



LFC Requester: - _____

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date Prepared: 01/22 /25
Bill No: HB84

Sponsor: Chávez/Duhigg/Anyanonu/Gurrola/
Silva

Agency Name and Code: PED - 924

PED Lead Analyst: -

Phone: - **Email:** -

Short Title: EMPLOYEE FREE SPEECH ACT

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 84 (HB84) would create the Employee Free Speech Act to prohibit an employer from taking or threatening to take any retaliatory action against an employee because of the employee's refusal to:

- attend an employer-sponsored meeting with the employer, or the employer's agent, representative or designee, to communicate political matters; or
- listen to speech or view communications, including electronic communications, that communicate political matters.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

Under HB84, an employer who violates the Employee Free Speech Act would be liable to the employee for actual damages, reinstatement with the same seniority status that the employee would have but for the violation, and the total sum of gross wages or compensation lost as a result of the retaliatory action, and punitive damages. If an employee were to bring action against an employer and prevail, such employees would also be awarded reasonable attorney fees and costs.

Nothing in the Employee Free Speech Act would prohibit:

1. an employer, or the employer's agent, representative or designee, from communicating to the employer's employees any information that the employer is required by law to communicate;
2. an employer, or the employer's agent, representative or designee, from communicating to the employer's employees any information that is necessary for such employees to perform their job duties;
3. a public or private post-secondary educational institution, or an agent, representative or designee of a public or private post-secondary educational institution, from meeting with or participating in any communications with the post-secondary educational institution's employees that are part of coursework, symposia or an academic program at a public or private post-secondary educational institution;
4. a religious corporation, entity, association, educational institution or society from communicating on religious matters to employees who perform work connected with the activities undertaken by the religious corporation, entity, association, educational institution or society;
5. a casual conversation between employees or between an employee and an employer's agent, representative or designee; provided that participation in the casual conversation is not required; or
6. a requirement limited to the employer's managerial and supervisory employees.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

The bill's title refers to "captive audience speeches," but there is no material in the provisions of the bill itself specifically to address or even define this issue. The sponsor may wish to consider removing this language from the title of the bill or amending the bill to include provisions actually addressing that matter.

The bill includes in Section 2 a definition of the term, "political matters," but does not include a corresponding definition for "religious matters," which term is also used in the bill.

OTHER SUBSTANTIVE ISSUES

HB84 may pose challenges for employers whose work naturally involves discussions of policy, religion, and law.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor may wish to consider amending the bill to address the potential inclusion of material directly related to "captive audience speeches", as well as adding a definition for "religious matters."