

By: Coleman

H.B. No. 2522

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination based on actual or perceived sexual orientation; providing penalties.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. DEFINITIONS. In this Act:

(1) "Aggrieved person" includes any person who:

(A) claims to have been injured by a discriminatory practice; or

(B) believes that he or she will be injured by a discriminatory practice that is about to occur.

(2) "Complainant" means a person, including the commission, who files a complaint under Section 7.01 of this Act.

(3) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the division.

(4) "Conciliation agreement" means an agreement setting forth the resolution of the issues in conciliation.

(5) "Discriminatory practice" means an act prohibited by Article 3, 4, 5, or 6 of this Act.

(6) "Division" means the civil rights division of the Texas Workforce Commission.

(7) "Dwelling" means:

1 (A) any building, structure, or part of a
2 building or structure that is occupied as, or designed or intended
3 for occupancy as, a residency by one or more families; or

4 (B) any vacant land that is offered for sale or
5 lease for the construction or location of a building, structure, or
6 part of a building or structure described by Paragraph (A) of this
7 subdivision.

8 (8) "Employer" means a person that employs 15 or more
9 employees. The term includes an agent designated by an employer.

10 (9) "Labor organization" means a labor organization
11 engaged in an industry affecting commerce that has 15 or more
12 members. The term includes:

13 (A) an organization, an agency, or an employee
14 representation committee, group, association, or plan engaged in an
15 industry affecting commerce in which employees participate and that
16 exists for the purpose, in whole or in part, of dealing with
17 employers concerning grievances, labor disputes, wages, rates of
18 pay, hours, or other terms or conditions of employment;

19 (B) a conference, general committee, joint or
20 system board, or joint council that is subordinate to a national or
21 international labor organization; and

22 (C) an agent of a labor organization.

23 (10) "Person" means an individual, corporation,
24 association, partnership, organization, or other public or private
25 legal entity.

26 (11) "Respondent" means the person accused in a
27 complaint of a discriminatory practice.

(12) "Sexual orientation" means:

(A) having an orientation for heterosexuality, homosexuality, or bisexuality;

(B) having a history of such an orientation; or

(C) being identified as having such an orientation, whether or not accurate.

ARTICLE 2. ADMINISTRATIVE PROVISIONS

SECTION 2.01. ADMINISTRATION BY DIVISION. The civil rights division of the Texas Workforce Commission shall administer this Act.

SECTION 2.02. RULES. The division shall adopt rules as necessary to administer and enforce this Act.

SECTION 2.03. COMPLAINTS. As provided by Article 7 of this Act, the division shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this Act.

SECTION 2.04. CERTAIN CONSTRUCTIONS OF ACT PROHIBITED. (a) This Act may not be construed to mean that this state condones or promotes any particular sexual orientation.

(b) This Act may not be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes that is operated, supervised, or controlled by or in connection with a religious organization and that limits membership, enrollment, admission, or participation to members of that religion, from:

(1) giving preference in hiring or employment to members of the same religion; or

(2) taking any action with respect to matters of

1 employment, discipline, faith, internal organization, or
2 ecclesiastical rule, custom, or law that is calculated by the
3 organization to promote the religious principles for which it is
4 established or maintained.

5 (c) This Act may not be construed to authorize or permit the
6 use of numerical goals or quotas, or other types of affirmative
7 action programs, in the administration or enforcement of this Act.

8 ARTICLE 3. EMPLOYMENT DISCRIMINATION PROHIBITED

9 SECTION 3.01. EMPLOYER. An employer commits a
10 discriminatory practice and a violation of this Act if the
11 employer, because of the actual or perceived sexual orientation of
12 an individual:

13 (1) refuses to hire or employ the individual;

14 (2) bars or discharges the individual from employment;

15 or

16 (3) otherwise discriminates against the individual in
17 compensation or other terms, conditions, or privileges of
18 employment.

19 SECTION 3.02. EMPLOYMENT AGENCY. An employment agency
20 commits a discriminatory practice and a violation of this Act if the
21 employment agency, because of the actual or perceived sexual
22 orientation of an applicant for employment through the agency:

23 (1) fails or refuses to classify the applicant
24 properly;

25 (2) fails or refuses to refer the applicant for
26 positions of employment; or

27 (3) otherwise discriminates against the applicant.

