

- SUBJECT:** Prohibiting sexual harassment by lobbyists, requiring training
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Metcalf, Raymond, Shaheen, Slawson, Smithee
- 0 nays
- 1 absent — Lucio
- WITNESSES:** For — (*Registered, but did not testify:* Cyrus Reed, Lone Star Chapter Sierra Club; Galt Graydon, The Graydon Group LLC; Keith Strama, The Strama Group; Chloe Goodman, Workers Defense Action Fund)
- Against — None
- On — JR Johnson, Texas Ethics Commission
- BACKGROUND:** Government Code ch. 305 requires certain persons who lobby members of the Legislature or executive branch of state government to register with the Texas Ethics Commission. Sec. 571.174 authorizes the commission to deny, suspend, or revoke a lobbyist's registration after a criminal conviction for an offense under Penal Code ch. 36 which covers offenses related to bribery and corrupt influence or for an offense under Government Code ch. 305. Under sec. 305.031, a person commits an offense if the person intentionally or knowingly violates certain provisions of the chapter.
- DIGEST:** CSHB 4661 would require registered lobbyists to complete training on sexual harassment, prohibit lobbyists from engaging in sexual harassment of a member, officer, or employee of the Legislature, authorize the Texas Ethics Commission to deny, suspend, or revoke the registration of a lobbyist for violations of this prohibition, and require the executive director of the Ethics Commission to suspend or restrict the registration of a lobbyist who was charged with the criminal offense of sexual assault,

indecent assault, or aggravated sexual assault.

Definitions. Under the bill, "sexual harassment" would be defined as an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- submission to or rejection of the advance, request, or conduct was used as the basis for a decision in making an expenditure;
- the advance, request, or conduct had the purpose or effect of unreasonably interfering with the performance of an individual's duties as a member, officer, or employee of the Legislature; or
- the advance, request, or conduct had the purpose or effect of creating an intimidating, hostile, or offensive working environment for a member, officer, or employee of the Legislature.

Training. CSHB 4661 would require individuals who are required to register as a lobbyist with the Texas Ethics Commission (TEC) to complete a sexual harassment training program approved by the commission within 30 days of initially registering and an additional sexual harassment training program within every two years after that. Lobbyists would have to file written evidence of completing each program with the commission.

TEC would be required to approve a sexual harassment training program and could approve one that was made available by the Legislature to members, officers, and employees. The commission would have to approve at least one training program by September 1, 2021.

Individuals registered as lobbyists on September 1, 2021, would have to complete their initial training course by October 1, 2021.

Prohibition on sexual harassment, complaints. An individual required to register as a lobbyist would be prohibited from engaging in conduct that constituted sexual harassment of a member, officer, or employee of the Legislature.

TEC would have to complete a preliminary review and, if necessary, conduct a formal hearing within 180 days of a complaint being filed about an alleged violation of the provision. A formal hearing could be conducted by electronic means. The state's open meetings law would not apply to a formal hearing. Violating the prohibition would be considered a category two violation.

Denial, suspension, revocation of registration. TEC would be authorized to deny, suspend, or revoke the registration of a lobbyist if it issued an order finding that the person violated the prohibition on sexual harassment that would be established by the bill.

If an individual required to register as a lobbyist was charged with the criminal offense of sexual assault, indecent assault, or aggravated sexual assault, the TEC executive director would be required to temporarily suspend or restrict the person's registration for up to 90 days. Before the temporary suspension or restriction expired, the commission would be required to conduct a hearing to determine whether to continue the suspension or restriction. The hearings could be held by electronic means.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.