

SUBJECT: Prohibiting use of state money to settle certain sexual harassment claims

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

SENATE VOTE: On final passage, April 29 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

DIGEST: SB 282 would prohibit the Legislature from appropriating money and a state agency from using appropriations to settle or pay a sexual harassment claim made against:

- an elected member of the executive, legislative, or judicial branch of state government; or
- a person appointed by the governor to serve as a member of a department, commission, board, or other public office within the executive, legislative, or judicial branch of state government.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: SB 282 would send a strong message to elected and appointed state officials that certain types of misconduct would not be tolerated by prohibiting the use of state funds for sexual harassment settlements.

Current state law does not prohibit the use of appropriated funds to settle sexual harassment claims against elected or appointed officials. In recent years, the U.S. Congress has restricted the use of federal taxpayer dollars to pay for federal sexual harassment claims after settlements for sexual harassment allegations cost federal taxpayers thousands of dollars.

Without such prohibitions in state law, Texas taxpayers could be forced to pay similar settlements. The bill would protect Texas taxpayers from an

inappropriate use of taxpayer dollars and ensure elected and appointed officials were personally financially responsible for any such claim that resulted from their misconduct.

CRITICS
SAY:

By reducing access to a source of compensation, SB 282 could limit, if not completely preclude, the payment of settlements to sexual harassment victims in claims against state elected and appointed officials. Victims should have more access to compensation, not less.

NOTES:

The House companion bill, HB 1804 by Meyer, was considered by the House State Affairs Committee in a public hearing on March 25, reported favorably on April 1, and approved by the House on April 28.