

## **BILL ANALYSIS**

Senate Research Center  
87R27984 BRG-F

C.S.H.B. 4661  
By: Thompson, Senfronia et al. (Zaffirini)  
Jurisprudence  
5/21/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recently, the legislature made a concerted effort to address sexual harassment in the work place. Current law, however, fails to adequately deter or prevent a lobbyist who engages in conduct constituting sexual harassment from continuing to communicate directly with the legislative branch. Currently, the Texas Ethics Commission (TEC) may rescind a lobbyist's registration for conflicts of interest and other offenses under the law, but not for sexual harassment. Legislative rules and policies related to sexual harassment cannot be meaningfully enforced with respect to lobbyists. If an employee of the legislature engages in sexual harassment, they can be terminated. No similar enforcement mechanism exists for a registered lobbyist who harasses an employee, officer, or member of the legislature or a lobbyist charged with, but not yet convicted of, a sexual assault offense. Lobbyists work closely with legislators and legislative staff during session and throughout the interim. It is imperative that members, officers, and employees of the legislature who experience harassment by a lobbyist have an avenue to seek redress.

H.B. 4661 would require lobbyists to complete sexual harassment training following registration with the TEC and every two years thereafter. What's more, it would make sexual harassment of a member, officer, or employee of the legislature by a lobbyist a violation of law within TEC's jurisdiction. The bill would also direct the executive director of TEC to temporarily suspend or restrict the registration of a lobbyist charged with sexual assault, indecent assault, or aggravated sexual assault.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 4661 amends current law relating to required sexual harassment prevention training for members of the legislature and lobbyists.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 2 (Section 572.102, Government Code) and in SECTION 3 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 305.005(f), Government Code, as follows:

(f) Requires that the registration of a lobbyist be written and verified and is required to contain:

(1) - (4) makes no changes to these subdivisions;

(5) and (6) makes nonsubstantive changes to these subdivisions; and

(7) a certificate evidencing completion of a sexual harassment prevention training course in the previous two years, as required by Section 572.102.

SECTION 2. Amends Chapter 572, Government Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. SEXUAL HARASSMENT PREVENTION TRAINING**

Sec. 572.101. SEXUAL HARASSMENT PREVENTION TRAINING REQUIRED FOR MEMBERS OF THE LEGISLATURE. Requires each member of the legislature or individual elected to the legislature to:

- (1) complete the sexual harassment prevention training program approved by the committee on administration for the house in which the member serves or will serve not later than the 90th day after each uniform election date in November of an even-numbered year; and
- (2) file a certificate of completion of the program with the secretary of the Texas Senate or the chief clerk of the Texas House of Representatives (house), as applicable.

Sec. 572.102. SEXUAL HARASSMENT PREVENTION TRAINING REQUIRED FOR LOBBYISTS. (a) Requires each individual required to register under Chapter 305 (Registration of Lobbyists) to attend a sexual harassment prevention training course every two years, as approved by the Texas Ethics Commission (TEC), and to submit to TEC a certificate of completion of the course.

- (b) Requires that the certificate of completion be in a form approved by TEC.
- (c) Requires TEC to adopt rules as necessary to implement Section 572.102.

SECTION 3. (a) Requires TEC, not later than September 1, 2021, to approve at least one sexual harassment prevention training course for purposes of Section 572.102, Government Code, as added by this Act.

- (b) Requires TEC, not later than December 1, 2021, to adopt rules as required by Section 572.102, Government Code, as added by this Act.
- (c) Makes application of Section 305.005 (Registration), Government Code, as amended by this Act, prospective to January 1, 2022.

SECTION 4. Effective date: upon passage or September 1, 2021.