1 SECTION 3.03. EMPLOYMENT ADVERTISEMENTS. A person commits
2 a discriminatory practice and a violation of this Act if the person
3 advertises employment opportunities in a manner designed to
4 restrict the employment in a manner that discriminates against an
5 individual solely because of the actual or perceived sexual
6 orientation of that individual.

7 ARTICLE 4. MEMBERSHIP DISCRIMINATION
8 IN LABOR ORGANIZATION PROHIBITED

9 SECTION 4.01. LABOR ORGANIZATION. A labor organization
10 commits a discriminatory practice and a violation of this Act if the
11 labor organization, because of the actual or perceived sexual
12 orientation of an individual:

- 13 (1) excludes the individual from full membership
14 rights;
- 15 (2) expels the individual from its membership; or
- 16 (3) otherwise discriminates against:
- 17 (A) a member of the organization;
- 18 (B) an employer; or
- 19 (C) an individual employed by an employer.

20 ARTICLE 5. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

21 SECTION 5.01. PUBLIC ACCOMMODATIONS. A person commits a
22 discriminatory practice and a violation of this Act if the person,
23 because of the actual or perceived sexual orientation of an
24 individual:

- 25 (1) denies that individual full and equal
26 accommodations in any place of public accommodation in this state,
27 subject only to the conditions and limitations established by law

1 and applicable to all persons; or

2 (2) otherwise discriminates, segregates, or separates
3 based on actual or perceived sexual orientation.

4 ARTICLE 6. HOUSING DISCRIMINATION PROHIBITED

5 SECTION 6.01. REFUSAL TO SELL OR RENT. A person commits a
6 discriminatory practice and a violation of this Act if the person,
7 because of the actual or perceived sexual orientation of an
8 individual:

9 (1) refuses to sell or rent a dwelling to the
10 individual after the making of a bona fide offer by the individual;

11 (2) refuses to negotiate for the sale or rental of a
12 dwelling to the individual;

13 (3) refuses to make available or otherwise denies a
14 dwelling to the individual; or

15 (4) discriminates against the individual in the terms,
16 conditions, or privileges of the sale or rental of a dwelling, or
17 the provision of services or facilities in connection with such a
18 sale or rental.

19 SECTION 6.02. REAL ESTATE RELATED TRANSACTIONS. A person
20 who engages in real estate related transactions commits a
21 discriminatory practice and a violation of this Act if, because of
22 the actual or perceived sexual orientation of an individual, the
23 person discriminates against the individual in making available
24 such a transaction.

25 SECTION 6.03. REAL ESTATE SERVICES AND ORGANIZATION. A
26 person who engages in real estate related transactions commits a
27 discriminatory practice and a violation of this Act if, because of

1 the actual or perceived sexual orientation of an individual, the
2 person:

3 (1) denies the individual access to or membership or
4 participation in any multiple-listing service, real estate brokers
5 organization, or other service, organization, or facility relating
6 to the business of selling or renting dwellings; or

7 (2) discriminates against the individual in the terms
8 or conditions of the access, membership, or participation described
9 by Subdivision (1) of this section.

10 SECTION 6.04. COERCION. A person commits a discriminatory
11 practice and a violation of this Act if:

12 (1) because of the actual or perceived sexual
13 orientation of an individual, the person coerces, intimidates,
14 threatens, or interferes with the individual in the exercise or
15 enjoyment of a right granted or protected by this article; or

16 (2) the person coerces, intimidates, threatens, or
17 interferes with an individual because the individual has exercised
18 or enjoyed, or aided or encouraged any other person in the exercise
19 or enjoyment of, a right granted or protected by this article.

20 SECTION 6.05. PUBLICATIONS. A person commits a
21 discriminatory practice and a violation of this Act if the person
22 makes, prints, or publishes, or causes to be made, printed, or
23 published, any notice, statement, or advertisement with respect to
24 the sale or rental of a dwelling that indicates any preference,
25 limitation, or discrimination based on actual or perceived sexual
26 orientation, or an intention to make such a preference, limitation,
27 or discrimination.

1 SECTION 6.06. STEERING PROHIBITED. (a) In this section,
2 "area" means a municipality, neighborhood, or other geographic
3 subdivision, including an apartment or condominium complex.

