S T A T E O F N E W Y O R K

469

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the state law, in relation to making English the official language of New York state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state law is amended by adding a new article 9 to read as follows:

ARTICLE 9

OFFICIAL STATE LANGUAGE

SECTION 130. LEGISLATIVE FINDINGS AND INTENT.

131. SHORT TITLE.

132. OFFICIAL STATE LANGUAGE.

S 130. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE HEREBY FINDS THAT, THE STATE IS COMPRISED OF INDIVIDUALS FROM MANY ETHNIC, CULTURAL, AND LINGUISTIC BACKGROUNDS, AND CONTINUES TO BENEFIT FROM THIS RICH DIVERSITY. THROUGHOUT THE HISTORY OF NEW YORK AND THE UNITED STATES, THE COMMON THREAD BINDING INDIVIDUALS OF DIFFERING BACKGROUNDS HAS BEEN THE ENGLISH LANGUAGE. COMMAND OF THE ENGLISH LANGUAGE IS NECESSARY TO PARTICIPATE IN AND TAKE FULL ADVANTAGE OF THE OPPORTUNITIES AFFORDED BY AMERICAN LIFE. ABSENT A RUDIMENTARY COMMAND OF THE ENGLISH LANGUAGE, CITIZENS OF THIS STATE ARE NOT ABLE TO MAKE THEIR VOICES HEARD IN THE LEGISLATIVE PROCESS, EFFECTIVELY EXERCISE THEIR RIGHT TO VOTE, OR FULLY UNDERSTAND THE RIGHTS AFFORDED THEM BY THE UNITED STATES AND NEW YORK CONSTITUTIONS. SUCH CITIZENS ALSO HAVE A MORE DIFFICULT TIME FINDING GAINFUL EMPLOYMENT, AFFORDABLE HOUSING, HEALTH INSURANCE, AND OTHERWISE AVAILING THEMSELVES OF THE FULL BENEFITS OF AMERICAN LIFE FOR THEMSELVES AND THEIR FAMILIES.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 131. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK STATE ENGLISH LANGUAGE EMPOWERMENT ACT".

S 132. OFFICIAL STATE LANGUAGE. ENGLISH SHALL BE THE OFFICIAL LANGUAGE OF THE GOVERNMENT OF THE STATE OF NEW YORK. 1. THE STATE OF NEW YORK SHALL CONDUCT ALL OFFICIAL BUSINESS OF THIS STATE IN ENGLISH. ALL OFFICIAL DOCUMENTS, REGULATIONS, ORDERS, AND PUBLICATIONS SHALL BE PRINTED IN ENGLISH AND ALL OFFICIAL PROGRAMS, MEETINGS, TRANSACTIONS, AND ACTIONS CONDUCTED BY OR ON BEHALF OF THIS STATE AND ALL ITS POLITICAL SUBDIVISIONS SHALL BE IN ENGLISH.

2. A. OTHER LANGUAGES MAY BE USED BY GOVERNMENT OFFICIALS, AND IN OFFICIAL DOCUMENTS, WHENEVER NECESSARY TO:

(I) PROTECT THE HEALTH, SAFETY, OR LIBERTY OF ANY CITIZEN;

(II) TEACH OR STUDY OTHER LANGUAGES;

(III) PROTECT THE RIGHTS OF CRIMINAL DEFENDANTS OR THE VICTIMS OF CRIME;

(IV) PROMOTE TRADE, TOURISM, OR COMMERCE;

(V) FACILITATE ACTIVITIES PERTAINING TO THE COMPILATION OF ANY CENSUS;

(VI) COMPLY WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT;

(VII) USE PROPER NAMES, TERMS OF ART, OR PHRASES FROM LANGUAGE OTHER THAN ENGLISH; OR

(VIII) COMPLY WITH THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, OR THE STATE CONSTITUTION.

B. EXCEPT IN EXIGENT CIRCUMSTANCES, WHEN AN OFFICIAL GOVERNMENT DOCUMENT IS TRANSLATED INTO ANY LANGUAGE OTHER THAN ENGLISH UNDER THIS SECTION, AN ENGLISH TRANSLATION WILL ALSO BE PROVIDED IN THE SAME DOCUMENT, APPEARING IN SUCH A MANNER AS TO AFFORD THE READER THE OPPORTUNITY TO OBSERVE THE ENGLISH TRANSLATION OF ALL PHRASES USED.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(I) DIMINISH THE USAGE OF, PREVENT THE STUDY OR DEVELOPMENT OF, OR DISCOURAGE THE USE OF, ANY NATIVE AMERICAN LANGUAGE IN ANY CONTEXT OR FOR ANY PURPOSE;

(II) PROHIBIT ANY ELECTED OFFICIAL FROM SPEAKING TO ANY PERSON IN A LANGUAGE OTHER THAN ENGLISH WHILE CAMPAIGNING OR PROVIDING CONSTITUENT SERVICES, ALTHOUGH SUCH OFFICIALS ARE ENCOURAGED TO USE ENGLISH AS MUCH AS POSSIBLE TO PROMOTE FLUENCY IN ENGLISH;

(III) DISPARAGE ANY LANGUAGE OR DISCOURAGE ANY PERSON FROM LEARNING OR USING ANY LANGUAGE;

(IV) PROHIBIT INFORMAL AND NONBINDING TRANSLATIONS OR COMMUNICATIONS AMONG OR BETWEEN REPRESENTATIVES OF GOVERNMENT AND OTHER PERSONS IF THIS ACTIVITY DOES NOT AFFECT OR IMPAIR SUPERVISION, MANAGEMENT, CONDUCT OR EXECUTION OF OFFICIAL ACTIONS AND IF THE REPRESENTATIVES OF GOVERNMENT MAKE CLEAR THAT THESE TRANSLATIONS OR COMMUNICATIONS ARE UNOFFICIAL AND ARE NOT BINDING ON THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE; OR

(V) PROHIBIT INDIVIDUALS FROM UTILIZING TRANSLATION METHODS OF THEIR OWN PROVISION TO COMMUNICATE WITH AN OFFICIAL GOVERNMENT AGENT OR ENTITY.

4. AS USED IN THIS SECTION, "OFFICIAL" MEANS ANY GOVERNMENT ACTION OR DOCUMENT THAT BINDS THE GOVERNMENT, IS REQUIRED BY LAW, OR IS AUTHORIZED BY LAW.

S 2. This act shall take effect immediately.