

CHAPTER 276

H.B. No. 860

AN ACT

relating to the prohibition of certain discriminatory employment practices.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.02, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1.02. PURPOSES. The general purposes of this Act are:

(1) to provide for the execution of the policies embodied in Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. Section 2000e et seq.), and to create an authority that meets the criteria under 42 U.S.C. Section 2000e-5(c) and 29 U.S.C. Section 633; ~~and~~

(2) to provide for the execution of the policies embodied in Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and its subsequent amendments; and

(3) to secure for persons within the state, including disabled persons, freedom from discrimination in certain transactions concerning employment, and thereby to protect the personal dignity of persons within the state; and to make available to the state the full productive capacities of those persons, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of persons within the state.

SECTION 2. Section 2.01, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (4), (6), and (7) and by adding Subdivisions (15), (16), and (17) to read as follows:

(4) "Disability" means, *with respect to an individual*, a mental or physical impairment that substantially limits at least one major life activity of that individual, ~~or~~ a record of such an ~~[a mental or physical]~~ impairment, or being regarded as having such an impairment. The term does not include:

(A) a person with a current condition of addiction to the use of alcohol or any drug or illegal or federally controlled substance; or

(B) a person with a currently communicable disease or infection, including but not limited to acquired immune deficiency syndrome or infection with the human immunodeficiency virus, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.

(6) "Employee" means an individual employed by an employer, including an individual subject to the civil service laws of the state or a political subdivision of the state, except that the term "employee" does not include an individual elected ~~[by the qualified voters]~~ to public

office in the state or a political subdivision of the state[, ~~an individual chosen by that officer to be on the officer's personal staff, an appointee on the policy-making level, or an immediate adviser with respect to the exercise of the constitutional or legal powers of public office~~].

(7) "Employer" means:

(A) a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and any agent of that person; [or]

(B) *an individual elected to public office in this state or a political subdivision of this state; or*

(C) a county or municipality or any state agency or instrumentality, including public institutions of education, regardless of the number of individuals employed.

(15) "Complainant" means *an individual who brings an action or proceeding under this Act.*

(16) "Demonstrates" means *meets the burdens of production and persuasion.*

(17) "Respondent" means *an employer, employment agency, labor organization, or joint labor-management committee that controls an apprenticeship or other training or retraining program, including an on-the-job training program.*

SECTION 3. Section 3.02(a), Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The commission has the following powers:

(1) to maintain an office in the city of Austin;

(2) to meet and exercise its powers at any place within the state;

(3) to employ an executive director and authorize the employment of other staff members, including any necessary attorneys or clerks and other representatives or agents, and to fix the compensation of the executive director or other staff members, representatives, or agents;

(4) to promote the creation of local commissions on human rights and to cooperate or contract with individuals or state, local, or other agencies, both public and private, including agencies of the federal government and of other states;

(5) to accept public grants or private gifts, bequests, or other payments;

(6) to receive, investigate, seek to conciliate, and pass on complaints alleging violations of this Act, and file civil actions to effectuate the purposes of this Act;

(7) to request and, if necessary, compel by subpoena the attendance of necessary witnesses for examination under oath or affirmation, and the production, for inspection and copying, of records, documents, and other evidence relevant to the investigation of alleged violations of this Act. The commission by rule may authorize a commissioner or one of its staff to exercise the powers stated in this subdivision on behalf of the commission;

(8) to furnish technical assistance requested by a person subject to this Act to further compliance with the Act or with rules or orders issued under this Act;

(9) to render at least annually a comprehensive written report to the governor and to the legislature, which report may contain recommendations of the commission for legislative or other action to carry out the purposes and policies of this Act; [and]

(10) to adopt, issue, amend, and rescind procedural rules to carry out the purposes and policies of this Act;

(11) *to provide educational and outreach activities to individuals who have historically been victims of employment discrimination; and*

(12) *to require state agencies and public institutions of higher education to develop and implement personnel policies that comply with this Act, including personnel selection procedures that incorporate a work force diversity program.*

SECTION 4. Section 5.07(a), Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Notwithstanding any other provision of this article, it is not an unlawful employment practice:

(1) for an employer to hire and to employ employees, for an employment agency to classify or refer for employment an individual, for a labor organization to classify its members or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job, or other training or retraining program to admit or employ an individual in its program, on the basis of disability, religion, sex, national origin, or age, if disability, religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise;

