4333

2015-2016 Regular Sessions

IN ASSEMBLY

January 30, 2015

Introduced by M. of A. DiPIETRO -- 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:

ARTICLE 9
 OFFICIAL STATE LANGUAGE
 SECTION 130. LEGISLATIVE FINDINGS AND INTENT.
 131. SHORT TITLE.

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132. OFFICIAL STATE LANGUAGE.

8 S 130. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE HEREBY FINDS THAT, THE STATE IS COMPRISED OF INDIVIDUALS FROM MANY ETHNIC, CULTURAL, 9 AND LINGUISTIC BACKGROUNDS, AND CONTINUES TO BENEFIT FROM THIS RICH 10 DIVERSITY. THROUGHOUT THE HISTORY OF NEW YORK AND THE UNITED STATES, THE 11 12 COMMON THREAD BINDING INDIVIDUALS OF DIFFERING BACKGROUNDS HAS BEEN THE 13 ENGLISH LANGUAGE. COMMAND OF THE ENGLISH LANGUAGE IS NECESSARY ΤO IN AND TAKE FULL ADVANTAGE OF THE OPPORTUNITIES AFFORDED BY 14 PARTICIPATE 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 CONSTITUTIONS. SUCH CITIZENS ALSO HAVE A MORE DIFFICULT TIME 19 FINDING GAINFUL EMPLOYMENT, AFFORDABLE HOUSING, HEALTH INSURANCE, AND OTHERWISE 20 AVAILING THEMSELVES OF THE FULL BENEFITS OF AMERICAN LIFE FOR THEMSELVES 21 22 AND THEIR FAMILIES.

23 S 131. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE 24 "NEW YORK STATE ENGLISH LANGUAGE EMPOWERMENT ACT".

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

LBD07246-01-5

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8 2. A. OTHER LANGUAGES MAY BE USED BY GOVERNMENT OFFICIALS, AND IN 9 OFFICIAL DOCUMENTS, WHENEVER NECESSARY TO:

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

(II) TEACH OR STUDY OTHER LANGUAGES; 11

12 (III) PROTECT THE RIGHTS OF CRIMINAL DEFENDANTS OR THE VICTIMS OF 13 CRIME;

(IV) PROMOTE TRADE, TOURISM, OR COMMERCE;

15 (V) FACILITATE ACTIVITIES PERTAINING TO THE COMPILATION OF ANY CENSUS; 16 (VI) COMPLY WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION 17 ACT;

(VII) USE PROPER NAMES, TERMS OF ART, OR PHRASES FROM LANGUAGE 18 OTHER 19 THAN ENGLISH; OR

20 (VIII) COMPLY WITH THE CONSTITUTION AND LAWS OF THE UNITED STATES OF 21 AMERICA, OR THE STATE CONSTITUTION.

22 B. EXCEPT IN EXIGENT CIRCUMSTANCES, WHEN AN OFFICIAL GOVERNMENT DOCU-23 MENT IS TRANSLATED INTO ANY LANGUAGE OTHER THAN ENGLISH UNDER THIS 24 SECTION, AN ENGLISH TRANSLATION WILL ALSO BE PROVIDED IN THE SAME DOCU-25 MENT, APPEARING IN SUCH A MANNER AS TO AFFORD THE READER THE OPPORTUNITY 26 TO OBSERVE THE ENGLISH TRANSLATION OF ALL PHRASES USED. 27

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

28 Α. DIMINISH THE USAGE OF, PREVENT THE STUDY OR DEVELOPMENT OF, OR DISCOURAGE THE USE OF, ANY NATIVE AMERICAN LANGUAGE IN ANY CONTEXT OR 29 30 FOR ANY PURPOSE;

B. PROHIBIT ANY ELECTED OFFICIAL FROM SPEAKING TO ANY PERSON IN A 31 32 LANGUAGE OTHER THAN ENGLISH WHILE CAMPAIGNING OR PROVIDING CONSTITUENT 33 SERVICES, ALTHOUGH SUCH OFFICIALS ARE ENCOURAGED TO USE ENGLISH AS MUCH 34 AS POSSIBLE TO PROMOTE FLUENCY IN ENGLISH;

35 C. DISPARAGE ANY LANGUAGE OR DISCOURAGE ANY PERSON FROM LEARNING OR USING ANY LANGUAGE; 36

37 D. PROHIBIT INFORMAL AND NONBINDING TRANSLATIONS OR COMMUNICATIONS 38 AMONG OR BETWEEN REPRESENTATIVES OF GOVERNMENT AND OTHER PERSONS IF THIS ACTIVITY DOES NOT AFFECT OR IMPAIR SUPERVISION, MANAGEMENT, CONDUCT OR 39 40 EXECUTION OF OFFICIAL ACTIONS AND IF THE REPRESENTATIVES OF GOVERNMENT MAKE CLEAR THAT THESE TRANSLATIONS OR COMMUNICATIONS ARE UNOFFICIAL AND 41 ARE NOT BINDING ON THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE; 42 43 OR

44 E. PROHIBIT INDIVIDUALS FROM UTILIZING TRANSLATION METHODS OF THEIR 45 OWN PROVISION TO COMMUNICATE WITH AN OFFICIAL GOVERNMENT AGENT OR ENTI-ΤY. 46

47 4. AS USED IN THIS SECTION, "OFFICIAL" MEANS ANY GOVERNMENT ACTION OR 48 DOCUMENT THAT BINDS THE GOVERNMENT, IS REQUIRED BY LAW, OR IS AUTHORIZED 49 BY LAW.

50 S 2. This act shall take effect immediately.