

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 361 Session of 2011

INTRODUCED BY SWANGER, BAKER, BARRAR, BOYD, D. COSTA, COX,
DENLINGER, ELLIS, EVERETT, FLECK, GABLER, GEIST, GIBBONS,
GILLEN, GOODMAN, GROVE, HAHN, HARRIS, HESS, HICKERNELL,
HORNAMAN, HUTCHINSON, KAUFFMAN, M.K. KELLER, KNOWLES, MAJOR,
MARSHALL, MARSICO, METCALFE, MILLER, MOUL, MURT, MUSTIO,
O'NEILL, PETRI, PYLE, RAPP, READSHAW, REICHLEY, SCHRODER,
STERN, STEVENSON, TALLMAN AND VULAKOVICH, FEBRUARY 1, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 1, 2011

AN ACT

1 Providing for the English language as the official language of
2 the Commonwealth.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pennsylvania
7 Official Language Act.

8 Section 2. Legislative findings.

9 The General Assembly finds and declares as follows:

10 (1) The people of the United States have brought to this
11 nation the cultural heritage of many nations.

12 (2) The people of the United States, despite their many
13 differences, have lived together harmoniously and
14 productively as citizens of one nation.

15 (3) The traditional and common language of the United

1 States and of this Commonwealth is English.

2 (4) A knowledge of the common language is essential to
3 full exercise of constitutional freedoms, informed and
4 knowledgeable empowerment as voters, citizen checks against
5 government abuses and individual prosperity and independence.

6 (5) The English language has been our strongest bond to
7 one another as fellow citizens and has contributed
8 substantially to national unity and societal cohesiveness.

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

11 (7) Government has a fiduciary responsibility to the
12 citizenry to ensure that it operates as efficiently as
13 possible, and the growth of multiple language bureaucracies
14 and printing represents an abrogation of this fiduciary
15 responsibility.

16 (8) The Commonwealth and its municipalities and the
17 Federal Government also have a responsibility to ensure that
18 citizens have opportunities to learn English.

19 Section 3. Purpose.

20 (a) Unifying role.--It is the purpose of this act to
21 preserve, protect and strengthen the unifying role of English as
22 the official language of this Commonwealth.

23 (b) Rights preserved.--This act shall not be construed in
24 any way to infringe on the rights of citizens to choose their
25 own primary language, in the use of language for private
26 conduct, nor shall this act be used to dictate language policies
27 for the operation and administration of organizations or
28 businesses in the unregulated private sector.

29 Section 4. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Official acts of government." Any of the following:

4 (1) Actions of the Commonwealth that carry the full
5 weight and authority of law.

6 (2) Official documents recorded and maintained by the
7 Commonwealth for the public domain and public proceedings of
8 the governing bodies of the Commonwealth.

9 Section 5. General rule.

10 English is hereby recognized as the official language of the
11 Commonwealth and shall also be designated as the language of
12 official acts of government.

13 Section 6. Policies.

14 The Commonwealth shall make no policies expressing a
15 preference for any language other than English or diminishing or
16 ignoring the unifying role of English as designated under this
17 act, subject to the limitations under section 8.

18 Section 7. Enforcement.

19 (a) General rule.--Elected and appointed officers of the
20 Commonwealth shall take all reasonable steps to ensure that the
21 role of English as the official language is preserved and
22 enhanced.

23 (b) Standing to sue.--A person who is a resident of or doing
24 business in this Commonwealth shall have standing to sue any
25 agency or official of the Commonwealth to seek a declaratory
26 judgment as to whether this act has been violated and injunctive
27 relief therefrom. A qualified person may file suit even if the
28 Attorney General or other appropriate official of the
29 Commonwealth has not filed such a suit, and the suit may be
30 brought on behalf of all citizens of this Commonwealth. A person

1 who prevails, in whole or in part, in such a suit shall be
2 entitled to costs of bringing and maintaining the suit,
3 including reasonable attorney fees.

4 Section 8. Applicability.

5 The provisions of this act shall not apply to the following:

6 (1) When Federal law imposes contrary provisions.

7 (2) When the public safety, health or justice requires
8 the use of other languages.

9 (3) Instruction in foreign language courses.

10 (4) Instruction designed to aid students with limited
11 English proficiency in their transition and integration into
12 the education system.

13 (5) The promotion of international commerce or tourism.

14 (6) To provide interpretation for hearing impaired
15 individuals in American Sign Language.

16 (7) When using terms of art or phrases from languages
17 other than English.

18 (8) For informal and nonbinding translations or
19 communications among or between representatives of government
20 and other persons if this activity does not affect or impair
21 supervision, management, conduct or execution of official
22 actions and if the representatives of government make clear
23 that these translations or communications are unofficial and
24 are not binding on the Commonwealth.

25 Section 9. Appropriations.

26 The General Assembly shall make no appropriations to promote
27 the use of or demonstrate a preference for any language other
28 than the official language, subject to the limitations under
29 section 8.

30 Section 10. Severability.

1 If any provision of this act or the applicability of any
2 provision to any person or circumstance shall be held to be
3 invalid by a court of competent jurisdiction, the remainder of
4 this act shall not be affected and shall be given effect to the
5 fullest extent practicable.

6 Section 11. Effective date.

7 This act shall take effect in 60 days.