4 (b) A person commits a discriminatory practice and a
5 violation of this Act if the person, because of the actual or
6 perceived sexual orientation of an individual, represents to the
7 individual that a dwelling is not available for inspection, sale,
8 or rental if the dwelling is in fact available.

9 (c) A person violates this section if the person restricts
10 or attempts to restrict the choices of any buyer or renter to
11 purchase or rent a dwelling to an area that is substantially
12 populated, even if by less than a majority, by persons of the same
13 sexual orientation, whether actual or perceived, as the buyer or
14 renter while that person is authorized to offer for sale or rent
15 another dwelling that:

16 (1) meets the housing criteria of the buyer or renter
17 as expressed by the buyer or renter to that person; and

18 (2) is located in an area that is not substantially
19 populated by persons of the same sexual orientation, whether actual
20 or perceived, as the buyer or renter.

21 SECTION 6.07. ENTRY INTO NEIGHBORHOOD. A person commits a
22 discriminatory practice and a violation of this Act if the person,
23 for profit, induces or attempts to induce any person to sell or rent
24 a dwelling by representations regarding the entry or prospective
25 entry into the neighborhood in which the dwelling is located of an
26 individual of a particular sexual orientation, whether that sexual
27 orientation is actual or perceived.

1 SECTION 6.08. EXEMPTIONS. (a) This article does not apply
2 to:

3 (1) the rental of a room or rooms in a dwelling if the
4 owner actually maintains and occupies part of the living quarters
5 of the dwelling as the owner's residence; or

6 (2) a unit in a dwelling containing living quarters
7 occupied or intended to be occupied by not more than four families
8 living independently of each other, if the owner actually maintains
9 and occupies one of the units as the owner's residence.

10 (b) This article does not limit or affect the applicability
11 of any reasonable state statute or municipal ordinance that
12 restricts the maximum number of persons permitted to occupy a
13 dwelling.

14 (c) This article does not prohibit a person engaged in the
15 business of furnishing appraisals of real property from considering
16 factors other than actual or perceived sexual orientation in making
17 the appraisal.

18 ARTICLE 7. ADMINISTRATIVE ENFORCEMENT

19 SECTION 7.01. COMPLAINT. (a) An aggrieved person may, not
20 later than one year after an alleged discriminatory practice has
21 occurred or terminated, whichever is later, file a complaint with
22 the division alleging the discriminatory practice.

23 (b) The division shall investigate alleged discriminatory
24 practices.

25 (c) Not later than one year after an alleged discriminatory
26 practice has occurred or terminated, whichever is later, the
27 division may file its own complaint.

(d) A complaint must be:

(1) in writing;

(2) under oath; and

(3) in the form prescribed by the division.

(e) A complaint may be amended at any time.

(f) On the filing of a complaint the division shall:

(1) give the aggrieved person notice that the complaint has been received;

(2) advise the aggrieved person of the time limits and choice of forums under this Act; and

(3) not later than the 10th day after the filing of the complaint, serve on each respondent:

(A) a notice identifying the alleged discriminatory practice and advising the respondent of the procedural rights and obligations of a respondent under this Act; and

(B) a copy of the original complaint.

SECTION 7.02. ANSWER. (a) Not later than the 10th day after receipt of the notice and copy under Section 7.01(f)(3) of this Act, a respondent may file an answer to the complaint.

(b) An answer must be:

(1) in writing;

(2) under oath; and

(3) in the form prescribed by the division.

(c) An answer may be amended at any time.

SECTION 7.03. INVESTIGATION. (a) The division shall investigate all complaints and, except as provided by Subsection

1 (b) of this section, shall complete an investigation not later than
2 the 100th day after the date the complaint is filed.

3 (b) If the division is unable to complete an investigation
4 within the period prescribed by Subsection (a) of this section, the
5 division shall notify the complainant and the respondent in writing
6 of the reasons for the delay.

7 SECTION 7.04. CONCILIATION. (a) The division shall,
8 during the period beginning with the filing of a complaint and
9 ending with the filing of a charge or a dismissal by the division,
10 to the extent feasible, engage in conciliation with respect to the
11 complaint.

12 (b) A conciliation agreement is subject to division
13 approval. A conciliation agreement must be written.

