

By: Berman

H.B. No. 301

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of English as the official language of Texas and the requirement that official acts of government be performed in English.

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

SECTION 1. The legislature finds and declares:

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

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

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

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

(5) the English language has been the strongest bond among citizens of this nation and has contributed substantially to national unity and societal cohesiveness;

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

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

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

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

SECTION 2. Title 10, Government Code, is amended by adding Subtitle H to read as follows:

SUBTITLE H. OFFICIAL LANGUAGE FOR ACTS OF GOVERNMENT

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

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

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

(2) an official document recorded or first maintained on or after September 1, 2011, by this state or a political subdivision of this state for the public domain, including a tax record, professional license, deed, real estate record, or publicly probated will or other document of a court system; or

(3) a public proceeding of a governing body of this state or a political subdivision of this state held on or after September 1, 2011.

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

Sec. 2351.003. ENGLISH AS OFFICIAL LANGUAGE. (a) English is the official language of this state and is the language of

1 official acts of government.

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

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

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

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

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

17 (3) prohibit instruction in foreign language courses;

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

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

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

1 Sec. 2351.005. PROHIBITED APPROPRIATION. The legislature
2 or a governing body of a political subdivision of this state may not
3 appropriate any money to promote the use of or demonstrate a
4 preference for any language other than the official language,
5 except as provided by Section 2351.004.

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

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

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

14 SECTION 3. This Act takes effect September 1, 2011.