

By: Zedler

H.J.R. No. 83

A JOINT RESOLUTION

proposing a constitutional amendment to establish English as the official language of Texas.

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

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 73 to read as follows:

Sec. 73. (a) In this section:

(1) "Official action" includes the performance of a function or action on behalf of this state or a political subdivision of this state or required by state law that appears to present the views, position, or imprimatur of the state or political subdivision or that binds or commits the state or political subdivision. The term does not include:

(A) the teaching of, or the encouragement of learning languages other than, English;

(B) actions required under the federal Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or other federal laws;

(C) actions, documents, or policies necessary for tourism, commerce, or international trade;

(D) actions or documents that protect the public health and safety, including law enforcement and emergency services;

(E) actions that protect the rights of victims of crimes or criminal defendants;

1                   (F) the use of terms of art or phrases from  
2 languages other than English;

3                   (G) the use or preservation of Native American  
4 languages;

5                   (H) the provision of assistance to hearing  
6 impaired or illiterate persons;

7                   (I) informal and nonbinding translations or  
8 communications among or between representatives of government and  
9 other persons if this activity does not affect or impair  
10 supervision, management, conduct, or execution of official actions  
11 and if the representatives of government make clear that these  
12 translations or communications are unofficial and are not binding  
13 on this state or a political subdivision of this state; or

14                   (J) actions necessary to preserve the right to  
15 petition for the redress of grievances.

16                   (2) "Representative of government" includes an  
17 individual or entity during the performance of the individual's or  
18 entity's official actions on behalf of the state or a political  
19 subdivision of the state.

20                   (b) English is the official language of the State of Texas.

21                   (c) Representatives of government in this state shall:

22                   (1) avoid taking an official action that ignores,  
23 harms, or diminishes the role of English as the official state  
24 language;

25                   (2) protect the rights of persons in this state who use  
26 English;

27                   (3) encourage greater opportunities for individuals

1 to learn the English language; and

2 (4) to the greatest extent possible under federal law,  
3 provide services, programs, publications, documents, and materials  
4 in English.

5 (d) A person may not be discriminated against or penalized  
6 because the person uses or attempts to use English in public or  
7 private communication.

8 (e) Official actions must be conducted in English.

9 (f) A person who is a resident of or doing business in this  
10 state may file a civil action for relief from any official action  
11 that violates this section in a manner that causes injury to the  
12 person.

13 (g) A person who is a resident of or doing business in this  
14 state and who contends that this section is not being implemented or  
15 enforced may file a civil action to determine if the failure or  
16 inaction complained of is a violation of this section and for  
17 injunctive or other appropriate relief.

18 (h) A person may not file an action under this section  
19 unless the person has notified the attorney general of the alleged  
20 violation and the attorney general or other appropriate  
21 representative of government has not provided appropriate relief  
22 within a reasonable time under the circumstances. An action filed  
23 under this section may be in addition to or in lieu of any action by  
24 officers of this state, including the attorney general.

25 (i) A person who files and is successful in an action under  
26 this section may be awarded all costs incurred in the action,  
27 including reasonable attorney's fees.

1           SECTION 2. This proposed constitutional amendment shall be  
2 submitted to the voters at an election to be held November 6, 2007.  
3 The ballot shall be printed to permit voting for or against the  
4 proposition: "The constitutional amendment to establish English as  
5 the official language of Texas and to require that services,  
6 programs, and documents be provided in English and official actions  
7 be taken in English."