14 (c) A conciliation agreement may provide for binding
15 arbitration of the dispute. Arbitration that results from a
16 conciliation agreement may authorize appropriate relief, including
17 monetary relief.

18 (d) A conciliation agreement shall be made public unless the
19 complainant, respondent, and division agree that disclosure is not
20 necessary to further the purposes of this Act.

21 (e) Nothing said or done in the course of conciliation may
22 be made public or used as evidence in a subsequent proceeding under
23 this Act without the written consent of the persons concerned.

24 (f) After completion of the division's investigation, the
25 division shall make available to the aggrieved person and the
26 respondent, at any time, information derived from the investigation
27 and the final investigation report relating to that investigation.

1 SECTION 7.05. TEMPORARY OR PRELIMINARY RELIEF. (a) If the
2 division concludes at any time following the filing of a complaint
3 that prompt judicial action is necessary to carry out the purposes
4 of this Act, the division may authorize a civil action for
5 appropriate temporary or preliminary relief pending final
6 disposition of the complaint.

7 (b) On receipt of the division's authorization, the
8 attorney general shall promptly file the action.

9 (c) A temporary restraining order or other order granting
10 preliminary or temporary relief under this section is governed by
11 the applicable Texas Rules of Civil Procedure.

12 (d) The filing of a civil action under this section does not
13 affect the initiation or continuation of an administrative
14 proceeding under Section 7.14 of this Act.

15 SECTION 7.06. INVESTIGATIVE REPORT. (a) The division
16 shall prepare a final investigative report showing:

- 17 (1) the names and dates of contacts with witnesses;
18 (2) a summary of correspondence and other contacts
19 with the aggrieved person and the respondent showing the dates of
20 the correspondence and contacts;
21 (3) a summary description of other pertinent records;
22 (4) a summary of witness statements; and
23 (5) answers to interrogatories.

24 (b) A final report under this section may be amended if
25 additional evidence is discovered.

26 SECTION 7.07. REASONABLE CAUSE DETERMINATION. (a) The
27 division shall determine based on the facts whether reasonable

1 cause exists to believe that a discriminatory practice has occurred
2 or is about to occur.

3 (b) The division shall make the determination under
4 Subsection (a) of this section not later than the 100th day after
5 the date a complaint is filed unless:

6 (1) it is impracticable to make the determination; or

7 (2) the division has approved a conciliation agreement
8 relating to the complaint.

9 (c) If it is impracticable to make the determination within
10 the time period provided by Subsection (b) of this section, the
11 division shall notify the complainant and respondent in writing of
12 the reasons for the delay.

13 (d) If the division determines that reasonable cause exists
14 to believe that a discriminatory practice has occurred or is about
15 to occur, the division shall immediately issue a charge on behalf of
16 the aggrieved person.

17 SECTION 7.08. CHARGE. (a) A charge issued under Section
18 7.07 of this Act:

19 (1) must consist of a short and plain statement of the
20 facts on which the division has found reasonable cause to believe
21 that a discriminatory practice has occurred or is about to occur;

22 (2) must be based on the final investigative report;
23 and

24 (3) need not be limited to the facts or grounds alleged
25 in the complaint.

26 (b) Not later than the 20th day after the division issues a
27 charge, the division shall send a copy of a charge with information

1 concerning the election under Section 7.12 of this Act to:

2 (1) each respondent, together with a notice of the
3 opportunity for a hearing provided by Section 7.14 of this Act; and

4 (2) each aggrieved person on whose behalf the
5 complaint was filed.

6 SECTION 7.09. DISMISSAL. (a) If the division determines
7 that reasonable cause does not exist to believe that a
8 discriminatory practice has occurred or is about to occur, the
9 division shall promptly dismiss the complaint.

10 (b) The division shall make public disclosure of each
11 dismissal under this section.

12 SECTION 7.10. PENDING CIVIL TRIAL. The division may not
13 issue a charge under this section regarding an alleged
14 discriminatory practice after the beginning of the trial of a civil
15 action commenced by the aggrieved party under federal or state law
16 seeking relief with respect to that discriminatory practice.

17 SECTION 7.11. SUBPOENAS; DISCOVERY. (a) The division may
18 issue subpoenas and order discovery as provided by this section in
19 aid of investigations and hearings under this Act.

