

By: Berman

H.J.R. No. 32

A JOINT RESOLUTION

1 proposing a constitutional amendment to establish English as the
2 official language of Texas and require that official acts of
3 government be taken in English.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The Legislature finds and declares:

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

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

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

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

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

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

22 (7) government has a fiduciary responsibility to the
23 citizenry to ensure that it operates as efficiently as possible,
24 and the growth of multiple language bureaucracies and printing

1 represents an abrogation of this fiduciary responsibility; and

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

5 SECTION 2. Article XVI, Texas Constitution, is amended by
6 adding Section 73 to read as follows:

7 Sec. 73. (a) In this section, "official act of government"
8 means:

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

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

18 (b) It is the purpose of this section to preserve, protect,
19 and strengthen the unifying role of English as the official
20 language of this state.

21 (c) English is the official language of this state and is
22 the language of official acts of government.

23 (d) This state or a political subdivision of this state may
24 not make any policy expressing a preference for any language other
25 than English or diminishing or ignoring the unifying role of
26 English as designated by this section, except as provided by
27 Subsection (f).

1 (e) An elected or appointed officer of this state or a
2 political subdivision of this state shall take all reasonable steps
3 to ensure that the role of English as the official language of this
4 state is preserved and enhanced.

5 (f) This section does not:

6 (1) supersede contrary provisions imposed under
7 federal law;

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

10 (3) prohibit instruction in foreign language courses;

11 (4) prohibit instruction designed to aid students with
12 limited English proficiency in their transition and integration
13 into the education system;

14 (5) prohibit the promotion of international commerce
15 or tourism; or

16 (6) prohibit a court or an administrative agency from
17 admitting into evidence or relying on a record that is from another
18 jurisdiction and originally written in another language, if the
19 court or agency determines the record is necessary for a proceeding
20 or hearing.

21 (g) The Legislature or a governing body of a political
22 subdivision of this state may not appropriate any money to promote
23 the use of or demonstrate a preference for any language other than
24 the official language, except as provided by Subsection (f).

25 (h) This section may not be:

26 (1) construed in any way to infringe on the rights of
27 citizens, who have every right to choose their own primary

1 language, in the use of language for private conduct; or
2 (2) used to dictate language policies for the
3 operation and administration of organizations or businesses in the
4 private sector.

5 SECTION 3. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 3, 2009.
7 The ballot shall be printed to permit voting for or against the
8 proposition: "The constitutional amendment to establish English as
9 the official language of Texas and to require that official acts of
10 government be taken in English."