

Bathroom bill could keep future Super Bowls from Texas

A spokesman for the NFL expresses concern about a 'discriminatory' measure becoming law in Texas

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Texas' next trip to the Super Bowl may hit a roadblock in Austin, where conservative lawmakers are pushing a bill to ban transgender people from the public bathrooms they feel most comfortable using.

"If a proposal that is discriminatory or inconsistent with our values were to become law (in Texas), that would certainly be a factor considered when thinking about awarding future events," NFL spokesman Brian McCarthy said in an email response to a Chronicle question about the bill.

It was the league's first statement on the matter since the legislation was introduced in January.

"The NFL embraces inclusiveness," McCarthy added. "We want all fans to feel welcomed at our events, and NFL policies prohibit discrimination based on age, gender, race, religion, sexual orientation, or any other improper standard."

Lt. Gov. Dan Patrick favors the proposal, formally the Texas Privacy Act, which would require transgender people to use public bathrooms based on their biological sex and not the gender of their choice. Placing it among his top priorities for passage this session, Patrick has called the measure essential to public safety and declared it one of the "conservative principles" that protect "Texas values."

Fifteen Republican senators, including Paul Bettencourt of Houston and Brandon Creighton of Conroe, have signed on to the bill, which has yet to come out of committee.

But many business leaders, progressive politicians and local and statewide tourism groups warn it would damage Texas' reputation nationally and deter out-of-state organizers from picking Texas to host highly sought-after conventions, sporting championships and other public events.

Visitor bureaus across the state and national convention management groups have formed a "Texas Welcomes All" campaign to encourage legislators to vote it down.

Patrick has publicly called concerns over the bill overstated, noting that the NFL did not move Super Bowl LI out of Houston after voters failed in 2015 to pass the Houston Equal Rights Ordinance, which among other things would have guaranteed trans-gender rights regarding bathroom facilities.

While he acknowledged earlier this week that he is still looking for enough votes, he is confident he will get them.

Patrick's office did not respond to requests for comment for this article.

Yet critics point to North Carolina, where the NBA pulled the 2017 All-Star Game and the NCAA moved seven championship games that were scheduled there during the current academic year in response to the passage of a statewide bathroom law similar to the one under consideration in Texas.

"We believe in providing a safe and respectful environment at our events and are committed to providing the best experience possible for college athletes, fans and everyone taking part in our championships," NCAA president Mark Emmert said in a news release.

The NCAA did not directly address the situation in Texas when pressed, but a spokesman noted the precedent it set in North Carolina.

The NBA, likewise, said it considers "a wide range of factors" in determining where to host events like the All-Star Game. "Foremost among them is ensuring an environment where those who participate and attend are treated fairly and equally," spokesman Mike Bass said in an email.

Other groups have been less subtle.

The American Society of Association Executives would pull its 2022 annual meeting scheduled in Dallas if the bill becomes law, executive vice president Susan Robertson said.

"We wouldn't want to do it," she said. "We had one of our most successful meetings in Dallas, but it's written into our contract, so we would act on it."

The association has hired an Austin lobbying firm to monitor the bill's progress, Robertson said.

The founder and chairman of a national group that makes recommendations to medical associations looking for places to hold conferences and other big meetings said the event planners have the leverage.

"The choices are enormous, enough so that ethics can play a role because you have a lot of options," Barbara Berci of BSC Management said.

She said her company's largest clients bring in millions of dollars to a conference host city through dining, lodging and other types of spending. BSC Management has one client lined up in Houston this year, but Berci said she would be "much less likely to recommend a city" in Texas should the current proposal become law.

The "public relations ripple effect" of a bathroom law could even hurt local businesses looking to recruit workers, said Keith Wolf, principal manager at Murray Resources, a Houston staffing agency.

The NFL arguably represents the biggest threat. Houston's NRG Stadium had barely emptied from last Sunday's Super Bowl LI fans before civic boosters started talking about the next time the city would host the big game.

Former league official Frank Supovitz was quick to remind that the NFL in 1991 rescinded its offer to let the Phoenix area host a Super Bowl after Arizona legislators failed to recognize the Rev. Martin Luther King Jr.'s birthday as a national holiday.

The state policy was changed in 1992, and the 1996 Super Bowl was played in Arizona.

The warning signs have Houston officials watching events in Austin carefully.

Mike Waterman, president of the Greater Houston Convention and Visitors Bureau, said some customers who have booked conferences in Houston have already contacted his office to discuss the bill and how its passage might affect their plans.

He said the visitors bureau has tried to stay ahead of concerns, working with colleagues in the state hospitality sector to convince legislators the bill is not needed, and taking steps to reassure clients that Houston is still a welcoming and diverse city.

It's not unlike the efforts former Houston Mayor Annise Parker took to address concerns conference planners and businesses had over whether customers would be discriminated against after the Houston Equal Rights Ordinance failed to pass.

"If the bill passes in Texas," she warned, "no one can reasonably make that argument any longer."

Mike Ward contributed from Austin.