

## BILL ANALYSIS

Senate Research Center

H.B. 1453

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Jurisprudence

5-17-97

Engrossed

### **DIGEST**

Current law does not allow the Commission on Human Rights (commission) to pursue legal action in employment discrimination complaints. Additionally, the commission is not authorized to require the Office of the Attorney General to pursue legal action in employment discrimination cases. The commission's lack of authority has hindered its ability to obtain federal funding from the Equal Employment Opportunity Commission (EEOC). The EEOC's performance measures require state agencies that deal with employment discrimination issued to meet certain enforcement targets to receive federal funding. The lack of authority to direct the attorney general to take actions hinders the commission's ability to meet the federal performance goals. This bill will provide regulations regarding the enforcement by the commission of certain laws prohibiting employment discrimination.

### **PURPOSE**

As proposed, H.B. 1453 provides regulations regarding the enforcement by the Commission on Human Rights of certain laws prohibiting employment discrimination.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 21A, Labor Code, by adding Section 21.010, as follows:

Sec. 21.010. COMMISSION AUTHORIZATION OF ACTION BY ATTORNEY GENERAL. Requires the attorney general, in any proceeding under this chapter in which the Commission on Human Rights (commission) authorizes the attorney general to commence a legal action, to commence the action not later than the 30th day after the date of the commission's authorization, except as provided in Subsections (b) and (c). Sets forth regulations regarding review of the commission's request by the attorney general. Sets forth procedures to be followed in the event the attorney general determines that the commission's reasonable cause findings are not well-grounded in fact or not warranted by law.

SECTION 2. Amends Section 21.210(a), Labor Code, to require the commission to authorize the attorney general to file a petition seeking appropriate temporary relief against the respondent pending final determination of a proceeding under this chapter if the commission concludes from a preliminary investigation of an unlawful employment practice alleged in a perfected complaint that prompt judicial action is necessary to carry out the purpose of this chapter.

SECTION 3. Amends Section 21.251, Labor Code, to require the commission to authorize the attorney general to file a civil action in district court seeking relief for the complainant if the requirements of Subsection (a) are satisfied. Provides that venue for an action under this section is in the county in which the alleged unlawful employment practice occurred.

SECTION 4. Amends Section 21.306(b), Labor Code, to make a conforming change.

SECTION 5. Effective date: September 1, 1997.

Makes application of this Act prospective.

SECTION 6. Emergency clause.