(2) for a religious corporation, association, society, or educational institution or an educational organization operated, supervised, or controlled, in whole or in substantial part, by a religious corporation, association, or society to limit employment or give preference to members of the same religion;

(3) for an employer to apply different standards of compensation or different terms, conditions, or privileges of employment under a bona fide seniority system, bona fide merit system, or a bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade this Act, or under a system that measures earnings by quantity or quality of production if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin, or age, except that no employee benefit plan may excuse a failure to hire on the basis of age and no seniority or employee benefit plan may require or permit involuntary retirement on the basis of age;

(4) for an employer to apply to employees who work in different locations different standards of compensation or different terms, conditions, or privileges of employment if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin, or age;

(5) for an employer to impose minimum or maximum age requirements for peace officers or fire fighters;

(6) for a public school official to adopt or implement a plan reasonably designed to end discriminatory school practices; [ø]

(7) for an employer to engage in any practice that has a discriminatory effect and that would otherwise be prohibited by this Act if the employer establishes that the practice is not intentionally devised or operated to contravene the prohibitions of this Act and is justified by business necessity;

(8) for an employer to adopt a policy prohibiting the employment of an individual who currently uses or possesses a controlled substance as defined in Schedules I and II of Section 202, Controlled Substances Act (21 U.S.C. Section 801 et seq.), and their subsequent amendments, other than the use or possession of a drug taken under the supervision of a licensed health care professional or any other use or possession authorized by the Controlled Substances Act or any other federal or state law unless the policy is adopted or applied with an intent to discriminate because of race, color, sex, national origin, religion, age, or disability; or

(9) for an employer to develop and implement personnel policies that incorporate work force diversity programs.

SECTION 5. Article 5, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended by adding Sections 5.11–5.18 to read as follows:

Sec. 5.11. **BURDEN OF PROOF IN DISPARATE IMPACT CASES.** (a) *An unlawful employment practice based on disparate impact is established under this Act only if:*

(1) *a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, or disability and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or*

(2) *the complainant makes the demonstration in accordance with federal law as that law existed on June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice.*

(b) *To determine the availability of and burden of proof applicable to a disparate impact case involving age discrimination, the court shall apply the judicial interpretation of the Age*

Discrimination in Employment Act of 1967 (29 U.S.C. Section 621 et seq.) and its subsequent amendments.

(c) To demonstrate that a particular employment practice causes a disparate impact, the complainant must demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complainant demonstrates to the satisfaction of the court that the elements of a respondent's decision-making process are not capable of separation for analysis, that decision-making process may be analyzed as one employment practice.

(d) If the respondent demonstrates that a specific practice does not cause a disparate impact, the respondent shall not be required to demonstrate that such a practice is consistent with business necessity.

Sec. 5.12. SCOPE OF DEFENSE. A demonstration that an employment practice is consistent with business necessity may not be used as a defense under this Act against a complaint of intentional discrimination.

Sec. 5.13. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES. It is an unlawful employment practice for a respondent, in connection with the selection or referral of applicants for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, sex, national origin, religion, age, or disability.

Sec. 5.14. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, SEX, NATIONAL ORIGIN, OR DISABILITY IN EMPLOYMENT PRACTICES. (a) Except as otherwise provided in this Act, an unlawful employment practice is established when the complainant demonstrates that race, color, sex, national origin, religion, age, or disability was a motivating factor for an employment practice, even if other factors also motivated the practice, unless race, color, sex, national origin, or disability are combined with objective job-related factors to attain diversity within the employer's work force.

(b) In a complaint in which a complainant proves a violation under Subsection (a) of this section and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court may grant declaratory relief, injunctive relief except as otherwise provided by this subsection, and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a complaint under Subsection (a) of this section but shall not award damages or issue an order requiring an admission, reinstatement, hiring, promotion, or back pay.

Sec. 5.15. COVERAGE OF PREVIOUSLY EXEMPT EMPLOYEES OF THE STATE OR POLITICAL SUBDIVISION OF THE STATE. It is an unlawful employment practice for a person elected to public office in this state or a political subdivision of this state to discriminate because of race, color, sex, national origin, religion, age, or disability against an individual who is an employee or applicant for employment to serve on the elected official's personal staff, to serve the elected official on a policymaking level, or to serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

Sec. 5.16. EXPANSION OF RIGHTS TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS. With respect to a seniority system adopted for an intentionally discriminatory purpose in violation of this Act, whether that discriminatory purpose is apparent on the face of the seniority provision, an unlawful employment practice occurs when:

- (1) the seniority system is adopted;
- (2) an individual becomes subject to the system; or
- (3) an individual is injured by the application of the system or a provision of the system.

