

By: Hilderbran, Strama

H.B. No. 3062

Substitute the following for H.B. No. 3062:

By: Hilderbran

C.S.H.B. No. 3062

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas music history museum.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 446 to read as follows:

CHAPTER 446. TEXAS MUSIC HISTORY MUSEUM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 446.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission on the Arts.

(2) "Museum operator" means the person selected to operate the museum by the commission.

Sec. 446.002. CREATION; PURPOSE. (a) The Texas music history museum is created to educate visitors on the musical heritage of Texas, preserve and display objects, information and exhibits relating to the musical history of Texas, and recognize great musical artists that have contributed to the musical fabric of Texas.

(b) Section 2165.005 does not apply to the museum.

[Sections 446.003-446.020 reserved for expansion]

SUBCHAPTER A-1. REQUESTS FOR PROPOSALS

FOR MUSEUM

Sec. 446.021. DEFINITION. In this subchapter, "proposal advisory council" means the proposal advisory council created by

1 Section 446.024.

2 Sec. 446.022. REQUEST FOR PROPOSAL PROCESS. The commission
3 shall establish a request for proposal process to select a museum
4 operator.

5 Sec. 446.023. CRITERIA. (a) The commission, with the
6 assistance of the proposal advisory council, shall develop criteria
7 to evaluate proposals for selecting a contractor for the
8 construction and initial operation of the museum.

9 (b) The criteria must:

10 (1) require proposals that do not require money
11 appropriated by the state;

12 (2) specify information that must be provided in a
13 proposal, including:

14 (A) information on the construction cost;

15 (B) the proposed location of the museum;

16 (C) sources of funding for the construction;

17 (D) estimated revenue from and annual usage of
18 the museum; and

19 (E) the proposed museum operator; and

20 (3) allow the commission to change the museum operator
21 after a period of time specified by the commission.

22 Sec. 446.024. PROPOSAL ADVISORY COUNCIL. (a) A proposal
23 advisory council is created to advise the commission on the request
24 for proposal process.

25 (b) The advisory council is made up of six members appointed
26 by the governor as follows:

27 (1) one representative from the Music, Film,

1 Television, and Multimedia Office established by Chapter 485;

2 (2) one representative from the State Preservation
3 Board;

4 (3) one representative from the Texas Historical
5 Commission;

6 (4) one representative from the Texas Economic
7 Development and Tourism Office;

8 (5) one representative involved in tourism-related
9 activities at the Texas Department of Transportation; and

10 (6) one representative from the commission.

11 (c) The commission representative serves as the presiding
12 member of the council.

13 (d) The council shall meet at the call of the presiding
14 officer.

15 (e) The proposal advisory council shall advise the
16 commission regarding:

17 (1) criteria used to select a proposal for
18 construction and operation of the museum under this subchapter; and

19 (2) the selection process after proposals have been
20 submitted for the construction and operation of the museum.

21 (f) Chapter 2110 does not apply to the council.

22 Sec. 446.025. EXPIRATION. The proposal advisory council is
23 abolished and this subchapter expires one year after the date the
24 commission contracts with a museum operator under Section 446.151.

25 [Sections 446.026-446.050 reserved for expansion]

26 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

27 Sec. 446.051. ADMINISTRATION. The commission shall

1 administer the contract with the museum operator.

2 Sec. 446.052. ADVISORY BOARD. (a) The music history
3 advisory board is created to advise the commission and the museum
4 operator on the content and additions to the content of the Texas
5 music history museum, including the addition of specific Texan
6 artists for recognition of their contributions to music.

7 (b) The advisory board is appointed by the governor and must
8 include at least one representative from the Music, Film,
9 Television, and Multimedia Office established by Chapter 485.

10 Sec. 446.053. MUSEUM NAME. The commission shall name the
11 Texas music history museum. In naming the museum, the commission
12 shall consider any names proposed by the museum operator.

13 Sec. 446.054. PERSONNEL. The museum operator may hire
14 personnel necessary for the museum. Employees of the museum
15 operator or the museum are not state employees.

16 [Sections 446.055-446.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 446.101. GENERAL POWERS. (a) The museum shall provide
19 exhibits, programs, and activities that promote the purposes of
20 Section 446.002 and support the education of the public, including
21 students, in the knowledge and appreciation of the various musical
22 trailblazers and pioneers of Texas and the varied musical styles of
23 Texas that have evolved and cross-pollinated the face of modern
24 popular music, including Folk, Country, Swing, Blues, Classical,
25 Jazz, Soul, Gospel, Rhythm and Blues, Rock, Polka, Pop, Hip-Hop,
26 Punk, Zydeco, and Tejano music.

27 (b) The commission and museum operator may exercise any

1 power appropriate to implement this chapter or to operate or
2 promote a museum purpose.

3 Sec. 446.102. SALE OF MUSIC. The museum operator may
4 license and sell music from the museum's website.

5 Sec. 446.103. LIVE MUSIC. The museum operator may host live
6 musical performances.

7 Sec. 446.104. FILMS, RECORDINGS, AND OTHER PRODUCTS. The
8 museum operator may develop and produce films, musical recordings
9 or compilations, and other products and may retain royalties or
10 otherwise receive revenue from the production, distribution,
11 exhibition, or sale of those films, recordings, or products.

12 Sec. 446.105. MEMBERSHIP PROGRAM. The museum operator may
13 establish a museum membership program.

14 Sec. 446.106. MARKETING AND PUBLIC RELATIONS. (a) The
15 museum operator may market and publicize the museum's exhibits,
16 programs, and activities.

