A bill for an act

relating to state government; designating English as the official language; amending Minnesota Statutes 2008, sections 171.04, subdivision 1; 171.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 2008, section 15.441.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[1.55] OFFICIAL STATE LANGUAGE.**

Subdivision 1. **Findings.** The legislature finds and declares that:

(1) the English language is the common language of the state of Minnesota and of the United States, the use of a common language removes barriers of misunderstanding and helps to unify the people of this state and of the United States, and a compelling state interest exists in promoting, preserving, and strengthening the use of the English language;

(2) the government should promote proficiency in the English language in order to enable the full economic and civic participation of all its citizens;

(3) proficiency in the English language, as well as in languages other than the English language, benefits Minnesota both commercially and culturally and should be encouraged; and

(4) among the powers reserved to each state is the power to establish the English language as its official language, and otherwise to promote the use of the English language within the state.

Subd. 2. **Official English declaration.** (a) The English language is the official language of the state of Minnesota. Official actions of this state which bind or commit the state or which give the appearance of presenting the official views or positions of the state shall be taken in the English language. No law, ordinance, order, program, or policy of this state or any of its political subdivisions, shall require the use of any language other

than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications, except as provided in subdivision 3.

(b) A person who speaks only the English language shall be eligible to participate in all programs, benefits, and opportunities, including employment, provided by the state and its political subdivisions, except when required to speak another language as provided in subdivision 3. No law, ordinance, order, program, or policy of the state or any of its political subdivisions shall penalize or impair the rights, obligations, or opportunities available to any person solely because a person speaks only the English language.

Subd. 3. **Exceptions.** The state and its political subdivisions may use a language other than English for any of the following purposes:

(1) to teach or encourage the learning of languages other than English;

(2) to protect the public health or safety;

(3) to teach English to those who are not fluent in the language;

(4) to comply with the Native American Languages Act, the Individuals with Disabilities Education Act, or any other federal law;

(5) to protect the rights of criminal defendants and victims of crime;

(6) to promote trade, commerce, and tourism;

(7) to create or promote state or agency mottos, inscribe public monuments, and perform other acts involving the customary use of a language other than English; and

(8) to utilize terms of art or terms or phrases from other languages which are commonly used in communications otherwise in English.

Subd. 4. **Private use protected.** The declaration and use of English as the official language of the state of Minnesota should not be construed as infringing upon the rights of any person to use a language other than English in private communications or actions, including the right of government officials, including elected officials, to communicate with others while not performing official actions of the state.

Subd. 5. **Standing to sue.** Any person who is a resident of or doing business in the state of Minnesota shall have standing to sue any agency or official of the state of Minnesota to seek a declaratory judgment as to whether this section has been violated and to seek injunctive relief for violations. A qualified person may file suit even if the attorney general or other appropriate official of the state has not filed such a suit, and the suit may be brought on behalf of all citizens of the state. A person who prevails, in whole or in part, in such a suit, shall be entitled to costs of bringing and maintaining the suit, including reasonable attorney's fees.

Subd. 6. **Severability.** If any provision of this section, or the applicability of any provision to any person or circumstance, shall be held to be invalid by a court of

competent jurisdiction, the remainder of this section shall not be affected and shall be given effect to the fullest extent practicable.

Subd. 7. **Federal preemption.** Nothing in this act shall be interpreted as conflicting with the laws of the United States.

Sec. 2. Minnesota Statutes 2008, section 171.04, subdivision 1, is amended to read:

Subdivision 1. **Persons not eligible.** The department shall not issue a driver's license:

(1) to any person under 18 years unless:

(i) the applicant is 16 or 17 years of age and has a previously issued valid license from another state or country or the applicant has, for the 12 consecutive months preceding application, held a provisional license and during that time has incurred (A) no conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (B) no conviction for a crash-related moving violation, and (C) not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation;

(ii) the application for a license is approved by (A) either parent when both reside in the same household as the minor applicant or, if otherwise, then (B) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (E) the minor's adult spouse, adult close family member, or adult employer; provided, that the approval required by this item contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure;

(2) to any person who is 18 years of age or younger, unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and, with respect to a person under 18 years of age, a provisional license for a minimum of 12 months;

(3) to any person who is 19 years of age or older, unless that person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of three months;

(4) to any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act;

(5) to any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act and if otherwise qualified;

(6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

(7) to any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that the person is competent to operate a motor vehicle with safety to persons or property;

(8) to any person who is required by this chapter to take a vision, knowledge, or road examination, unless the person has successfully passed the examination. An applicant who fails four road tests must complete a minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(9) to any person who is required under the Minnesota No-Fault Automobile Insurance Act to deposit proof of financial responsibility and who has not deposited the proof;

(10) to any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare;

(11) to any person when, in the opinion of the commissioner, the person is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways;

(12) to a person who is unable to read and understand official signs <u>that use English language or symbols</u> regulating, warning, and directing traffic;

(13) to a child for whom a court has ordered denial of driving privileges under section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is completed; or

(14) to any person whose license has been canceled, during the period of cancellation.

Sec. 3. Minnesota Statutes 2008, section 171.13, subdivision 1, is amended to read:

Subdivision 1. **Examination subjects and locations; provisions for color blindness, disabled veterans.** Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. The examination must be administered in English, and the applicant must complete the examination without assistance of a foreign language interpreter. This examination must include a test of applicant's eyesight; ability to read and understand English language highway signs regulating, warning, and directing traffic; knowledge of traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of laws relating to pupil transportation safety, including the significance of school bus lights, signals, stop arm, and passing a school bus; knowledge of traffic laws related to bicycles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for disabled persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant.

Sec. 4. **REVISOR'S INSTRUCTION.**

In Minnesota Statutes, the revisor shall change "sections 15.44 and 15.441" to "section 15.44" in the following statutory sections: 41A.0235; 116J.68, subdivision 5; 116L.03, subdivision 8; 116L.665, subdivision 2a; 116M.15, subdivision 5; 116U.25; 326B.32, subdivision 7; 326B.505; 326B.435, subdivision 7.

Sec. 5. **REPEALER.**

Minnesota Statutes 2008, section 15.441, is repealed.

15.441 COMMUNICATIONS SERVICES.

Subdivision 1. **State agencies; bilingual employees.** Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the Council on Affairs of Chicano/Latino People, groups representing other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people, the commissioner shall consider:

(1) the number of people served by the agency;

(2) the number of non-English-speaking people served by the agency;

(3) the frequency with which non-English-speaking people are served by the agency; and

(4) the extent to which information or services rendered by the agency affect legal rights, privileges, or duties.

Subd. 2. **Translations of materials explaining agency services.** Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Subd. 3. **Translated materials for local offices.** A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

(1) the local office or facility serves a substantial number of non-English-speaking people;

(2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and

(3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services or benefits.

Subd. 4. **Limitations.** (a) A state agency may not dismiss an employee or increase its complement to carry out the purposes of this section. A state agency need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition.

(b) This section shall be implemented to the extent permissible under federal law, civil service laws governing state agencies, and collective bargaining agreements.