Sec. 5.17. REASONABLE ACCOMMODATION; GOOD FAITH EFFORT. (a) It is an unlawful employment practice for a respondent covered under this Act to fail or refuse to make a reasonable workplace accommodation to a known physical or mental limitation of an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the respondent demonstrates that the accommodation would impose an undue hardship on the operation of the business of the respondent.

(b) *A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an otherwise qualified individual with a disability. In considering a complaint based on a disability, the commission shall consider the reasonableness of the cost of any necessary workplace accommodation and the availability of alternatives or other appropriate relief.*

(c) *In a complaint in which a discriminatory employment practice involves the provision of a reasonable workplace accommodation under this Act, damages may not be awarded under Section 7.01 of this Act if the respondent demonstrates good faith efforts, in consultation with the otherwise qualified individual with a disability who has informed the respondent that accommodation is needed, to identify and make a reasonable workplace accommodation that would provide the individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.*

Sec. 5.18. COURT-ORDERED REMEDIES, AFFIRMATIVE ACTION AGREEMENTS, AND CONCILIATION AGREEMENTS NOT AFFECTED. This Act shall not be construed to affect court-ordered remedies, affirmative action agreements, or conciliation agreements made in accordance with law.

SECTION 6. Section 6.01, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.01. COMPLAINTS; TEMPORARY RELIEF. (a) A person claiming to be aggrieved by an unlawful employment practice, or that person's agent, may file with the commission a complaint, which must be in writing under oath or affirmation, stating that an unlawful employment practice has been committed, setting forth the facts on which the complaint is based, including the date, place, and circumstances of the alleged unlawful employment practice, and setting forth facts sufficient to enable the commission to identify the person charged (hereinafter referred to as the respondent). The executive director or his designee shall within 10 days serve the respondent with a copy of the perfected complaint [and shall invite both the complainant and respondent to attempt voluntarily to resolve their dispute prior to initiation and completion of an investigation]. *A complaint may be amended to cure technical defects or omissions, including a failure to verify the complaint and to clarify and amplify allegations made in the complaint. An amendment alleging additional acts that constitute unlawful employment practices related to or arising from the subject matter of the original complaint relates back to the date on which the complaint was first received by the commission. If a perfected complaint is not received by the commission within 180 days of the alleged unlawful employment practice, the commission shall notify the respondent that a complaint has been filed and that the process of perfecting the complaint is in progress. A complaint under this section must be filed within 180 days after the date the alleged unlawful employment practice occurred; untimely complaints shall be dismissed by the commission.*

(b) *The use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration, is encouraged to resolve disputes arising under this Act or provisions of state law amended by this Act. The settlement of a disputed claim under this Act that results from the use of traditional or alternative means of dispute resolution is binding on the parties to the claim.*

(c) *The commission shall establish an office of alternative dispute resolution. At any time after a complaint is received under Subsection (a) of this section, at the request of a party or at the direction of the commission the matter may be referred to the office of alternative dispute resolution.*

(d) The executive director or any other staff member of the commission designated by the executive director shall investigate a complaint and determine if there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice as alleged in the complaint. If the federal government has referred the complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the executive director or his designee shall promptly investigate the allegations set forth in the complaint.

(e) [(b)] If, after an investigation, the executive director or his designee determines that there is not reasonable cause to believe that the respondent has engaged in an unlawful employment practice, as alleged in the complaint, the executive director or his designee shall

issue a written determination incorporating his finding that the evidence does not support the complaint and dismissing the complaint and shall serve a copy of the determination on the complainant, the respondent, and other agencies as required by law.