20 (b) The subpoenas and discovery may be ordered to the same
21 extent and are subject to the same limitations as subpoenas and
22 discovery in a civil action in district court.

23 SECTION 7.12. ELECTION OF JUDICIAL DETERMINATION. (a) A
24 complainant, a respondent, or an aggrieved person on whose behalf
25 the complaint was filed may elect to have the claims asserted in
26 that charge decided in a civil action as provided by Section 7.13 of
27 this Act.

1 (b) The election must be made not later than the 20th day
2 after the date of receipt by the electing person of service under
3 Section 7.08(b) of this Act or, in the case of the division, not
4 later than the 20th day after the date the charge was issued.

5 (c) The person making the election shall give notice to the
6 division and to all other complainants and respondents to whom the
7 charge relates.

8 SECTION 7.13. ATTORNEY GENERAL ACTION FOR ENFORCEMENT. (a)
9 If a timely election is made under Section 7.12 of this Act, the
10 division shall authorize and, not later than the 30th day after the
11 election is made, the attorney general shall file a civil action on
12 behalf of the aggrieved person in a district court seeking relief
13 under this section.

14 (b) Venue for an action under this section is in the county
15 in which the alleged discriminatory practice occurred or in Travis
16 County.

17 (c) An aggrieved person may intervene in the action.

18 (d) If the court finds that a discriminatory practice has
19 occurred or is about to occur, the court may grant as relief any
20 relief that a court may grant in a civil action under Article 8 of
21 this Act.

22 (e) If monetary relief is sought for the benefit of an
23 aggrieved person who does not intervene in the civil action, the
24 court may not award the monetary relief if that aggrieved person has
25 not complied with discovery orders entered by the court.

26 SECTION 7.14. ADMINISTRATIVE HEARING. (a) If a timely
27 election is not made under Section 7.12 of this Act, the division

1 shall provide for a hearing on the charge.

2 (b) Except as provided by Subsection (c) of this section,
3 Chapter 2001, Government Code, governs a hearing under this
4 section.

5 (c) A hearing under this section may not continue regarding
6 any alleged discriminatory practice after the beginning of the
7 trial of a civil action commenced by the aggrieved party under
8 federal or state law seeking relief with respect to that
9 discriminatory practice.

10 SECTION 7.15. RELIEF; CIVIL PENALTIES. (a) If the division
11 determines at a hearing under Section 7.14 of this Act that a
12 respondent has engaged in or is about to engage in a discriminatory
13 practice, the division may order the appropriate relief, including
14 actual damages, reasonable attorney's fees, court costs, and other
15 injunctive or equitable relief.

16 (b) To vindicate the public interest, the division may
17 assess a civil penalty against the respondent in an amount that does
18 not exceed:

19 (1) \$10,000 if the respondent has been adjudged by
20 order of the division or a court to have committed a prior
21 discriminatory practice;

22 (2) except as provided by Subsection (c) of this
23 section, \$25,000 if the respondent has been adjudged by order of the
24 division or a court to have committed one other discriminatory
25 practice during the five-year period ending on the date of the
26 filing of the charge; and

27 (3) except as provided by Subsection (c) of this

1 section, \$50,000 if the respondent has been adjudged by order of the
2 division or a court to have committed two or more discriminatory
3 practices during the seven-year period ending on the date of the
4 filing of the charge.

5 (c) If the acts constituting the discriminatory practice
6 that is the object of the charge are committed by the same
7 individual who has been previously adjudged to have committed acts
8 constituting a discriminatory practice, the civil penalties in
9 Subsections (b)(2) and (3) of this section may be imposed without
10 regard to the period within which any other discriminatory practice
11 occurred.

12 (d) At the request of the division, the attorney general
13 shall sue to recover a civil penalty due under this section. Funds
14 collected under this section shall be paid to the state treasurer
15 for deposit in the state treasury.

16 SECTION 7.16. EFFECT OF DIVISION ORDER. A division order
17 under Section 7.15 of this Act does not affect a contract, sale,
18 encumbrance, or lease that:

19 (1) was consummated before the division issued the
20 order; and

21 (2) involved a bona fide purchaser, encumbrancer, or
22 tenant who did not have actual notice of the charge filed under this
23 Act.

