

1-1 By: Flores (Senate Sponsor - Barrientos) H.B. No. 2933
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Government Organization; May 26, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 26, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2933 By: Ratliff

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the abolition of the Commission on Human Rights and the
1-11 transfer of its functions to the Texas Workforce Commission.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 21, Labor Code, is amended
1-14 by adding Section 21.0015 to read as follows:

1-15 Sec. 21.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS
1-16 DIVISION. The powers and duties exercised by the Commission on
1-17 Human Rights under this chapter are transferred to the Texas
1-18 Workforce Commission civil rights division. A reference in this
1-19 chapter to the "commission" means the Texas Workforce Commission
1-20 civil rights division.

1-21 SECTION 2. Chapter 301, Labor Code, is amended by adding
1-22 Subchapter I to read as follows:

1-23 SUBCHAPTER I. CIVIL RIGHTS DIVISION

1-24 Sec. 301.151. DEFINITIONS. In this subchapter:

1-25 (1) "Director" means the director of the division.

1-26 (2) "Division" means the civil rights division of the
1-27 commission.

1-28 (3) "Human rights commission" means the Commission on
1-29 Human Rights established by this subchapter.

1-30 Sec. 301.152. GENERAL PROVISIONS. (a) The division is an
1-31 independent division in the commission. The division shall be
1-32 responsible for administering Chapter 21 of this code and Chapter
1-33 301, Property Code, including exercising the powers and duties
1-34 formerly exercised by the former Commission on Human Rights under
1-35 those laws.

1-36 (b) A reference in Chapter 21 of this code, Chapter 301,
1-37 Property Code, or any other law to the former Commission on Human
1-38 Rights means the division.

1-39 Sec. 301.153. HUMAN RIGHTS COMMISSION. (a) The division is
1-40 governed by the human rights commission, which consists of seven
1-41 members as follows:

1-42 (1) one member who represents industry;

1-43 (2) one member who represents labor; and

1-44 (3) five members who represent the public.

1-45 (b) The members of the human rights commission established
1-46 under this section shall be appointed by the governor. In making
1-47 appointments to the human rights commission, the governor shall
1-48 strive to achieve representation on the human rights commission
1-49 that is diverse with respect to disability, religion, age, economic
1-50 status, sex, race, and ethnicity.

1-51 (c) The governor shall appoint the public members of the
1-52 human rights commission from a list of names of individuals
1-53 suggested by civil rights organizations and groups.

1-54 (d) The term of office of each commissioner is six years.
1-55 The governor shall designate one commissioner to serve as presiding
1-56 officer.

1-57 (e) A commissioner is entitled to reimbursement of actual
1-58 and necessary expenses incurred in the performance of official
1-59 duties.

1-60 (f) The human rights commission shall establish policies
1-61 for the division and supervise the director in administering the
1-62 activities of the division.

1-63 (g) The human rights commission is the state authority

2-1 established as a fair employment practice agency and is authorized,
2-2 with respect to an unlawful employment practice, to:

- 2-3 (1) grant relief from the practice;
- 2-4 (2) seek relief from the practice; or
- 2-5 (3) institute criminal proceedings.

2-6 Sec. 301.154. DIRECTOR. (a) The director shall be
2-7 appointed by the human rights commission to administer the powers
2-8 and duties of the division.

2-9 (b) To be eligible for appointment, the director must have
2-10 relevant experience in the area of civil rights, specifically in
2-11 working to prevent the types of discrimination the division is
2-12 charged with preventing. The director must demonstrate a
2-13 commitment to equal opportunity for minorities, women, and the
2-14 disabled. The director should also have relevant experience with
2-15 housing and employment discrimination claims.

2-16 Sec. 301.155. INVESTIGATOR TRAINING PROGRAM; PROCEDURES
2-17 MANUAL. (a) A person who is employed under this chapter by the
2-18 division as an investigator may not conduct an investigation until
2-19 the person completes a comprehensive training and education program
2-20 for investigators that complies with this section.

2-21 (b) The training program must provide the person with
2-22 information regarding:

2-23 (1) the requirements relating to employment adopted
2-24 under the Americans with Disabilities Act (42 U.S.C. Section 12101
2-25 et seq.) and its subsequent amendments, with a special emphasis on
2-26 requirements regarding reasonable accommodations;

2-27 (2) various types of disabilities and accommodations
2-28 appropriate in an employment setting for each type of disability;
2-29 and

2-30 (3) fair employment and housing practices.

2-31 (c) Each investigator shall annually complete a continuing
2-32 education program designed to provide investigators with the most
2-33 recent information available regarding the issues described by
2-34 Subsection (b), including legislative and judicial changes in the
2-35 law.

2-36 (d) The director shall develop and biennially update an
2-37 investigation procedures manual. The manual must include
2-38 investigation procedures and information and may include
2-39 information regarding the Equal Employment Opportunity Commission
2-40 and the United States Department of Housing and Urban Development.