(f) [(e)] If, after an investigation, the executive director or his designee determines that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, as alleged in the complaint, the executive director or his designee shall review the evidence in the record with a panel of three commissioners. If, after the review, at least two of the three commissioners determine that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, the executive director shall issue a written determination incorporating his finding that the evidence supports the complaint and shall serve a copy of the determination on the complainant, the respondent, and other agencies as required by law. The commission shall endeavor to eliminate the alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. The commission, its executive director, or its other officers or employees may not make public, without the written consent of the complainant and respondent, information about the efforts in a particular case to resolve an alleged discriminatory practice by conference, conciliation, or persuasion, whether or not there is a determination of reasonable cause.

~~[(d) A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an employee or applicant based on disability. With respect to a complaint based on disability, the commission's order must take into account the reasonableness of the cost of any necessary work place accommodation and the availability of alternatives or other appropriate relief.]~~

(g) [(e)] If the commission concludes, on the basis of preliminary investigation of an alleged unlawful employment practice contained in a complaint, that prompt judicial action is necessary to carry out the purposes of this Act, the commission shall file a petition in the district court in a county in which the alleged unlawful employment practice that is the subject of the complaint occurred, or in a county in which the respondent resides, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this Act. No temporary injunctive relief may issue absent a showing by the commission of substantial likelihood of success on the merits and irreparable harm to the complainant, in the absence of the preliminary relief, pending final determination on the merits.

(h) [(f)] No person who has initiated any action in a court of competent jurisdiction or who has an action pending before any administrative agency under any other law or any local ordinance of any political subdivision of the state based on an act that would be an unlawful employment practice under this article may file a complaint under this section with respect to the same grievance.

SECTION 7. Section 7.01, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7.01. JUDICIAL ACTION; ENFORCEMENT. (a) If the commission has made a determination that there is reasonable cause to believe that the respondent has engaged in an unlawful employment practice, and the commission's efforts to resolve the discriminatory practice to the satisfaction of the complainant and respondent through conciliation have been unsuccessful, the commission may bring a civil action against the respondent named in the charge if a majority of the commissioners determine that the civil action may effectuate the purposes of this Act. The complainant has the right to intervene in a civil action brought by the commission. If the complaint filed with the commission pursuant to Section 6.01 of this Act is dismissed by the commission, or is not resolved before the expiration of the 180th day after the date of filing of the complaint, the commission shall so inform the complainant in writing by certified mail. A complainant who is so informed is entitled to request from the commission a written notice of the complainant's right to file a civil action. The complainant must request the notice in writing. On receipt of a written request by a complainant, the commission shall issue the notice of the right to file a civil action before the expiration of the 180th day after the date the complaint was filed if the complainant alleges an unlawful employment practice based on the complainant's status as an individual with a life-threatening illness, as confirmed in writing by a physician licensed to practice medicine in this state, or if the executive director certifies that administrative processing of the complaint cannot be

completed before the expiration of the 180th day after the date the complaint was filed. The commission shall issue the expedited notice by certified mail not later than the fifth business day after the date the commission receives the written request. The executive director may issue the notice on behalf of the commission. Within 60 days after the date of receipt of the notice, a civil action may be brought by the complainant against the respondent named in the charge. After timely application, the court may in its discretion permit the commission to intervene in any civil action filed under this subsection on certification that the case is of general public importance and if the commission has, before commencement of the civil action by the complainant, issued a determination of reasonable cause to believe that the Act has been violated. In no event may any action be brought pursuant to this article more than *two years* [~~one year~~] after the date of filing of the complaint to which the action relates.

(b) The court shall assign any action brought under this article for hearing at the earliest practicable date to expedite the action.

(c) If the court finds that the respondent has engaged in an unlawful employment practice as alleged in the complaint, the court may enjoin the respondent from engaging in an unlawful employment practice and order such additional equitable relief as may be appropriate.

(d) Additional equitable relief may include but is not limited to:

(1) the hiring or reinstatement, with or without back pay, but back pay liability may not accrue for any date more than two years before the date of filing of a complaint with the commission, and interim earnings, workers' compensation benefits, and unemployment compensation benefits received shall operate to reduce the back pay otherwise allowable;

(2) the upgrading of employees with or without pay;

(3) the admission or restoration of union membership;

(4) the admission to or participation in a guidance program, apprenticeship, on-the-job, or other training or retraining program, with the use of objective job-related criteria in the admission of individuals to these programs;

(5) the reporting on the manner of compliance with the terms of a final order issued under this Act; and

(6) the payment of court costs.

