

HOUSE BILL No. 2473

By Committee on Federal and State Affairs

2-15

9 AN ACT designating English as the official language of the state of Kan-
10 sas and concerning its use by state agencies and political or taxing
11 subdivisions.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) English shall be designated as the official language of
15 the state of Kansas.

16 (b) The official language is designated as the language of any official
17 public document or record and any official public meeting:

18 (1) An official public document or record is any document officially
19 compiled, published or recorded by the state including deeds, publicly
20 probated wills, records of births, deaths and marriages and any other
21 document or record required to be kept open for public inspection pur-
22 suant to the open records act.

23 (2) An official public meeting is any meeting required to be open
24 pursuant to K.S.A. 75-4317 et seq., and amendments thereto.

25 (c) Except as otherwise provided by law, no state agency or political
26 or taxing subdivision of the state shall be required to provide any docu-
27 ments, information, literature or other written materials in any language
28 other than English.

29 Sec. 2. A state agency or political or taxing subdivision, or its officers
30 or employees, may use a language other than the English language:

31 (a) Provide information orally to individuals in the course of deliv-
32 ering services to the general public;

33 (b) comply with federal law;

34 (c) protect the public health or safety;

35 (d) protect the rights of parties and witnesses in a civil or criminal
36 action in a court or in an administrative proceeding;

37 (e) provide instruction in foreign and native American language
38 courses;

39 (f) provide instruction designed to aid students with limited English
40 proficiency so they can make a timely transition to use of the English
41 language in the public schools;

42 (g) promote international commerce, trade or tourism; and

43 (h) use terms of art or phrases from languages other than the English

1 language in documents.

2 Sec. 3. A state agency or political or taxing subdivision, and its offi-
3 cers or employees, acting under any of the provisions of section 2, and
4 amendments thereto, shall delineate as a separate budget line item in the
5 agency, departmental or office budget all costs related to the preparation,
6 translation, printing and recording of documents, records, brochures,
7 pamphlets, flyers or other informational materials in languages other than
8 the official language.

9 Sec. 4. No person may be denied employment with the state or any
10 political or taxing subdivision of the state based solely upon that person's
11 lack of facility in a foreign language, except where related to bona fide
12 job needs reflected in the exemptions in section 3, and amendments
13 thereto.

14 Sec. 5. This act shall not be construed in any way to infringe upon
15 the rights of citizens under the constitution of the state of Kansas or the
16 constitution of the United States in the use of language in any private
17 activity. No agency or officer of the state or any political or taxing sub-
18 division of the state may place any restrictions or requirements regarding
19 language usage in any business operating in the private sector other than
20 official documents, forms, submissions or other communications directed
21 to government agencies and officers, which communications shall be in
22 the common language as recognized in this act.

23 Sec. 6. This act may not be construed in any way to limit the use of
24 any other language by a tribal government of native Americans located in
25 the state of Kansas. A school district and a tribe, by mutual agreement,
26 may provide for the instruction of students that recognizes the cultural
27 identity of native American children and promotes the use of a common
28 language for communication.

29 Sec. 7. Any citizen of the state of Kansas has standing to bring an
30 action against the state or a political or taxing subdivision of the state to
31 enforce this act. The district court has jurisdiction to hear and decide any
32 such action brought pursuant to this act.

33 Sec. 8. This act shall take effect and be in force from and after its
34 publication in the statute book.