

HOUSE BILL REPORT

HB 2863

As Reported by House Committee On:
State Government

Title: An act relating to providing public notices of public health, safety, and welfare in a language other than English.

Brief Description: Providing certain public notices in other than English.

Sponsors: Representatives Santos, Veloria, Kenney, Pettigrew, Murray, Darneille and Upthegrove.

Brief History:

Committee Activity:

State Government: 2/3/04, 2/6/04 [DPS].

Brief Summary of Substitute Bill

- Requires state agencies to provide public notices of imminent or emergent public health, safety, or welfare in a language other than English if a significant segment of the affected area is of limited English proficiency and speaks a language other than English.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

Background:

State law provides that non-English speaking persons involved in legal proceedings must be provided with interpreters. The Department of Social and Health Services (DSHS) and the Office of Administrative Hearings are responsible for ensuring that bilingual services are provided to non-English speaking applicants and recipients of social services to the extent necessary that persons are not denied services or benefits because of their

inability to speak English. Initial client contact materials inform clients in all primary languages of the availability of interpretation services for non-English speaking persons, and basic informational pamphlets are translated into all primary languages. According to the DSHS, primary languages currently include Chinese, Laotian, Spanish, Vietnamese, Cambodian, Korean, and Russian.

Under the Worker and Community Right to Know Act, the Department of Labor must prepare and make available to employers or the public, upon request, a translation in any of the five most common foreign languages used in the workplace of written materials regarding safety and hazard communication standards. Under this same act, employers are to make reasonable efforts to post any notices in the employees' native languages.

Section 203 of the Voting Rights Act requires a state or political subdivision to provide registration or voting notices, forms, instructions, assistance, or other materials relating to the electoral process, including ballots, in the language of an applicable minority group as well as in English. This law applies if more than 10,000 or over 5 percent of the total voting age citizens in a county are members of a single minority language group and are limited in English proficiency. In Washington, four counties are required to provide voting materials in additional languages: Adams, Franklin, and Yakima counties must provide materials in Spanish, and King County must provide materials in Chinese.

Summary of Substitute Bill:

State agencies must provide public notices of an imminent or emergent public health, safety, and welfare concern in a language other than English if a significant segment of the affected community is of limited English proficiency and speaks a language other than English. This requirement applies to, but is not limited to, notices regarding the proposed locations for criminal facilities or facilities that would house sex offenders. The requirement does not apply to adoption of rules under 34.05 RCW.

"Significant segment" is defined as 5 percent or more of the residents residing in the affected city, town, or county who are of limited English proficiency.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that bilingual notices are required when the issue is an "imminent" or "emergent" public health, safety, or welfare concern. Bilingual notices are not required for the rule adoption process. Significant segment is redefined as "5 percent or more of the residents residing in the affected city, town, or county who are of limited English proficiency."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) Introduction of this bill stems from the process involving the recent location of a level four sex offender housing facility. Many of the people living in the community where the facility was sited are of non-English or limited English proficiency. The state requires that public entities provide notification and solicit input to make sure that neighborhood concerns are addressed. Too frequently the notification and public input process is not extended to people whose first language is not English. Local governments and school districts often have information regarding the languages spoken in local areas which should address concerns about administration and cost in implementing the program. The Commission of Hispanic Affairs (Commission) supports the bill. The need for this type of public notification came to light during the Mad Cow situation. One of the affected herds was located in Mabton, a town that is 80-90 percent Hispanic and probably 80 percent of whom speak Spanish at home. The Commission received a number of phone calls wanting information on how to react and what to or what not to eat. There was no notification or concern about getting information to the Hispanic community. The City of Seattle supports the bill. Seattle has a very diverse population and the major languages, other than English, are Chinese, Spanish, and Vietnamese. These people are not able to participate in public processes. The Office of Asian Pacific American Affairs is supportive of the bill. There are 42 different ethnic groups in the state. There needs to be tools for those who do not speak English. These people need to be represented.

(In support with concerns) The Governor's Office fully supports the intent and concept of the bill but recognizes that it needs some clarification. There is no way to get data that would identify if 5 percent of a community is non-English proficient and there is no limit on the number of languages that must be provided. The Superintendent of Public Instruction reports that 177 different languages are spoken.

Testimony Against: None.

Persons Testifying: (In support) Representative Santos, prime sponsor; Antonio Ginatta, Commission on Hispanic Affairs; Scott Sufficool, City of Seattle; and Ellen Abellera, Commission on Pacific Asian American Affairs.

(With concerns) Claire Hesselholt, Office of the Governor.

Persons Signed In To Testify But Not Testifying: None.