

1258

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. KOLB, BURLING, BUTLER, CORWIN, CROUCH, FINCH --  
Multi-Sponsored by -- M. of A. CALHOUN, JORDAN, REILICH -- read once  
and referred to the Committee on Governmental 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:

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

3                                     ARTICLE 9

4                                     OFFICIAL STATE LANGUAGE

5 SECTION 130. LEGISLATIVE FINDINGS AND INTENT.

6             131. SHORT TITLE.

7             132. OFFICIAL STATE LANGUAGE.

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

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

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

3 S 132. OFFICIAL STATE LANGUAGE. ENGLISH SHALL BE THE OFFICIAL LANGUAGE  
4 OF THE GOVERNMENT OF THE STATE OF NEW YORK. 1. THE STATE OF NEW YORK  
5 SHALL CONDUCT ALL OFFICIAL BUSINESS OF THIS STATE IN ENGLISH. ALL OFFI-  
6 CIAL DOCUMENTS, REGULATIONS, ORDERS, AND PUBLICATIONS SHALL BE PRINTED  
7 IN ENGLISH AND ALL OFFICIAL PROGRAMS, MEETINGS, TRANSACTIONS, AND  
8 ACTIONS CONDUCTED BY OR ON BEHALF OF THIS STATE AND ALL ITS POLITICAL  
9 SUBDIVISIONS SHALL BE IN ENGLISH.

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

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

13 (II) TEACH OR STUDY OTHER LANGUAGES;

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

16 (IV) PROMOTE TRADE, TOURISM, OR COMMERCE;

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

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

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

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

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

29 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

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

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

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

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

46 (V) PROHIBIT INDIVIDUALS FROM UTILIZING TRANSLATION METHODS OF THEIR  
47 OWN PROVISION TO COMMUNICATE WITH AN OFFICIAL GOVERNMENT AGENT OR ENTI-  
48 TY.

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

52 S 2. This act shall take effect immediately.