2-41 Sec. 301.156. ANALYSIS OF DISCRIMINATION COMPLAINTS;
2-42 REPORT. (a) The division shall collect and report statewide
2-43 information relating to employment and housing discrimination
2-44 complaints as required by this section.

2-45 (b) Each state fiscal year, the division shall collect and
2-46 analyze information regarding employment and housing
2-47 discrimination complaints filed with the division, the Equal
2-48 Employment Opportunity Commission, the United States Department of
2-49 Housing and Urban Development, and local commissions in this state.
2-50 The information must include:

2-51 (1) an analysis of employment complaints filed by the
2-52 basis of the complaint, including:

2-53 (A) sex, race, color, age, disability, national
2-54 origin, religion, and genetic information; and

2-55 (B) retaliatory actions against the complainant;

2-56 (2) an analysis of housing complaints filed by the
2-57 basis of the complaint, including sex, race, color, disability,
2-58 national origin, religion, and familial status;

2-59 (3) an analysis of employment complaints filed by
2-60 issue, including discharge, terms and conditions, sexual
2-61 harassment, promotion, hiring, demotion, and layoff;

2-62 (4) an analysis of housing complaints filed by issue,
2-63 including terms and conditions, refusal to rent or sell,
2-64 discriminatory financing or advertising, and false representation;

2-65 (5) an analysis of employment and housing cases closed
2-66 by the reason the case was closed, including findings or
2-67 determinations of cause or no cause, successful conciliation, right
2-68 to sue issued, complaint withdrawn after resolution, no-fault
2-69 settlement, failure to cooperate by the complainant, and lack of

3-1 jurisdiction; and
3-2 (6) the average processing time for complaints
3-3 resolved by the division in each state fiscal year, regardless of
3-4 whether the complaint was filed in the same fiscal year in which the
3-5 complaint was resolved.

3-6 (c) The results of an analysis required under this section
3-7 shall be included in the commission's annual report to the governor
3-8 and legislature.

3-9 SECTION 3. Subchapter A, Chapter 301, Property Code, is
3-10 amended by adding Section 301.0015 to read as follows:

3-11 Sec. 301.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS
3-12 DIVISION. The powers and duties exercised by the Commission on
3-13 Human Rights under this chapter are transferred to the Texas
3-14 Workforce Commission civil rights division. A reference in this
3-15 chapter to the "commission" means the Texas Workforce Commission
3-16 civil rights division.

3-17 SECTION 4. The following laws are repealed:

- 3-18 (1) Chapter 416, Government Code;
- 3-19 (2) Sections 21.002(2) and (3), Labor Code; and
- 3-20 (3) Sections 301.003(3), 301.061, and 301.064,
- 3-21 Property Code.

3-22 SECTION 5. On the effective date of this Act:

3-23 (1) the Commission on Human Rights as it exists
3-24 immediately before the effective date of this Act is abolished and
3-25 the offices of the members of the commission serving on that date
3-26 are abolished;

3-27 (2) all powers, duties, functions, and activities
3-28 performed by the Commission on Human Rights immediately before the
3-29 effective date of this Act are transferred to the Texas Workforce
3-30 Commission civil rights division;

3-31 (3) a rule, form, order, or procedure adopted by the
3-32 Commission on Human Rights is a rule, form, order, or procedure of
3-33 the Texas Workforce Commission civil rights division and remains in
3-34 effect until changed by the Texas Workforce Commission;

3-35 (4) a reference in law to the Commission on Human
3-36 Rights means the Texas Workforce Commission civil rights division;

3-37 (5) a complaint, investigation, or other proceeding
3-38 pending before the Commission on Human Rights under Chapter 21,
3-39 Labor Code, Chapter 301, Property Code, or any other law is
3-40 transferred without change in status to the Texas Workforce
3-41 Commission civil rights division;

3-42 (6) all obligations, rights, and contracts of the
3-43 Commission on Human Rights are transferred to the Texas Workforce
3-44 Commission civil rights division; and

3-45 (7) all property, including records and money, in the
3-46 custody of the Commission on Human Rights and all funds
3-47 appropriated by the legislature for the Commission on Human Rights,
3-48 including federal funds, shall be transferred to the Texas
3-49 Workforce Commission civil rights division.

3-50 SECTION 6. Not later than November 1, 2003, the governor
3-51 shall appoint new members to the Commission on Human Rights
3-52 established under Subchapter I, Chapter 301, Labor Code, as added
3-53 by this Act. In appointing members under this section, the governor
3-54 shall appoint:

- 3-55 (1) two members for terms expiring February 1, 2005;
- 3-56 (2) two members for terms expiring February 1, 2007;

3-57 and

- 3-58 (3) three members for terms expiring February 1, 2009.

3-59 SECTION 7. This Act takes effect September 1, 2003.

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