

BILL ANALYSIS

S.B. 4
By: Buckingham
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, concerns have been raised around Texas and the rest of the country about the intentional disregard for the U.S. national anthem as professional sports teams in taxpayer-subsidized stadiums have chosen not to play the national anthem before sporting events. Sports and sporting venues have historically played a role in uniting Texans from all walks of life, yet the recent decision to use the national anthem as a dividing force has brought into question why these professional sports teams are able to do so while amassing immense wealth themselves in part due to funding from taxpayers. S.B. 4 seeks to address this issue by requiring any agreement between a governmental entity in Texas and a professional sports team that requires a financial commitment by the state or any governmental entity to include a written verification that the U.S. national anthem will be played at the beginning of each home sporting event and providing for penalties for lack of compliance, including default on the agreement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 4 amends the Government Code to prohibit a governmental entity from entering into an agreement with a professional sports team that requires a financial commitment by the state or any governmental entity unless the agreement includes the following:

- a written verification that the professional sports team will play the U.S. national anthem at the beginning of each team sporting event held at the team's home venue or other facility controlled by the team for the event; and
- a provision providing that failure to comply with that written verification for any team sporting event at the team's home venue or other facility:
 - constitutes a default of the agreement;
 - immediately subjects the team to any penalty the agreement authorizes for default, which may include requiring the team to repay any money paid to the team by the state or any governmental entity or classifying the team as ineligible to receive further money under the agreement; and
 - may subject the team to debarment from contracting with the state.

The bill requires a governmental entity that enters into an agreement with a professional sports team to strictly adhere to that default provision and authorizes the attorney general to intervene to enforce the provision if the entity fails to do so in a timely manner. The bill includes definitions of "governmental entity," "professional sports team," and "sporting event."

EFFECTIVE DATE

September 1, 2021.