.S. Census Bureau, Michigan's population grew only 1.8% between April 1, 2000, and July 1, 2005, compared with a nationwide average of 5.3% during that time period. It would not be wise to send a message that the State did not welcome non-English-speaking residents.

Opposing Argument

Since the bill would make English the official language, it should specify that State agencies would not be *prohibited* from publishing foreign-language documents or posting them on the internet, rather than saying that agencies would not be *required* to do so. There are various situations in which communication is a matter of public well-being. Health and safety could be compromised, for example, if information about immunizations, nutrition, and driver responsibility were available only in English. In more extreme cases, such as a child abduction, a natural disaster, or an epidemic, all segments of society depend on quick information from the government. There should be no ambiguity about State agencies' authority to communicate in languages other than English when they consider it necessary. Under the bill, however, State agencies would not be obligated to do so even in an emergency.

Response: Under the bill, State agencies would not be required to publish documents in a foreign language *except* as otherwise provided by law. For example, the Public Health Code requires the Department of Community Health to print a pamphlet regarding HIV testing in English and Spanish; to print a pamphlet on prenatal care or parenting in English, Spanish, and other languages, as the Department determines appropriate; and to print descriptions of fetuses and summaries of abortion procedures in English, Arabic, and Spanish. The bill would not disturb these requirements or prevent the enactment of other requirements that particular documents be printed in foreign languages.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

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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.