24 SECTION 7.17. ORDER IN PRECEDING FIVE YEARS. If the
25 division issues an order against a respondent against whom another
26 order was issued within the preceding five years under Section 7.15
27 of this Act, the division shall send a copy of each order issued

1 under that section to the attorney general.

2 ARTICLE 8. ENFORCEMENT BY PRIVATE PERSONS

3 SECTION 8.01. CIVIL ACTION. (a) An aggrieved person may
4 file a civil action in district court not later than the second year
5 after the occurrence of the termination of an alleged
6 discriminatory practice, or the breach of a conciliation agreement
7 entered into under this Act, whichever occurs last, to obtain
8 appropriate relief with respect to the discriminatory practice or
9 breach.

10 (b) The two-year period does not include any time during
11 which an administrative hearing under this Act is pending with
12 respect to a complaint or charge under this Act based on the
13 discriminatory practice. This subsection does not apply to actions
14 arising from a breach of a conciliation agreement.

15 (c) An aggrieved person may file an action under this
16 section whether or not a complaint has been filed under Section 7.01
17 of this Act and without regard to the status of any complaint filed
18 under that section.

19 (d) If the division has obtained a conciliation agreement
20 with the consent of an aggrieved person, the aggrieved person may
21 not file an action under this section with respect to the alleged
22 discriminatory practice that forms the basis for the complaint
23 except to enforce the terms of the agreement.

24 (e) An aggrieved person may not file an action under this
25 section with respect to an alleged discriminatory practice that
26 forms the basis of a charge issued by the division if the division
27 has begun a hearing on the record under this Act with respect to the

1 charge.

2 SECTION 8.02. RELIEF GRANTED. In an action under this
3 article, if the court finds that a discriminatory practice has
4 occurred or is about to occur, the court may award to the plaintiff:

5 (1) actual and punitive damages;

6 (2) reasonable attorney's fees;

7 (3) court costs; and

8 (4) subject to Section 8.03 of this Act, any permanent
9 or temporary injunction, temporary restraining order, or other
10 order, including an order enjoining the defendant from engaging in
11 the practice or ordering other appropriate action.

12 SECTION 8.03. EFFECT OF RELIEF GRANTED. Relief granted
13 under this article does not affect a contract, sale, encumbrance,
14 or lease that:

15 (1) was consummated before the granting of the relief;

16 and

17 (2) involved a bona fide purchaser, encumbrancer, or
18 tenant who did not have actual notice of the filing of a complaint
19 under this Act or a civil action under this article.

20 SECTION 8.04. INTERVENTION BY ATTORNEY GENERAL. (a) The
21 attorney general may intervene in an action under this article if
22 the attorney general certifies that the case is of general public
23 importance.

24 (b) The attorney general may obtain the same relief
25 available to the attorney general under Section 9.01(b) of this
26 Act.

ARTICLE 9. ENFORCEMENT BY ATTORNEY GENERAL

SECTION 9.01. PATTERN OR PRACTICE CASES. (a) The attorney general may file a civil action in district court for appropriate relief if the attorney general has reasonable cause to believe that:

(1) a person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this Act; or

(2) a person has been denied any right granted by this Act and that denial raises an issue of general public importance.

(b) In an action under this section the court may:

(1) award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this Act as necessary to assure the full enjoyment of the rights granted by this Act;

(2) award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs; and

(3) to vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:

(A) \$50,000 for a first violation; and

(B) \$100,000 for a second or subsequent violation.

(c) A person may intervene in an action under this section if the person is:

(1) an aggrieved person to the discriminatory practice; or

(2) a party to a conciliation agreement concerning the

1 discriminatory practice.

2 SECTION 9.02. SUBPOENA ENFORCEMENT. The attorney general,
3 on behalf of the division or other party at whose request a subpoena
4 is issued under this Act, may enforce the subpoena in appropriate
5 proceedings in district court.

6 ARTICLE 10. CRIMINAL PENALTY

7 SECTION 10.01. CRIMINAL PENALTY. (a) A person commits an
8 offense if the person intentionally violates Article 3, 4, 5, or 6
9 of this Act.

10 (b) An offense under this section is a Class B misdemeanor.

11 ARTICLE 11. EFFECTIVE DATE

12 SECTION 11.01. EFFECTIVE DATE. This Act takes effect
13 September 1, 2005.