STATE OF NEW YORK

7196

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to requiring state legislators who pay financial settlements in cases of certain sexual harassment claims using state or legislative funds to reimburse the state or legislature for the amount of the state or legislative funds awarded or paid to the victim

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The legislative law is amended by adding a new section 81 to read as follows:

§ 81. Personal liability of members of the legislature for payment of certain settlements and awards. 1. Any member of the legislature who personally commits or is alleged to have committed an unlawful discriminatory practice as referred to in subdivisions one, one-a or three of section two hundred ninety-six of the executive law resulting in a claim of sexual harassment shall be personally liable for payment of any financial award or settlement due to the victim. If all or part of a financial award or settlement is paid or obtained from any state or legislative accounts or funds, the member who committed or is alleged to have committed the violation shall, within sixty days of payment of the financial award or settlement to the victim, personally reimburse the account or source from which the funds were disbursed or obtained for the full amount provided by such account or source toward the award or settlement.

2. The member accused of an act subject to a settlement pursuant to this section may contest the agreement to settle, and in such cases no monetary claim will be owed unless assigned by an administrative agency or a court of competent jurisdiction. Provided, however, that if a court or agency finds that monetary damages are owed, the member shall personally reimburse the body in the manner proscribed by subdivision one of this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. For purposes of this section, members of the legislature shall be deemed to be employers as described in section two hundred ninety-six of the executive law.

§ 2. This act shall take effect immediately and shall apply to claims of sexual harassment by members of the New York state legislature arising from behavior occurring on and after January 1, 2018.