

## **BILL ANALYSIS**

Senate Research Center

S.B. 4  
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State Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recently, concerns have been raised around the state and nation about the intentional disregard for our nation's national anthem as professional sports teams in taxpayer-subsidized stadiums have chosen to omit the national anthem being played before sporting events much to the dismay of many Texans. 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 on the taxpayer's dime while amassing immense wealth themselves.

S.B. 4 adds Chapter 2274, Subtitle F, Title 10, Government Code, titled Agreements With Professional Sports Teams. This chapter outlines that a governmental entity may not enter into an agreement with a professional sports team that requires a financial commitment by the state, or any governmental entity, unless the agreement includes a written agreement stating that the United States national anthem will be played at the beginning of each team sporting event. A team's failure to comply with this provision constitutes a default of the agreement.

Additionally, S.B. 4 would subject the team in default to any penalty that was in the agreement, which could include repayment of any money paid to the team by the state or governmental entity. Any team that defaults the agreement may subject the team to debarment from contracting with the state in the future.

S.B. 4 amends current law relating to provisions in agreements between governmental entities and professional sports teams requiring the United States national anthem to be played at team events.

### **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 F, Title 10, Government Code, by adding Chapter 2274, as follows:

#### **CHAPTER 2274. AGREEMENTS WITH PROFESSIONAL SPORTS TEAMS**

Sec. 2274.001. DEFINITIONS. Defines "governmental entity," "professional sports team," and "sporting event."

Sec. 2274.002. PROVISIONS REQUIRED IN CERTAIN AGREEMENTS. Prohibits a governmental entity from entering into an agreement with a professional sports team that requires a financial commitment by this state or any governmental entity unless the agreement includes:

- (1) a written verification that the professional sports team will play the United States 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

(2) a provision providing that failure to comply with the written verification required by Subdivision (1) for any team sporting event at the team's home venue or other facility:

(A) constitutes a default of the agreement;

(B) 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 this state or any governmental entity or classifying the team as ineligible to receive further money under the agreement; and

(C) may subject the team to debarment from contracting with this state.

Sec. 2274.003. STRICT ADHERENCE TO DEFAULT PROVISION. (a) Requires a governmental entity that enters into an agreement with a professional sports team to strictly adhere to the default provision required by Section 2274.002(2).

(b) Authorizes the attorney general, if a governmental entity fails to timely adhere to the default provision required under Section 2274.002(2), to intervene to enforce the provision.

SECTION 2. Effective date: September 1, 2021.