(e) *If the court finds that the respondent has engaged in unlawful intentional discrimination as alleged in the complaint, the court may award compensatory and punitive damages as provided by this subsection. A complainant may recover punitive damages against a respondent, other than a respondent that is a governmental entity, if the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the state-protected rights of an aggrieved individual. Compensatory damages awarded under this subsection shall not include back pay, interest on back pay, or other types of relief authorized under Subsection (d) of this section. The sum of the amount of compensatory damages awarded under this subsection for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and the amount of punitive damages awarded under this subsection may not exceed, for each complainant:*

(1) *in the case of a respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$50,000;*

(2) *in the case of a respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$100,000;*

(3) *in the case of a respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$200,000; and*

(4) *in the case of a respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$300,000.*

(f) In any action or proceeding under this Act, the court in its discretion may allow the prevailing party, other than the commission, a reasonable attorney's fee as part of the costs. The state or an agency or a political subdivision of the state is liable for costs, including attorney's fees, to the same extent as a private person. *In awarding costs and attorney's fees*

in an action or proceeding under this Act, the court, in its discretion, may include reasonable expert fees.

(g) [(f)] In the case of disabled employees or applicants, the court must take into account the undue hardship defense, including the reasonableness of the cost of any necessary work place accommodation and the availability of alternatives or other appropriate relief.

(h) [(g)] In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under this article, a party to the action or the commission, on the written request of a person aggrieved by the failure, may commence proceedings to compel compliance with the order.

(i) [(h)] All judicial proceedings under this Act shall be by trial de novo, and no commission findings, recommendations, determinations, or other actions are binding on any court.

(j) [(i)] A failure to issue the notice of the complainant's right to file a civil action does not affect a complainant's right under Subsection (a) of this section to bring a civil action against the respondent.

SECTION 8. Article 10, Commission on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes), is amended by adding Sections 10.06, 10.07, and 10.08 to read as follows:

Sec. 10.06. PRIVILEGED COMMUNICATION; IMMUNITY. An oral or written statement made to a commissioner or an employee of the commission in connection with the discharge of the commissioner's or employee's duties under this Act shall not be the basis for an action for defamation of character.

Sec. 10.07. LIMITED SEVERABILITY. (a) If any clause, sentence, subsection, section, article, or other provision of this Act or the application of such a provision to any person or circumstances is held invalid or unconstitutional, that invalidity shall not affect the other clauses, sentences, subsections, sections, articles, or provisions or applications of this Act that may be given effect without the invalid clause, sentence, subsection, section, article, or provision or application and shall not affect, invalidate, impair, or nullify the remainder of this Act. The effect of the determination of invalidity shall be confined to the clause, sentence, subsection, section, article, or provision or application so adjudicated to be invalid or unconstitutional, and to that end the provisions of this Act are declared to be severable.

(b) If any limit on damages prescribed by Section 7.01(e) of this Act is invalidated by a method other than through legislative means, the amount of civil liability for all past and future noneconomic losses, including past and future pain and suffering, mental anguish and suffering, and any other nonpecuniary damage, shall be limited to an amount not to exceed \$150,000.

(c) If any limit on damages prescribed by Section 7.01(e) of this Act is invalidated by a method other than through legislative means, and if the alternative civil liability limits contained in Subsection (b) of this section are also invalidated by a method other than legislative means, Section 7.01(e) shall be void.

Sec. 10.08. JOINDER OF COMMISSION. In any civil action in which the validity of any provision of this Act, a rule adopted under this Act, or the application of such a provision or rule, is challenged as void, unconstitutional, or unenforceable, the commission shall be made a party to the proceedings, and on the motion of the commission, venue of the cause may be transferred to the district courts of Travis County, Texas. An order restraining the commission or invalidating any provision of this Act or a commission rule adopted under this Act may not be enforced and may not take effect until the commission has answered and appeared in the cause and has exhausted all avenues of appeal and any judgment is final and enforceable. In such a declaratory proceeding, only the commission, if a prevailing party, is entitled to recover, and the court may award, costs and attorney's fees, notwithstanding any other provision of state law, including this Act.

SECTION 9. This Act takes effect September 1, 1993, and applies only to a complaint filed with the Commission on Human Rights on or after that date. A complaint filed before that date is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 20, 1993, by a non-record vote; passed by the Senate on May 14, 1993, by a viva-voce vote.

Approved May 24, 1993.

Effective Sept. 1, 1993.