17 (b) The museum operator may:

18 (1) employ public relations personnel;

19 (2) publish brochures, books, and periodicals
20 intended for the general public that are promotional,
21 informational, or educational; and

22 (3) advertise the museum in any available media.

23 Sec. 446.107. VENDING FACILITIES. (a) In addition to
24 exhibits and theaters, the museum operator may operate:

25 (1) a gift shop;

26 (2) food services, including one or more restaurants,
27 cafeterias, and vending machines;

1 (3) pay station telephones;
2 (4) automated teller machines; and
3 (5) other services and facilities convenient or
4 necessary for visitors to the museum.

5 (b) Chapter 94, Human Resources Code, does not apply to
6 vending facilities operated by or approved for operation in the
7 museum.

8 Sec. 446.108. TOURS; PARKING AND TRANSPORTATION. The
9 museum operator may provide parking for visitors and, in
10 cooperation with other public and private authorities, may
11 participate in providing for tour transportation of visitors
12 between other historical and cultural sites.

13 Sec. 446.109. PRIVATE EVENTS. The museum operator may rent
14 all or part of the museum facility at various times for private
15 events. The museum operator may restrict public access to that part
16 of the facility rented for a private event.

17 Sec. 446.110. ALCOHOLIC BEVERAGES. The museum operator may
18 sell alcoholic beverages for consumption on the premises of the
19 museum. The museum operator must obtain the appropriate permit or
20 license from the Texas Alcoholic Beverage Commission.

21 Sec. 446.111. SUPPORT ORGANIZATIONS. The museum operator
22 may establish and maintain one or more organizations of persons
23 interested in supporting the programs and activities of the museum.
24 Such an organization may be incorporated as a Texas nonprofit
25 corporation.

26 [Sections 446.112–446.150 reserved for expansion]

27 SUBCHAPTER D. CONTRACTS

1 Sec. 446.151. CONTRACT TO OPERATE MUSEUM. (a) The
2 commission shall contract with a museum operator to:

3 (1) construct the museum to be owned by the state and
4 to operate the museum under a lease agreement; or

5 (2) operate the museum on private property owned or
6 leased by the museum operator.

7 (b) The executive director of the commission shall award the
8 contract based on the criteria developed for the initial selection
9 of a museum operator.

10 (c) The commission may not spend state money to construct or
11 operate the museum. The commission may spend state money as
12 necessary to administer the contract with the museum operator.

13 (d) Subtitle D, Title 10, and Chapters 2261 and 2262 do not
14 apply to a contract under this section.

15 Sec. 446.152. CONTRACT TERMS. (a) The commission may
16 include in the contract with the museum operator:

17 (1) provisions relating to the commission's duties to
18 market the museum, including promotion of the museum in state
19 tourism publications and advertisements;

20 (2) provisions relating to the museum operator's right
21 to access and exhibit music paraphernalia owned by the state; and

22 (3) any other provisions the commission determines
23 necessary to encourage potential museum operators to submit bids.

24 (b) The commission may amend or enter into a new contract
25 under this subchapter.

26 Sec. 446.153. CONTRACTS BETWEEN OPERATOR AND THIRD
27 PARTIES. The museum operator may enter into contracts with any

1 person to the extent necessary or convenient to construct or
2 operate the museum, including contracts for exhibits, programs,
3 activities, and facilities, and contracts to acquire, by purchase
4 or loan, items for exhibition.

5 [Sections 446.154-446.200 reserved for expansion]

6 SUBCHAPTER E. FINANCIAL PROVISIONS

7 Sec. 446.201. GENERAL FUNDING AND SPENDING
8 AUTHORITY. (a) To the extent possible, the costs of operating the
9 museum shall be paid from revenues generated by the museum.

10 (b) The museum operator may spend money received by the
11 museum for any purpose connected with the museum.

12 (c) The museum operator may share revenue generated by the
13 museum with the state.

14 Sec. 446.202. GIFTS, GRANTS, AND DONATIONS. (a) The museum
15 operator shall solicit and may accept donations of money or items
16 from individuals and from public or private foundations and
17 organizations.

18 (b) The commission may accept donations and grants of money
19 or items for the museum.

20 (c) All items donated to the museum operator or the
21 commission for the museum are state property.

22 Sec. 446.203. FEES. (a) The museum operator may set and
23 collect fees in amounts necessary to operate the museum, including
24 fees for:

25 (1) admission to exhibits, theaters, programs, and
26 activities;

27 (2) parking and transportation; and

1 (3) facility rental.

2 (b) The museum operator may sell at prices set by the museum
3 items manufactured or publications printed under contract with the
4 museum.

5 Sec. 446.204. AUDIT. The transactions, funds, and programs
6 of the museum are subject to audit by the state auditor in
7 accordance with Chapter 321.

8 Sec. 446.205. STATE EMPLOYEE CHARITABLE CONTRIBUTIONS. For
9 purposes of Subchapter I, Chapter 659:

10 (1) the museum is considered an eligible charitable
11 organization entitled to participate in a state employee charitable
12 campaign under Subchapter I, Chapter 659; and

13 (2) a state employee is entitled to authorize a
14 deduction for contributions to the museum, including contributions
15 for museum membership, as a charitable contribution under Section
16 659.132, and the museum may use the contributions for museum
17 purposes.

18 Sec. 446.206. INSURANCE. The museum operator shall
19 purchase insurance policies to insure the museum contents and other
20 personal property against any insurable risk, including insurance
21 covering historical artifacts, art, recordings, or other items on
22 loan to the museum.

23 SECTION 2. This Act takes effect September 1, 2005.