

The House Committee on Judiciary, Non-civil offers the following substitute to HR 413:

A RESOLUTION

1 Proposing an amendment to the Constitution so as to declare English as the official language
2 of the State of Georgia; to provide for findings; to provide that official state actions be in
3 English; to prohibit any requirement that any language other than English be used in any
4 documents, regulations, orders, transactions, proceedings, meetings, programs, or
5 publications; to prohibit discrimination, penalties, or other limits on participation against
6 persons who speak only English; to provide for exceptions; to provide for certain rights of
7 action; to provide for severability; to provide for the submission of this amendment for
8 ratification or rejection; and for other purposes.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article I, Section II of the Constitution is amended by adding a new Paragraph X to read as
12 follows:

13 "Paragraph X. *English as Official Language.* (a) The people of Georgia find and
14 declare that:

15 (1) English is the common language of the State of Georgia and of the United States.
16 The use of a common language removes barriers of misunderstanding and helps to unify
17 the people of this state and of the United States, and a compelling state interest exists in
18 promoting, preserving, and strengthening the use of English;

19 (2) The government should promote proficiency in English in order to enable the full
20 economic and civic participation of all its citizens;

21 (3) Proficiency in English and in languages other than English benefits the state both
22 commercially and culturally and should be encouraged; and

23 (4) Among the powers reserved to each state is the power to establish English as its
24 official language and otherwise to promote the use of English within the state.

25 (b)(1) English is the official language of the State of Georgia.

26 (2) Official actions of this state which bind or commit the state or which give the
27 appearance of presenting the official views of the state shall be taken in English.

1 (3) No law, ordinance, decree, program, or policy of this state or any of its political
2 subdivisions, including, but not limited to, the administration of driver's license
3 examinations for all classes of licenses by the Department of Driver Services, shall use
4 any language other than English for any documents, regulations, orders, transactions,
5 proceedings, meetings, programs, or publications except as provided in subparagraph (c)
6 of this Paragraph.

7 (4) A person who speaks only English shall be eligible to participate in all programs,
8 benefits, and opportunities, including employment, provided by this state or its political
9 subdivisions, except when required to speak another language as provided in
10 subparagraph (c) of this Paragraph.

11 (5) No law, ordinance, decree, program, or policy of this state or its political
12 subdivisions shall penalize or impair the rights, obligations, or opportunities available to
13 any person solely because a person speaks only English.

14 (c) The state and its political subdivisions may use a language other than English for any
15 of the following purposes:

16 (1) To teach or encourage the learning of languages other than English;

17 (2) To protect the public health or safety;

18 (3) To teach English to those who are not fluent in the language;

19 (4) To permit the use of American Sign Language and to comply with any other
20 applicable federal law;

21 (5) To protect the rights of victims of crime and criminal defendants;

22 (6) To ensure equality of access to a court of competent jurisdiction;

23 (7) To promote diplomacy, trade, commerce, and tourism;

24 (8) To create or promote state or agency mottoes, inscribe public monuments, and
25 perform other acts involving the customary use of a language other than English; and

26 (9) To utilize terms of art or terms or phrases from other languages which are
27 commonly used in communications otherwise in English.

28 (d) The declaration and use of English as the official language of the State of Georgia
29 shall not be construed as infringing upon the rights of any person to use a language other
30 than English in private communications or actions, including the right of government
31 officials, including elected officials, to communicate with others while not performing
32 official actions of the state.

33 (e) Any person who is a resident of or doing business in the State of Georgia shall have
34 standing to sue any agency or official of the State of Georgia to seek a declaratory
35 judgment as to whether this Paragraph has been violated and to seek injunctive relief. A
36 qualified person may file suit even if the Attorney General or other appropriate official of
37 the state has not filed such a suit. A person who prevails, in whole or in part, in such a suit

1 shall be entitled to the costs of bringing and maintaining the suit, including reasonable
2 attorney fees.

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

7 (g) Nothing in this Paragraph shall be interpreted as conflicting with the laws of the
8 United States."

9

SECTION 2.

10 The above proposed amendment to the Constitution shall be published and submitted as
11 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
12 above proposed amendment shall have written or printed thereon the following:

13 "() YES Shall the Constitution of Georgia be amended so as to provide that English

14 () NO is the official language of the State of Georgia?"

15 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

16 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If

17 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall

18 become a part of the Constitution of this state.