

By: Berman

H.J.R. No. 38

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 performed 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 the full exercise of constitutional freedoms, the informed and  
15 knowledgeable empowerment of voters, citizen checks against  
16 government abuses, individual prosperity, and independence;

17 (5) the English language has been the strongest bond  
18 among citizens of this nation and has contributed substantially to  
19 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 74 to read as follows:

7 Sec. 74. (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;

11 (2) an official document recorded or first maintained  
12 on or after December 1, 2011, 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, or publicly  
15 probated will or other document of a court system; or

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

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

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

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

1 Subsection (f).

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

6 (f) This section does not:

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

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

11 (3) prohibit instruction in foreign language courses;

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

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

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

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

26 (h) This section may not be:

27 (1) construed in any way to infringe on the rights of

1 citizens, who have every right to choose their own primary  
2 language, in the use of language for private conduct; or  
3 (2) used to dictate language policies for the  
4 operation and administration of organizations or businesses in the  
5 private sector.

6 SECTION 3. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 8, 2011.  
8 The ballot shall be printed to permit voting for or against the  
9 proposition: "The constitutional amendment to establish English as  
10 the official language of Texas and to require that official acts of  
11 government be performed in English."