

HOUSE BILL 2449

By Matlock

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8, Chapter 50 and Title 68, Chapter 1, relative
to human rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-1416, is amended by deleting the section in its entirety and by substituting instead the following:

4-3-1416.

The department of labor and workforce development shall, in consultation with the Tennessee affirmative action commission, promulgate rules that provide for the distribution, in one (1) of the department's regular mailings to the employers, of the state materials explaining the sexual harassment rules of the affirmative action commission. These materials, which the employer shall make available to its employees, may be in the form of a poster, brochure, or pamphlet.

SECTION 2. Tennessee Code Annotated, Section 4-21-102, is amended in subdivision (1) by deleting the language "Tennessee human rights commission" and by substituting instead the language "Tennessee affirmative action commission".

SECTION 3. Tennessee Code Annotated, Section 4-21-201, is amended by deleting the section in its entirety and by substituting instead the following:

4-21-201.

(a) There is hereby created the Tennessee affirmative action commission.

(b)

(1) The commission shall consist of fifteen (15) members to be appointed as follows:

(A) The speaker of the senate shall appoint five (5) members;

(B) The speaker of the house of representatives shall appoint five (5) members; and

(C) The governor shall appoint five (5) members.

(2) Five (5) members of the commission shall reside in each grand division of the state.

(3) The appointing authorities shall consult with each other prior to appointing any member to the commission to ensure that appointments are made in accordance with this subsection (b).

(c)

(1) The entire membership of the commission as comprised on June 30, 2014, shall be vacated on July 1, 2014, and new members shall be appointed in accordance with subsection (b).

(2) In order to stagger the terms of the newly appointed commission members, initial appointments shall be made as follows:

(A) Each of the appointing authorities shall make two (2) initial appointments for terms of two (2) years, which shall expire on June 30, 2016;

(B) Each of the appointing authorities shall make two (2) initial appointments for terms of four (4) years, which shall expire on June 30, 2018; and

(C) Each of the appointing authorities shall make one (1) initial appointment for a term of six (6) years, which shall expire on June 30, 2020.

(d)

(1) Following the expiration of members' initial terms as prescribed in subdivision (c)(2), all appointments to the commission shall be for terms of six (6) years and shall begin on July 1 and terminate on June 30, six (6) years thereafter.

(2) All members shall serve until the expiration of the term to which they were appointed and until their successors are appointed and qualified.

(3) A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(4) Successors shall be appointed from the same grand divisions of the state in which the members they are replacing reside.

(5) Members shall be eligible for reappointment to the commission following the expiration of their terms, but shall serve no more than two (2) consecutive six-year terms.

(e) The commission shall designate one (1) of its members to serve as chair for a two-year term. The chair may be reappointed to serve for one (1) additional term. No member may serve as chair for more than two (2) consecutive terms.

(f) The members shall be appointed on a nonpartisan basis and shall be broadly representative of employees, proprietors, trade unions, religious groups, human rights' groups and the general public.

(g) The members are entitled to reimbursement for expenses incurred in the performance of their duties and to reasonable fees for each day of service as hearing examiners.

(h) A commissioner who is absent from more than three (3) regularly scheduled meetings in the course of the commission's fiscal year may be removed from the commission by the respective appointing authority.

(i) All rules promulgated by the Tennessee human rights commission and in effect on July 1, 2014, shall remain in full force and effect and shall be administered by the Tennessee affirmative action commission until duly amended, repealed, expired, modified or suspended.

SECTION 4. Tennessee Code Annotated, Section 4-21-203, is amended by deleting the language "human rights commission" wherever it appears and by substituting instead the language "affirmative action commission".

SECTION 5. Tennessee Code Annotated, Section 4-21-901, is amended by deleting the language "human rights commission" and by substituting instead the language "affirmative action commission".

SECTION 6. Tennessee Code Annotated, Section 4-21-905(b), is amended by deleting the language "human rights commission" and by substituting instead the language "affirmative action commission".

SECTION 7. Tennessee Code Annotated, Section 4-29-238(a), is amended by deleting subdivision (19) in its entirety and by substituting instead the following:

() Tennessee affirmative action commission, created by § 4-21-201;

SECTION 8. Tennessee Code Annotated, Section 8-50-103(c), is amended in subdivision (1) by deleting the language "Tennessee human rights commission" and by substituting instead the language "Tennessee affirmative action commission".

SECTION 9. Tennessee Code Annotated, Section 68-1-113(a), is amended in subdivision (4) by deleting the language “Tennessee human rights commission” and by substituting instead the language “Tennessee affirmative action commission”.

SECTION 10. This act shall take effect July 1, 2014, the public welfare requiring it.