

By: Flores

H.B. No. 2933

Substitute the following for H.B. No. 2933:

By: Allen

C.S.H.B. No. 2933

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the abolition of the Commission on Human Rights and the
3 transfer of its functions to a civil rights division within the
4 attorney general's office.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 Sec. 21.0015. ATTORNEY GENERAL'S CIVIL RIGHTS DIVISION.

9 The powers and duties exercised by the Commission on Human Rights
10 under this chapter are transferred to the attorney general's civil
11 rights division. A reference in this chapter to the "commission"
12 means the attorney general's civil rights division.

13 SECTION 2. Subchapter A, Chapter 301, Property Code, is
14 amended by adding Section 301.0015 to read as follows:

15 Sec. 301.0015. ATTORNEY GENERAL'S CIVIL RIGHTS DIVISION.

16 The powers and duties exercised by the Commission on Human Rights
17 under this chapter are transferred to the attorney general's civil
18 rights division. A reference in this chapter to the "commission"
19 means the attorney general's civil rights division.

20 SECTION 3. Chapter 402, Government Code, is amended by
21 adding Subchapter D to read as follows:

22 SUBCHAPTER D. CIVIL RIGHTS DIVISION

23 Sec. 402.101. DEFINITIONS. In this subchapter:

24 (1) "Commission" means the Commission on Human Rights.

1 (2) "Director" means the director of the division.

2 (3) "Division" means the civil rights division of the
3 attorney general's office.

4 Sec. 402.102. GENERAL PROVISIONS. (a) The division is an
5 independent division in the attorney general's office. The
6 division shall be responsible for administering Chapter 21, Labor
7 Code, and Chapter 301, Property Code, including exercising the
8 powers and duties formerly exercised by the former Commission on
9 Human Rights under those laws.

10 (b) A reference in Chapter 21, Labor Code, Chapter 301,
11 Property Code, or any other law to the former Commission on Human
12 Rights means the division.

13 Sec. 402.103. COMMISSION. (a) The division is governed by
14 a commission consisting of seven members as follows:

15 (1) one member who represents industry;

16 (2) one member who represents labor; and

17 (3) five members who represent the public.

18 (b) The members of the commission established under this
19 section shall be appointed by the governor. In making appointments
20 to the commission, the governor shall strive to achieve
21 representation on the commission that is diverse with respect to
22 disability, religion, age, economic status, sex, race, and
23 ethnicity.

24 (c) The governor shall appoint the public members of the
25 commission from a list of names of individuals suggested by civil
26 rights organizations and groups.

27 (d) The term of office of each commissioner is six years.

1 The governor shall designate one commissioner to serve as presiding
2 officer.

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

6 (f) The commission shall establish policies for the
7 division and supervise the director in administering the activities
8 of the division.

9 (g) The commission is the state authority established as a
10 fair employment practice agency and is authorized, with respect to
11 an unlawful employment practice, to:

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

15 Sec. 402.104. DIRECTOR. (a) The director shall be
16 appointed by the commission to administer the powers and duties of
17 the division.

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

25 Sec. 402.105. INVESTIGATOR TRAINING PROGRAM; PROCEDURES
26 MANUAL. (a) A person who is employed under this chapter by the
27 division as an investigator may not conduct an investigation until

1 the person completes a comprehensive training and education program
2 for investigators that complies with this section.

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

5 (1) the requirements relating to employment adopted
6 under the Americans with Disabilities Act (42 U.S.C. Section 12101
7 et seq.) and its subsequent amendments, with a special emphasis on
8 requirements regarding reasonable accommodations;

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

12 (3) fair employment and housing practices.

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

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

23 Sec. 402.106. ANALYSIS OF DISCRIMINATION COMPLAINTS;
24 REPORT. (a) The division shall collect and report statewide
25 information relating to employment and housing discrimination
26 complaints as required by this section.

27 (b) Each state fiscal year, the division shall collect and

1 analyze information regarding employment and housing
2 discrimination complaints filed with the division, the Equal
3 Employment Opportunity Commission, the United States Department of
4 Housing and Urban Development, and local commissions in this state.

5 The information must include:

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

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

10 (B) retaliatory actions against the complainant;

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

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

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

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

26 (6) the average processing time for complaints
27 resolved by the division in each state fiscal year, regardless of

1 whether the complaint was filed in the same fiscal year in which the
2 complaint was resolved.

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

6 SECTION 4. The following laws are repealed:

7 (1) Chapter 416, Government Code;

8 (2) Sections 21.002(2) and (3), Labor Code; and

9 (3) Sections 301.003(3), 301.061, and 301.064,
10 Property Code.

11 SECTION 5. On the effective date of this Act:

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

16 (2) all powers, duties, functions, and activities
17 performed by the Commission on Human Rights immediately before the
18 effective date of this Act are transferred to the attorney
19 general's civil rights division;

20 (3) a rule, form, order, or procedure adopted by the
21 Commission on Human Rights is a rule, form, order, or procedure of
22 the attorney general's civil rights division and remains in effect
23 until changed by the attorney general;

24 (4) a reference in law to the Commission on Human
25 Rights means the attorney general's civil rights division;

26 (5) a complaint, investigation, or other proceeding
27 pending before the Commission on Human Rights under Chapter 21,

1 Labor Code, Chapter 301, Property Code, or any other law is
2 transferred without change in status to the attorney general's
3 civil rights division;

4 (6) all obligations, rights, and contracts of the
5 Commission on Human Rights are transferred to the attorney
6 general's civil rights division; and

7 (7) all property, including records and money, in the
8 custody of the Commission on Human Rights and all funds
9 appropriated by the legislature for the Commission on Human Rights,
10 including federal funds, shall be transferred to the attorney
11 general's civil rights division.

12 SECTION 6. Not later than November 1, 2003, the governor
13 shall appoint new members to the Commission on Human Rights
14 established under Subchapter D, Chapter 402, Government Code, as
15 added by this Act. In appointing members under this section, the
16 governor shall appoint:

- 17 (1) two members for terms expiring February 1, 2005;
18 (2) two members for terms expiring February 1, 2007;
19 and
20 (3) three members for terms expiring February 1, 2009.

21 SECTION 7. This Act takes effect September 1, 2003.