

By: Berman

H.B. No. 370

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of English as the official language
3 of Texas and the requirement that official acts of government be
4 taken in English.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The legislature finds and declares:

7 (1) the people of the United States have brought to
8 this nation the cultural heritage of many nations;

9 (2) the people of the United States, despite their
10 many differences, have lived together harmoniously and
11 productively as citizens of one nation;

12 (3) the traditional and common language of the United
13 States and of this state is English;

14 (4) a knowledge of the common language is essential to
15 full exercise of constitutional freedoms, informed and
16 knowledgeable empowerment as voters, citizen checks against
17 government abuses, individual prosperity, and independence;

18 (5) the English language has been our strongest bond
19 to one another as fellow citizens and has contributed substantially
20 to national unity and societal cohesiveness;

21 (6) English has been this nation's language by custom
22 only and warrants special legal protection;

23 (7) government has a fiduciary responsibility to the
24 citizenry to ensure that it operates as efficiently as possible,

1 and the growth of multiple language bureaucracies and printing
2 represents an abrogation of this fiduciary responsibility; and

3 (8) this state, its political subdivisions, and the
4 federal government have a responsibility to ensure that citizens
5 have opportunities to learn English.

6 SECTION 2. Title 1, Government Code, is amended by adding
7 Subtitle H to read as follows:

8 SUBTITLE H. OFFICIAL LANGUAGE FOR ACTS OF GOVERNMENT

9 CHAPTER 2351. ENGLISH AS OFFICIAL LANGUAGE OF GOVERNMENT AND FOR
10 ACTS OF GOVERNMENT

11 Sec. 2351.001. DEFINITION. In this chapter, "official act
12 of government" means:

13 (1) an action of this state or a political subdivision
14 of this state that carries the full weight and authority of law; or

15 (2) an official document recorded or first maintained
16 on or after September 1, 2009, by this state or a political
17 subdivision of this state for the public domain, including a tax
18 record, professional license, deed, real estate record, publicly
19 probated will or other document of a court system, or a public
20 proceeding of a governing body of this state or a political
21 subdivision of this state.

22 Sec. 2351.002. PURPOSE. It is the purpose of this chapter
23 to preserve, protect, and strengthen the unifying role of English
24 as the official language of this state.

25 Sec. 2351.003. ENGLISH AS OFFICIAL LANGUAGE. (a) English
26 is the official language of this state and is the language of
27 official acts of government.

1 (b) This state or a political subdivision of this state may
2 not make any policy expressing a preference for any language other
3 than English or diminishing or ignoring the unifying role of
4 English as designated by this chapter, except as provided by
5 Section 2351.004.

6 (c) An elected or appointed officer of this state or a
7 political subdivision of this state shall take all reasonable steps
8 to ensure that the role of English as the official language of this
9 state is preserved and enhanced.

10 Sec. 2351.004. APPLICABILITY OF CHAPTER. This chapter does
11 not:

12 (1) supersede contrary provisions imposed under
13 federal law;

14 (2) prohibit the use of another language for the
15 public safety, health, or justice;

16 (3) prohibit instruction in foreign language courses;

17 (4) prohibit instruction designed to aid students with
18 limited English proficiency in their transition and integration
19 into the education system;

20 (5) prohibit the promotion of international commerce
21 or tourism; or

22 (6) prohibit a court or an administrative agency from
23 admitting into evidence or relying on a record that is from another
24 jurisdiction and originally written in another language, if the
25 court or agency determines the record is necessary for a proceeding
26 or hearing.

27 Sec. 2351.005. PROHIBITED APPROPRIATION. The legislature

1 or a governing body of a political subdivision of this state may not
2 appropriate any money to promote the use of or demonstrate a
3 preference for any language other than the official language,
4 except as provided by Section 2351.004.

5 Sec. 2351.006. CONSTRUCTION OF CHAPTER. This chapter may
6 not be:

7 (1) construed in any way to infringe on the rights of
8 citizens, who have every right to choose their own primary
9 language, in the use of language for private conduct; or

10 (2) used to dictate language policies for the
11 operation and administration of organizations or businesses in the
12 private sector.

13 SECTION 3. This Act takes effect September 1, 2009.