

By: Wilson

H.J.R. No. 25

A JOINT RESOLUTION

1 proposing a constitutional amendment prohibiting discrimination  
2 against or preferential treatment of a person in public employment,  
3 public education, or public contracting after the economic effects  
4 of past discrimination have been offset through the payment of  
5 reparations.

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

7 SECTION 1. Article I, Texas Constitution, is amended by  
8 adding Sections 3b and 3c to read as follows:

9 Sec. 3b. (a) To the extent that African Americans, Native  
10 Americans, Hispanic Americans, and women in Texas were victims of  
11 past discrimination sanctioned by the state and political  
12 subdivisions of the state, African Americans, Native Americans,  
13 Hispanic Americans, and women who are Texas residents are entitled  
14 to reparations to compensate for the economic effects of that  
15 discrimination.

16 (b) A reparations commission composed of nine members shall  
17 be appointed. Four members shall be appointed by the lieutenant  
18 governor, four members shall be appointed by the speaker of the  
19 house of representatives, and one member shall be appointed by the  
20 governor. The member appointed by the governor and a majority of  
21 the members of the commission appointed by the lieutenant governor  
22 and the speaker must be members of a group entitled to reparations  
23 under Subsection (a) of this section. Members serve until the  
24 commission is abolished. In the event of a vacancy, the appointing

1 authority shall appoint a replacement. Notwithstanding other law,  
2 a person who holds other public office may serve as a member of the  
3 commission. A member of the commission serves without compensation  
4 but is entitled to reimbursement in the manner provided by law for  
5 actual expenses incurred in the performance of official commission  
6 duties.

7 (c) The commission shall study past de jure and de facto  
8 racial and economic discrimination against members of the groups  
9 described by Subsection (a) of this section and the impact of that  
10 discrimination on living persons who are members of those groups.  
11 The amount of reparations to which a person is entitled shall be  
12 established by the reparations commission. The commission shall  
13 complete its study not later than December 31, 2004.

14 (d) Not later than the convening of the 79th Legislature in  
15 2005, the commission shall adopt a schedule of reparations payments  
16 for persons who are members of groups entitled to reparations. Each  
17 member of a group is entitled to an equal dollar amount of the  
18 reparations, but the commission may establish different dollar  
19 amounts among groups.

20 (e) Reparations are payable from funds appropriated for  
21 that purpose. Payment shall be made in the manner provided by law  
22 under the general supervision of the reparations commission. The  
23 legislature shall determine by general law an individual's  
24 entitlement to reparations. All reparations must be paid not later  
25 than December 31, 2010.

26 (f) On December 31, 2010, the governor shall issue a  
27 proclamation that the economic effects of past discrimination

1 against members of the groups entitled to reparations have been  
2 offset.

3 Sec. 3c. The state and its political subdivisions may not  
4 discriminate against or grant preferential treatment to a person  
5 because of the person's race, sex, sexual orientation, color,  
6 ethnicity, or national origin in matters of public employment,  
7 public education, or public contracting.

8 SECTION 2. The following temporary provision is added to  
9 the Texas Constitution:

10 TEMPORARY PROVISION. (a) This temporary provision applies to  
11 the constitutional amendment proposed by the 78th Legislature,  
12 Regular Session, 2003, that creates a reparations commission and  
13 prohibits certain discrimination or preferential treatment after  
14 the payment of reparations. This temporary provision expires  
15 January 2, 2011.

16 (b) On January 1, 2011:

17 (1) the reparations commission is abolished;

18 (2) Section 3b, Article I, of this constitution  
19 expires; and

20 (3) Section 3c, Article I, of this constitution first  
21 takes effect.

22 SECTION 3. This proposed constitutional amendment shall be  
23 submitted to the voters at an election to be held November 4, 2003.  
24 The ballot shall be printed to permit voting for or against the  
25 proposition: "The constitutional amendment to prohibit  
26 discrimination against or preferential treatment of persons in  
27 public employment, public education, or public contracting after

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1 the economic effects of past discrimination have been offset  
2 through the payment of reparations."