

By: Tepper

H.B. No. 3682

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition against affirmative action in governmental employment and in higher education admissions.

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

ARTICLE 1. PROHIBITION AGAINST AFFIRMATIVE ACTION IN GOVERNMENTAL EMPLOYMENT AND IN HIGHER EDUCATION ADMISSIONS

SECTION 1.01. Section 51.805, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A general academic teaching institution may not consider an applicant's race, color, or any other protected characteristic under applicable state or federal law as a factor in making admissions decisions. An applicant may seek any appropriate remedy available under state or federal law for a violation of this subsection. To the extent of any conflict, this subsection prevails over any other law relating to admissions decisions made by a general academic teaching institution. Nothing in this subsection may be construed to impair the enforcement of any applicable state or federal civil rights law.

SECTION 1.02. Section 51.808, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A general academic teaching institution or medical and dental unit may not adopt a policy under this section under which the institution may consider an applicant's race, color, or any other protected characteristic under applicable state or

1 federal law as a factor in making admissions decisions. An
2 applicant may seek any appropriate remedy available under state or
3 federal law for a violation of this subsection. To the extent of
4 any conflict, this subsection prevails over any other law relating
5 to admissions decisions made by a general academic teaching
6 institution or medical and dental unit. Nothing in this subsection
7 may be construed to impair the enforcement of any applicable state
8 or federal civil rights law.

9 SECTION 1.03. Chapter 1, Government Code, is amended by
10 adding Section 1.004 to read as follows:

11 Sec. 1.004. PROHIBITION AGAINST AFFIRMATIVE ACTION IN
12 GOVERNMENTAL EMPLOYMENT. (a) In this section:

13 (1) "Employment decision" includes a decision
14 regarding a person's hiring, termination, promotion, demotion,
15 transfer, conditions of employment, or wages.

16 (2) "Government agency" has the meaning assigned by
17 Section 110.001, Civil Practice and Remedies Code.

18 (b) Notwithstanding any other law, a government agency may
19 not consider the race, color, or any other protected characteristic
20 under applicable state or federal law of a person as a factor in
21 making an employment decision regarding the person.

22 (c) A person may seek any appropriate remedy available under
23 state or federal law for a violation of this section.

24 (d) To the extent of any conflict, this section prevails
25 over any other law relating to an employment decision made by a
26 government agency.

27 (e) Nothing in this section may be construed to impair the

1 application or enforcement of any applicable state or federal civil
2 rights law.

3 ARTICLE 2. CONFORMING AMENDMENTS

4 SECTION 2.01. Section 901.659, Occupations Code, is amended
5 to read as follows:

6 Sec. 901.659. [~~MINORITY—AND~~] DISADVANTAGED STUDENT
7 INTERNSHIPS. (a) The board shall adopt rules to encourage
8 internships for [~~minority and~~] disadvantaged students and
9 certified public accountant examination candidates who notify the
10 board not later than 90 days after the date of being accepted into
11 an accounting internship program.

12 (b) The rules adopted by the board shall include standards
13 for appropriate recognition of an accounting firm for its efforts
14 in training and hiring [~~minority or~~] disadvantaged students.

15 SECTION 2.02. Section 51.803(k), Education Code, is
16 repealed.

17 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

18 SECTION 3.01. The change in law made by this Act to
19 Subchapter U, Chapter 51, Education Code, applies beginning with
20 admissions to a general academic teaching institution for the
21 2024-2025 academic year. Admissions for an academic period
22 preceding that academic year are covered by the law in effect
23 immediately before the effective date of this Act, and the prior law
24 is continued in effect for that purpose.

25 SECTION 3.02. This Act takes effect September 1, 2023.