

## **BILL ANALYSIS**

Senate Research Center

H.B. 2933  
By: Flores (Barrientos)  
Government Organization  
5/20/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, the Texas Commission on Human Rights is a state agency which was established 20 years ago to combat discrimination in Texas. The commission is comprised of six commissioners appointed by the governor and approved by the senate.

H.B. 2933 abolishes the Texas Commission on Human Rights and transfers its functions to the Office of the Attorney General.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Office of the Attorney General in SECTION 5 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 21, Labor Code, by adding Section 21.0015, as follows:

Sec. 21.0015. ATTORNEY GENERAL'S CIVIL RIGHTS DIVISION. Provides that the powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the attorney general's civil rights division. Provides that a reference in this chapter to the "commission" means the attorney general's civil rights division.

SECTION 2. Amends Subchapter A, Chapter 301, Property Code, by adding Section 301.0015, as follows:

Sec. 301.0015. ATTORNEY GENERAL'S CIVIL RIGHTS DIVISION. Provides that the powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the attorney general's civil rights division. Defines "commission."

SECTION 3. Amends Chapter 402, Government Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. CIVIL RIGHTS DIVISION**

Sec. 402.101. DEFINITIONS. Defines "commission," "director," and "division."

Sec. 402.102. GENERAL PROVISIONS. (a) Provides that the division is an independent division in the attorney general's office. Requires the division to be responsible for administering Chapter 21, Labor Code, and Chapter 301, Property Code, including exercising the powers and duties formerly exercised by the former Commission on Human Rights under those laws.

(b) Provides that a reference in Chapter 21, Labor Code, Chapter 301, Property Code, or any other law to the former Commission on Human Rights means the division.

Sec. 402.103. COMMISSION. (a) Provides that the division is governed by a commission consisting of seven certain members.

(b) Requires the members of the commission established under this section to be appointed by the governor. Requires the governor, in making appointments to the commission, to strive to achieve representation on the commission that is diverse with respect to disability, religion, age, economic status, sex, race, and ethnicity.

(c) Provides that the term of office of each commissioner is six years. Requires the governor to designate one commissioner to serve as presiding officer.

(d) Provides that a commissioner is entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties.

(e) Requires the commission to establish policies for the division and supervise the director in administering the activities of the division.

(f) Provides that the commission is the state authority established as a fair employment practice agency and is authorized, with respect to an unlawful employment practice, to perform certain tasks.

Sec. 402.104. DIRECTOR. (a) Requires the director to be appointed by the commission to administer the powers and duties of the division.

(b) Requires the director, to be eligible for appointment, to have relevant experience in the area of civil rights, specifically in working to prevent the types of discrimination the division is charged with preventing. Requires the director to demonstrate a commitment to equal opportunity for minorities, women, and the disabled. Provides that the director should also have relevant experience with housing and employment discrimination claims.

Sec. 402.105. INVESTIGATOR TRAINING PROGRAM; PROCEDURES MANUAL.

(a) Prohibits a person who is employed under this chapter by the division as an investigator from conducting an investigation until the person completes a comprehensive training and education program for investigators that complies with this section.

(b) Requires the training program to provide the person with certain information.

(c) Requires each investigator to annually complete a continuing education program designed to provide investigators with the most recent information available regarding the issues described by Subsection (b), including legislative and judicial changes in the law.

(d) Requires the director to develop and biennially update an investigation procedures manual. Requires the manual to include investigation procedures and information and authorizes it to include information regarding the Equal Employment Opportunity Commission and the United States Department of Housing and Urban Development.

Sec. 402.106. ANALYSIS OF DISCRIMINATION COMPLAINTS; REPORT. (a) Requires the division to collect and report statewide information relating to employment and housing discrimination complaints as required by this section.

(b) Requires the division, each state fiscal year, to collect and analyze information regarding employment and housing discrimination complaints filed with the division, the Equal Employment Opportunity Commission, the United States Department of Housing and Urban Development, and local commissions in this state. Requires the information to include certain data.

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

SECTION 4. Repealer:

- (1) Chapter 461, Government Code;
- (2) Sections 21.002(2) and (3), Labor Code; and
- (3) Sections 301.003(3), 301.061, and 301.064, Property Code.

SECTION 5. Provides that on the effective date of this Act:

- (1) the Commission on Human Rights as it exists immediately before the effective date of this Act is abolished and the offices of the members of the commission serving on that date are abolished;
- (2) all powers, duties, functions, and activities performed by the Commission on Human Rights immediately before the effective date of this Act are transferred to the attorney general's civil rights division;
- (3) a rule, form, order, or procedure adopted by the Commission on Human Rights is a rule, form, order, or procedure of the attorney general's civil rights division and remains in effect until changed by the attorney general;
- (4) a reference in law to the Commission on Human Rights means the attorney general's civil rights division;
- (5) a complaint, investigation, or other proceeding pending before the Commission on Human Rights under Chapter 21, Labor Code, Chapter 301, Property Code, or any other law is transferred without change in status to the attorney general's civil rights division;
- (6) all obligations, rights, and contracts of the Commission on Human Rights are transferred to the attorney general's civil rights division; and
- (7) all property, including records and money, in the custody of the Commission on Human Rights and all funds appropriated by the legislature for the Commission on Human Rights, including federal funds, shall be transferred to the attorney general's civil rights division.

SECTION 6. Requires the governor, not later than November 1, 2003, to appoint new members to the Commission on Human Rights established under Subchapter D, Chapter 402, Government Code, as added by this Act. Requires the governor, in appointing members under this section, to appoint certain members for specified terms.

SECTION 7. Effective date: September 1, 2003.