

By: Thompson of Harris, Howard, Neave,
Goldman, et al.

H.B. No. 4661

Substitute the following for H.B. No. 4661:

By: Paddie

C.S.H.B. No. 4661

A BILL TO BE ENTITLED

AN ACT

relating to sexual harassment by lobbyists.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 305.002, Government Code, is amended by adding Subdivision (15) to read as follows:

(15) "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

(A) submission to or rejection of the advance, request, or conduct is used as the basis for a decision in making an expenditure authorized by this chapter or Title 15, Election Code;

(B) the advance, request, or conduct has 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

(C) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment for a member, officer, or employee of the legislature.

SECTION 2. Subchapter A, Chapter 305, Government Code, is amended by adding Section 305.0031 to read as follows:

Sec. 305.0031. SEXUAL HARASSMENT TRAINING REQUIRED. (a) Each individual required to register under this chapter shall:

(1) complete:

1 (A) an initial sexual harassment training
2 program approved by the commission not later than the 30th day after
3 the date the individual files an initial registration under Section
4 305.005; and

5 (B) an additional sexual harassment training
6 program approved by the commission not later than each two-year
7 anniversary of the deadline under Paragraph (A); and

8 (2) file written evidence of completing each program
9 with the commission.

10 (b) The commission shall approve a sexual harassment
11 training program for purposes of Subsection (a). The commission
12 may approve a sexual harassment training program that is made
13 available by a house of the legislature to members, officers, and
14 employees of that house.

15 (c) A sexual harassment training program approved by the
16 commission must provide an individual with written evidence of
17 completion of the program.

18 SECTION 3. Subchapter B, Chapter 305, Government Code, is
19 amended by adding Section 305.0281 to read as follows:

20 Sec. 305.0281. SEXUAL HARASSMENT BY REGISTRANT PROHIBITED.
21 An individual required to register under this chapter may not
22 engage in conduct that constitutes sexual harassment of a member,
23 officer, or employee of the legislature.

24 SECTION 4. Section 571.1211(3), Government Code, is amended
25 to read as follows:

26 (3) "Category Two violation" means:

27 (A) a violation of a law within the jurisdiction

1 of the commission that is not a Category One violation; or

2 (B) a violation of Section 305.0281.

3 SECTION 5. Subchapter E, Chapter 571, Government Code, is
4 amended by adding Section 571.1261 to read as follows:

5 Sec. 571.1261. EXPEDITED PROCESS FOR SEXUAL HARASSMENT
6 COMPLAINT. (a) Notwithstanding any other law, not later than the
7 180th day after the date a complaint is filed with the commission
8 alleging a violation of Section 305.0281, the commission shall
9 complete a preliminary review and, if necessary, conduct a formal
10 hearing regarding the complaint.

11 (b) A formal hearing under this section may be conducted by
12 electronic means.

13 SECTION 6. Section 571.139(b), Government Code, is amended
14 to read as follows:

15 (b) Chapter 551 does not apply to the processing,
16 preliminary review, preliminary review hearing, or resolution of a
17 sworn complaint or motion, or to a formal hearing regarding a
18 complaint alleging a violation of Section 305.0281, but does apply
19 to a formal hearing held under Sections 571.129 through 571.131.

20 SECTION 7. Section 571.174, Government Code, is amended to
21 read as follows:

22 Sec. 571.174. DENIAL, SUSPENSION, OR REVOCATION OF LOBBYIST
23 REGISTRATION. (a) The [~~After a criminal conviction for an offense~~
24 ~~under Chapter 36 of the Penal Code or under Chapter 305, the~~]
25 commission may deny, suspend, or revoke the registration of a
26 person required to be registered under Chapter 305 if:

27 (1) the commission issues an order finding that the

1 person violated Section 305.0281; or

2 (2) the person is convicted of an offense under
3 Chapter 36, Penal Code, or Chapter 305.

4 (b) If a person required to register under Chapter 305 is
5 charged with an offense under Section 22.011, 22.012, or 22.021,
6 Penal Code, the executive director shall temporarily suspend or
7 restrict the person's registration for a period not to exceed 90
8 days.

9 (c) Before the expiration of the temporary suspension or
10 restriction under Subsection (b), the commission shall conduct a
11 hearing to determine whether to continue the suspension or
12 restriction.

13 (d) A hearing under Subsection (c) may be held by electronic
14 means.

15 SECTION 8. (a) Not later than September 1, 2021, the Texas
16 Ethics Commission shall approve at least one sexual harassment
17 training program for purposes of Section 305.0031, Government Code,
18 as added by this Act.

19 (b) An individual who, on September 1, 2021, is registered
20 under Chapter 305, Government Code, shall complete the initial
21 training required by Section 305.0031(a)(1)(A), Government Code,
22 as added by this Act, not later than October 1, 2021.

23 SECTION 9. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.