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HOUSE BILL 2883

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunn, L. Thomas, Koster, Boldt, Mielke, Clements, McCune, D. Sommers, Sherstad, D. Schmidt, Thompson and Mulliken

Read first time 01/21/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to a common language; adding a new section to  
2 chapter 1.20 RCW; creating a new section; and providing for submission  
3 of this act to a vote of the people.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature hereby finds that:

6 (a) By sharing a common language, America's immigrants built a new  
7 nation and contributed their diverse cultures;

8 (b) This state has been enriched by its diversity, and the  
9 government should always take steps to promote the dignity of all  
10 heritages that form our society;

11 (c) Many languages are represented in this state, and language has  
12 the power to unite the people of differing backgrounds and heritages;

13 (d) English is the nation's single shared language, the one  
14 language that crosses all ethnic, racial, cultural, nationality, and  
15 religious lines and allows diverse Americans to share their various  
16 backgrounds;

17 (e) Full political, economic, and social empowerment depends to a  
18 large extent upon proficiency in the common language, and a lack of

1 proficiency in the common language condemns people to a permanent  
2 second-class status behind a language barrier;

3 (f) Knowledge of a common language is essential to the democratic  
4 processes of government and the full exercise of constitutional  
5 freedoms, informed and knowledgeable empowerment as voters, citizen  
6 checks against government abuses, and individual prosperity and  
7 independence;

8 (g) The use of a common language as the language of public record  
9 in no way infringes upon the rights of citizens to exercise the use of  
10 a primary language of their choice for private conduct;

11 (h) The absence of a recognized common language among diverse  
12 people results in segregation along language lines and places at great  
13 disadvantage individuals who are of limited proficiency in English.

14 (2) It is a purpose of this act to recognize the government's  
15 affirmative responsibility to encourage and ensure greater  
16 opportunities for individuals to learn the common language, as  
17 recognized by this act.

18 (3) It is a purpose of this act to establish a uniform policy for  
19 a means of access to public documents and communications in the state  
20 and thereby to ensure fair, consistent, and equal practices throughout  
21 the state when it comes to providing services.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 1.20 RCW  
23 to read as follows:

24 (1) The common language is recognized to be English, and the common  
25 language is designated as the language of official public documents and  
26 records and official public meetings.

27 (2) Official documents and records are all documents officially  
28 compiled, published, or recorded by the state including deeds, publicly  
29 probated wills, records of births, deaths and marriages, and all other  
30 documents and records considered a public record as defined by RCW  
31 42.17.020; and meetings are those meetings and proceedings as defined  
32 by RCW 42.30.020.

33 (3) The provisions of this section shall not apply:

34 (a) To instruction in foreign language courses;

35 (b) To instruction designed to aid students with limited English  
36 proficiency in a timely transition and integration into the general  
37 education system;

1 (c) To the promotion of international commerce, tourism, and  
2 sporting events;

3 (d) To interfere with needs of the justice system;

4 (e) When the public safety, health, or emergency services may  
5 require the use of other languages. However, authorization for the use  
6 of languages other than the common language in printing informational  
7 materials or publications for general distribution must be approved in  
8 a meeting as defined in RCW 42.30.020 by the governing board or  
9 authority of the relevant state or municipal entity, and the decision  
10 must be recorded in publicly available minutes;

11 (f) When expert testimony, witnesses, or speakers may require a  
12 language other than the common language. However, for purposes of  
13 deliberation, decision making or recordkeeping, the official version of  
14 testimony or commentary shall be the officially translated English  
15 language version.

16 (4) Pursuant to the exemptions outlined in subsection (3)(a)  
17 through (f) of this section, all costs relating to the preparation,  
18 translation, printing, and recording of documents, records, brochures,  
19 pamphlets, flyers, or other informational materials in languages other  
20 than the common language must be delineated as a separate budget line  
21 item in the agency, departmental, or office budget.

22 (5) No person shall be denied employment with the state or any  
23 constituent entities or municipalities based solely upon that person's  
24 lack of facility in a foreign language, except where related to a bona  
25 fide job need reflected in the exemptions in subsection (3)(a) through  
26 (f) of this section.

27 (6) This section shall not be construed in any way to infringe upon  
28 the rights of citizens under the state Constitution or the Constitution  
29 of the United States in the use of language in private activities. No  
30 agency or officer of the state nor any constituent entities or  
31 municipalities may place any restrictions or requirements regarding  
32 language usage in businesses operating in the private sector other than  
33 official documents, forms, submissions, or other communications  
34 directed to government agencies and officers, and those communications  
35 must be in the common language as recognized in this section.

36 (7) Any citizen of the state shall have standing to bring an action  
37 against the state to enforce this section. The state courts shall have  
38 jurisdiction to hear and decide any such action brought under this  
39 subsection.

1        NEW SECTION.    **Sec. 3.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 4.**    The secretary of state shall submit this act  
6 to the people for their adoption and ratification, or rejection, at the  
7 next general election to be held in this state, in accordance with  
8 Article II, section 1 of the state Constitution and the laws adopted to  
9 facilitate its operation.

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