

H. B. 3019

(BY DELEGATE(S) IRELAND, OVERINGTON,
FOSTER, FAST, LYNCH, AZINGER, SHOTT,
HICKS, AND HANSHAW)

[Introduced February 28, 2015; originating in
the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-13, all relating to requiring official business and records of the state and its political subdivisions be conducted in English, and providing exceptions, limitations, and a definition.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §2-2-13, to read as follows:

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF STATUTES; DEFINITIONS; LANGUAGE.

§2-2-13. Official business and records of the state to be in English; exceptions; definition.

1 (a) All official business of this state shall be conducted in
2 the English language. All official records, documents, rules,
3 orders, and publications shall be printed in English and all
4 official programs, meetings, transactions, and actions conducted
5 by or on behalf of the state and all its political subdivisions shall
6 be in English.

7 (b) Other languages may be used by government officials,
8 and in official documents, whenever necessary to:

9 (1) Protect the health and safety during a declared or
10 apparent emergency;

11 (2) Teach or study other languages;

12 (3) Protect the rights of criminal defendants or victims of
13 crime;

14 (4) Promote trade, tourism or commerce;

15 (5) Facilitate activities pertaining to the compilation of any
16 census;

17 (6) Comply with the federal Individuals with Disabilities
18 Education Act, PL 101-476;

19 (7) Use proper names, terms of art, legal terms or phrases
20 from languages other than English; or

21 (8) Comply with the Constitution and laws of the United
22 States of America or the Constitution of West Virginia. Except
23 in exigent circumstances, when an official government document
24 is translated into any language other than English under this
25 section, an English translation shall also be provided in the same
26 document, appearing in such a manner as to afford the reader the
27 opportunity to observe the English translation of all phrases
28 used.

29 (c) This section may not be construed to:

30 (1) Diminish the usage of, prevent the study or development
31 of, or discourage the use of, any Native American language in
32 any context or for any purpose;

33 (2) Prohibit an elected official from speaking to any person
34 in a language other than English while campaigning or providing
35 constituent services. However, those officials are encouraged to
36 use English as much as possible to promote fluency in English;

37 (3) Disparage any language or discourage any person from
38 learning or using any language; or

39 (4) Prohibit informal and nonbinding translations or
40 communications among or between representatives of
41 government and other persons if the activity does not affect or
42 impair supervision, management, conduct, or execution of
43 official actions and if the representatives of government make
44 clear that these translations or communications are unofficial and
45 not binding on the state or any political subdivision of the state.

46 (d) As used in this section, “official” means any government
47 action or document that binds the government, is required by
48 law, or is authorized by law.

NOTE: The purpose of this bill is to require all state activities and records be in the English language. The bill provides exceptions and defines a term.

This section is new; therefore, it has been completely underscored.