

BILL ANALYSIS

Senate Research Center

S.B. 282
By: Alvarado
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law contains no prohibition on the use of appropriated funds to pay for sexual harassment claims by elected and appointed officials. Sexual harassment affects two out of every five women and one out of every five men in Texas. Prohibiting the use of state funds for sexual harassment settlements sends a strong signal to our elected and appointed officials that this inappropriate behavior will not be tolerated. This bill also protects Texas taxpayers from paying for claims against bad actors in state government.

In 2014, \$84,000 in federal taxpayer dollars were used to pay a settlement for a sexual assault allegation by one United States congressman. In response, the United States Congress later placed strong restrictions on the use of federal taxpayer dollars to pay for federal sexual harassment claims. Without similar prohibitions in state law, Texas taxpayers could be forced to pay for sexual harassment claims by elected or appointed officials.

S.B. 282 will prohibit the appropriation and use of state money to settle or pay sexual harassment claims. Specifically, S.B. 282 amends the Government Code by adding a chapter prohibiting the Texas Legislature from appropriating money and state agencies from using appropriated money to settle or pay a sexual harassment claim against an elected or appointed member of the executive, legislative, or judicial branch of state government.

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

S.B. 282 amends current law relating to a prohibition against the appropriation of money to settle or pay a sexual harassment claim made against certain members of the executive, legislative, or judicial branch of state government and to a prohibition against the use of other public money to settle such a claim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 5, Government Code, by adding Chapter 576, as follows:

CHAPTER 576. PROHIBITION ON APPROPRIATION OF MONEY TO SETTLE OR PAY SEXUAL HARASSMENT CLAIMS

Sec. 576.0001. PROHIBITION ON APPROPRIATION OF MONEY TO SETTLE OR PAY SEXUAL HARASSMENT CLAIMS. Prohibits the legislature from appropriating money and a state agency from using appropriated money to settle or otherwise pay a sexual harassment claim made against a person who:

(1) is an elected member of the executive, legislative, or judicial branch of state government;

(2) is 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; or

(3) serves as staff for a person described by Subdivision (1) or (2).

SECTION 2. Amends Chapter 180, Local Government Code, by adding Section 180.008, as follows:

Sec. 180.008. PROHIBITION ON USE OF PUBLIC MONEY TO SETTLE OR PAY SEXUAL HARASSMENT CLAIMS. (a) Defines "political subdivision" in this section.

(b) Prohibits a political subdivision from using public money to settle or otherwise pay a sexual harassment claim made against a person who is an elected or appointed member of the governing body of the political subdivision or is an officer or employee of the political subdivision.

SECTION 3. Amends Section 12.1058(a), Education Code, to provide that an open-enrollment charter school is considered to be a political subdivision for purposes of Section 180.008, Local Government Code. Makes nonsubstantive changes.

SECTION 4. Effective date: September 1, 2021.