

## **BILL ANALYSIS**

Senate Research Center  
86R5861 TSR-F

S.B. 491  
By: Creighton  
Business & Commerce  
4/8/2019  
As Filed

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

This is a bill to clarify a bill we passed last session, S.B. 29, from the 85th Regular Session. This was the anti-BDS bill to prohibit Texas from doing business with enterprises that are acting to undermine public policies by targeting allies.

S.B. 491 components:

- Removed sole proprietorship in the list of companies applicable for contracting purposes
- Will only apply to contracts over 100,000 in value to be paid with public funds
- And to companies that are 10 employees or larger

This same clean-up language has been filed in other states and gave the clarity needed. It reinforces our original intent to not affect individuals.

As proposed, S.B. 491 amends current law relating to certain government contracts with companies that boycott Israel.

### **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 Section 2270.001(2), Government Code, as added by Chapter 1 (H.B. 89), Acts of the 85th Legislature, Regular Session, 2017, to create an exception to the definition of "company" as assigned by Section 808.001 (Definitions), to provide that the term does not include a sole proprietorship.

SECTION 2. Amends Section 2270.002, Government Code, as added by Chapter 1 (H.B. 89), Acts of the 85th Legislature, Regular Session, 2017, as follows:

Sec. 2270.002. PROVISION REQUIRED IN CONTRACT. (a) Provides that this section applies only to a contract that is between a governmental entity and a company with 10 or more full-time employees and has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

(b) Creates this subsection from existing text. Makes no further changes to this subsection.

SECTION 3. Effective date: upon passage or September 1, 2019.