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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND ENGLISH  
LANGUAGE AFFIRMATION ACT OF 2008

Introduced By: Representatives Carter, Gallison, Trillo, Gemma, and Moffitt

Date Introduced: January 02, 2008

Referred To: House Constituent Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 5.2

4 RHODE ISLAND ENGLISH LANGUAGE AFFIRMATION ACT OF 2008

5 **42-5.2-1. Short title.** -- This chapter shall be known as the "Rhode Island English  
6 Language Affirmation Act of 2008."

7 **42-5.2-2. Legislative findings and declarations.** -- (a) The general assembly finds and  
8 declares the following:

9 (1) The state of Rhode Island is comprised of individuals from different ethnic, cultural,  
10 and linguistic backgrounds. The state of Rhode Island encourages the assimilation of all Rhode  
11 Islander's rich culture.

12 (2) Throughout the history of Rhode Island and of the United States, the common thread  
13 binding individuals of differing backgrounds together has been the English language.

14 (3) Among the powers reserved to each state is the power to establish the English  
15 language as the official language of the state, and otherwise to promote the English language  
16 within the state, subject to the prohibitions enumerated in the constitution of the United States and  
17 in laws of the state.

18 (b) In order to encourage every citizen of this state to become more proficient in the

1 English language, thereby facilitating participation in the economic, political, and cultural  
2 activities of this state and of the United States, the English language is hereby declared to be the  
3 official language of the state of Rhode Island.

4 (c) Except as otherwise provided for in subsections (d), (e) and (f) the English language  
5 shall be the language of government in Rhode Island. All official documents, regulations, orders,  
6 transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are  
7 conducted or regulated by, or on behalf of, or representing the state and all of its political  
8 subdivisions shall be in the English language.

9 (d) For the purposes of this section, "official action" means any action taken by the  
10 government in Rhode Island or by an authorized officer or agent of the government in Rhode  
11 Island that does any of the following:

- 12 (1) Binds the government.
- 13 (2) Is required by law.
- 14 (3) Is otherwise subject to scrutiny by either the press or the public.

15 (e) This section shall not apply to:

- 16 (1) The teaching of languages.
- 17 (2) Requirements under the federal individuals with disabilities education act.
- 18 (3) Actions, documents, or policies necessary for trade, tourism, or commerce.
- 19 (4) Actions or documents that protect the public health and safety.

20 (5) Actions or documents that facilitate activities pertaining to compiling any census of  
21 populations.

22 (6) Actions or documents that protect the rights of victims of crimes or criminal  
23 defendants.

24 (7) Use of proper names, terms of art, or phrases from languages other than English.

25 (8) Any language usage required by or necessary to secure the rights guaranteed by the  
26 constitution and laws of the United States of America or the constitution of the state of Rhode  
27 Island.

28 (9) Any oral or written communications, examinations, or publications produced or  
29 utilized by a driver's license station, provided public safety is not jeopardized.

30 (f) Nothing in this section shall be construed to do any of the following:

- 31 (1) Prohibit an individual member of the general assembly or officer of state government,  
32 while performing official business, from communicating through any medium with another  
33 person in a language other than English, if that member or officer deems it necessary or desirable  
34 to do so.

1           (2) Limit the preservation or use of native American languages, as defined in the federal  
2 native American languages Act of 1992.

3           (3) Disparage any language other than English or discourage any person from learning or  
4 using a language other than English.

5           **42-5.2-3. General rules of construction.** -- It is presumed that English language  
6 requirements in the public sector are consistent with the laws of Rhode Island and any ambiguity  
7 in the English language text of the laws of Rhode Island shall be resolved, in accordance with the  
8 ninth and tenth amendments of the constitution of the United States, not to deny or disparage  
9 rights retained by the people, and to reserve powers to the states or to the people.

10           SECTION 2. Section 42-5.1-1 of the General Laws in Chapter 42-5.1 entitled "Rhode  
11 Island Policy and its Diverse Cultures" is hereby amended to read as follows:

12           **42-5.1-1. Policy.** -- (a) Diverse ethnic and linguistic communities have contributed to the  
13 social and economic prosperity of Rhode Island.

14           (b) It is the welcomed responsibility and opportunity of Rhode Island to respect and  
15 facilitate the efforts of all cultural, ethnic, and linguistic segments of the population to become  
16 full participants in Rhode Island communities.

17           (c) This state's economic well-being depends on foreign trade and international exchange  
18 and many jobs are directly linked to foreign trade and international exchange.

19           (d) If Rhode Island is to prosper in foreign trade and international exchange, it must have  
20 citizens that are multilingual and multicultural.

21           (e) While recognizing the value of a multilingual background, the state also encourages  
22 all citizens to become proficient in English to facilitate full participation of all groups in society  
23 and to promote cross-communication that currently exists in this state should be promoted to  
24 build trust and understanding among all of its citizens.

25           (f) It shall be the policy of the state of Rhode Island to welcome and encourage the  
26 presence of diverse cultures and the use of diverse languages in business, ~~government~~, and private  
27 affairs in this state.

28           (g) The immigration of Hispanics, Portuguese, Southeast Asian and other non-English  
29 speaking peoples to Rhode Island continues; and English is already the predominant language of  
30 Rhode Island and needs no legislation to support it.

31           (h) English is and will remain the primary language of the United States, and all  
32 members of our society recognize the importance of English to national life, government  
33 function, individual accomplishment, and personal enrichment.

34           (i) The ability to communicate in English and other languages has promoted and can

1 further enhance American economic, political, and cultural vitality.

2 (j) The state both affirms the right of every resident to nurture his or her native language  
3 and also encourages all citizens to become proficient in English to facilitate full participation in  
4 society and promote cross-cultural communication.

5 (k) Native language instruction facilitates the development of English proficiency in  
6 limited English-proficient children and boosts the overall academic achievement of such children.

7 (l) Proficiency in a second or multiple languages can be a major tool for economic  
8 growth for our state and help overcome this country's disadvantage in the world economy as we  
9 move into the twenty-first century.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND ENGLISH  
LANGUAGE AFFIRMATION ACT OF 2008

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- 1           This act would establish English as the official language of the state of Rhode Island,
- 2 while acknowledging the constitutional rights of individuals to communicate in a language other
- 3 than English.
- 4           This act would take effect upon passage.

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