

Amend SECTIONS 1-3 of CSHB 3441 to read as follows and renumber subsequent sections accordingly:

SECTION 1. Subchapter A, Chapter 21, Labor Code, is amended by adding Section 21.0015 to read as follows:

Sec. 21.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission civil rights division. A reference in this chapter to the "commission" means the Texas Workforce Commission civil rights division.

SECTION 2. Chapter 301, Labor Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. CIVIL RIGHTS DIVISION

Sec. 301.151. DEFINITIONS. In this subchapter:

- (1) "Director" means the director of the division.
- (2) "Division" means the civil rights division of the commission.
- (3) "Human rights commission" means the Commission on Human Rights established by this subchapter.

Sec. 301.152. GENERAL PROVISIONS. (a) The division is an independent division in the commission. The division shall be responsible for administering Chapter 21 of this code and Chapter 301, Property Code, including exercising the powers and duties formerly exercised by the former Commission on Human Rights under those laws.

(b) A reference in Chapter 21 of this code, Chapter 301, Property Code, or any other law to the former Commission on Human Rights means the division.

Sec. 301.153. HUMAN RIGHTS COMMISSION. (a) The division is governed by the human rights commission, which consists of seven members as follows:

- (1) one member who represents industry;
- (2) one member who represents labor; and
- (3) five members who represent the public.

(b) The members of the human rights commission established under this section shall be appointed by the governor. In making appointments to the human rights commission, the governor shall

strive to achieve representation on the human rights commission that is diverse with respect to disability, religion, age, economic status, sex, race, and ethnicity.

(c) The term of office of each commissioner is six years. The governor shall designate one commissioner to serve as presiding officer.

(d) A commissioner is entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties.

(e) The human rights commission shall establish policies for the division and supervise the director in administering the activities of the division.

(f) The human rights commission is the state authority established as a fair employment practice agency and is authorized, with respect to an unlawful employment practice, to:

- (1) grant relief from the practice;
- (2) seek relief from the practice; or
- (3) institute criminal proceedings.

Sec. 301.154. DIRECTOR. (a) The director shall be appointed by the human rights commission to administer the powers and duties of the division.

(b) To be eligible for appointment, the director must have relevant experience in the area of civil rights, specifically in working to prevent the types of discrimination the division is charged with preventing. The director must demonstrate a commitment to equal opportunity for minorities, women, and the disabled. The director should also have relevant experience with housing and employment discrimination claims.

Sec. 301.155. INVESTIGATOR TRAINING PROGRAM; PROCEDURES MANUAL. (a) A person who is employed under this chapter by the division as an investigator may not conduct an investigation until the person completes a comprehensive training and education program for investigators that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the requirements relating to employment adopted under the Americans with Disabilities Act (42 U.S.C. Section 12101

et seq.) and its subsequent amendments, with a special emphasis on requirements regarding reasonable accommodations;

(2) various types of disabilities and accommodations appropriate in an employment setting for each type of disability; and

(3) fair employment and housing practices.

(c) Each investigator shall annually complete a continuing education program designed to provide investigators with the most recent information available regarding the issues described by Subsection (b), including legislative and judicial changes in the law.

(d) The director shall develop and biennially update an investigation procedures manual. The manual must include investigation procedures and information and may include information regarding the Equal Employment Opportunity Commission and the United States Department of Housing and Urban Development.

Sec. 301.156. ANALYSIS OF DISCRIMINATION COMPLAINTS; REPORT. (a) The division shall collect and report statewide information relating to employment and housing discrimination complaints as required by this section.

(b) Each state fiscal year, the division shall collect and analyze information regarding employment and housing discrimination complaints filed with the division, the Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and local commissions in this state. The information must include:

(1) an analysis of employment complaints filed by the basis of the complaint, including:

(A) sex, race, color, age, disability, national origin, religion, and genetic information; and

(B) retaliatory actions against the complainant;

(2) an analysis of housing complaints filed by the basis of the complaint, including sex, race, color, disability, national origin, religion, and familial status;

(3) an analysis of employment complaints filed by issue, including discharge, terms and conditions, sexual harassment, promotion, hiring, demotion, and layoff;

(4) an analysis of housing complaints filed by issue, including terms and conditions, refusal to rent or sell, discriminatory financing or advertising, and false representation;

(5) an analysis of employment and housing cases closed by the reason the case was closed, including findings or determinations of cause or no cause, successful conciliation, right to sue issued, complaint withdrawn after resolution, no-fault settlement, failure to cooperate by the complainant, and lack of jurisdiction; and

(6) the average processing time for complaints resolved by the division in each state fiscal year, regardless of whether the complaint was filed in the same fiscal year in which the complaint was resolved.

(c) The results of an analysis required under this section shall be included in the commission's annual report to the governor and legislature.

SECTION 3. Subchapter A, Chapter 301, Property Code, is amended by adding Section 301.0015 to read as follows:

Sec. 301.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission civil rights division. A reference in this chapter to the "commission" means the Texas Workforce Commission civil rights division.

SECTION 4. The following laws are repealed:

- (1) Chapter 461, Government Code;
- (2) Sections 21.002(2) and (3), Labor Code; and
- (3) Sections 301.003(3), 301.061, and 301.064, Property Code.

SECTION 5. On the effective date of this Act:

(1) the Commission on Human Rights as it exists immediately before the effective date of this Act is abolished and the offices of the members of the commission serving on that date are abolished;

(2) all powers, duties, functions, and activities performed by the Commission on Human Rights immediately before the effective date of this Act are transferred to the Texas Workforce

Commission civil rights division;

(3) a rule, form, order, or procedure adopted by the Commission on Human Rights is a rule, form, order, or procedure of the Texas Workforce Commission civil rights division and remains in effect until changed by the Texas Workforce Commission;

(4) a reference in law to the Commission on Human Rights means the Texas Workforce Commission civil rights division;

(5) a complaint, investigation, or other proceeding pending before the Commission on Human Rights under Chapter 21, Labor Code, Chapter 301, Property Code, or any other law is transferred without change in status to the Texas Workforce Commission civil rights division;

(6) all obligations, rights, and contracts of the Commission on Human Rights are transferred to the Texas Workforce Commission civil rights division; and

(7) all property, including records and money, in the custody of the Commission on Human Rights and all funds appropriated by the legislature for the Commission on Human Rights, including federal funds, shall be transferred to the Texas Workforce Commission civil rights division.

SECTION 6. Not later than November 1, 2003, the governor shall appoint new members to the Commission on Human Rights established under Subchapter I, Chapter 301, Labor Code, as added by this Act. In appointing members under this section, the governor shall appoint:

(1) two members for terms expiring February 1, 2005;

(2) two members for terms expiring February 1, 2007;

and

(3) three members for terms expiring February 1, 2009.

SECTION 7. This act shall take effect upon certification of the Texas Workforce Commission Civil Rights Division by the appropriate federal agency, and the transfer of related federal funds. Upon certification of Texas Workforce Commission Civil Rights Division by the appropriate federal agency, the Workforce Commission shall file with the Secretary of State for publication in the Texas Register.