

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4019

BY DELEGATES IRELAND, CADLE, KELLY, ZATEZALO,
FOSTER, AMBLER, D. EVANS, PERRY, LONGSTRETH, R.

PHILLIPS AND FRICH

[Introduced January 14, 2016; Referred
to the Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

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

§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 the English language. All official
 2 records, documents, rules, orders, and publications shall be printed in English and all official
 3 programs, meetings, transactions, and actions conducted by or on behalf of the state and all its
 4 political subdivisions shall be in English.

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

- 7 (1) Protect the health and safety;
- 8 (2) Teach or study other languages;
- 9 (3) Protect the rights of criminal defendants or victims of crime;
- 10 (4) Promote trade, tourism or commerce;
- 11 (5) Facilitate activities pertaining to the compilation of any census;
- 12 (6) Comply with the federal Individuals with Disabilities Education Act, PL 101-476;
- 13 (7) Use proper names, terms of art, legal terms or phrases from languages other than
 14 English; or
- 15 (8) Comply with the Constitution and laws of the United States of America or the

16 Constitution of West Virginia. Except in exigent circumstances, when an official government
17 document is translated into any language other than English under this section, an English
18 translation shall also be provided in the same document, appearing in such a manner as to afford
19 the reader the opportunity to observe the English translation of all phrases used.

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

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

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

26 (3) Disparage any language or discourage any person from learning or using any
27 language; or

28 (4) Prohibit informal and nonbinding translations or communications among or between
29 representatives of government and other persons if the activity does not affect or impair
30 supervision, management, conduct, or execution of official actions and if the representatives of
31 government make clear that these translations or communications are unofficial and not binding
32 on the state or any political subdivision of the state.

33 (d) As used in this section, "official" means any government action or document that binds
34 the government, is required by 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 "official" for purposes of this section.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.