

By: Strama

H.B. No. 3062

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas State 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 STATE MUSIC HISTORY MUSEUM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 446.001. DEFINITIONS. In this chapter:

(1) "Museum operator" means the person selected to operate the museum by the music office.

(2) "Music office" means the Music, Film, Television, and Multimedia Office established in Chapter 485.

Sec. 446.002. CREATION; PURPOSE. (a) The Texas State Music History Museum is created to educate visitors on the musical heritage of Texas, display objects and information 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 Section 446.024.

1       Sec. 446.022. REQUEST FOR PROPOSAL PROCESS. The music  
2 office shall establish a request for proposal process to select  
3 contractors for the construction and operation of the museum.

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

8       (b) The criteria must:

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

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

13                   (A) information on the construction cost;

14                   (B) the proposed location of the museum;

15                   (C) sources of funding for the construction;

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

18                   (E) the proposed museum operator; and

19           (3) allow the music office to change the museum  
20 operator after a period of time specified by the music office.

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

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

26           (1) one representative from the Texas Commission on  
27 the Arts;

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

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

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

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

9           (6) one representative from the music office.

10          (c) The music office representative serves as the presiding  
11 member of the council.

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

14          (e) Chapter 2110 does not apply to the council.

15          Sec. 446.025. DUTIES OF PROPOSAL ADVISORY COUNCIL. The  
16 proposal advisory council shall advise the music office 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          Sec. 446.026. EXPIRATION. On September 1, 2011, the  
22 proposal advisory council is abolished and this subchapter expires.

23          [Sections 446.027-446.050 reserved for expansion]

24           SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

25          Sec. 446.051. ADMINISTRATION. The music office shall  
26 administer this chapter.

27          Sec. 446.052. ADVISORY BOARD. (a) The music history

1 advisory board is created to advise the music office and the museum  
2 operator on the content and additions to the content of the Texas  
3 State Music History Museum, including the addition of specific  
4 Texan artists for recognition of their contributions to music.

5 (b) The advisory board is appointed by the governor and must  
6 include at least one representative from the Texas Commission on  
7 the Arts.

8 Sec. 446.053. MUSEUM OPERATOR. The music office shall hire  
9 a museum operator to manage the operation of the museum.

10 Sec. 446.054. PERSONNEL. The museum operator may hire  
11 personnel necessary for the museum.

12 [Sections 446.055-446.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 446.101. GENERAL POWERS. (a) The museum shall provide  
15 exhibits, programs, and activities that promote the purposes of  
16 Section 446.002 and support the education of the public, including  
17 students, in the knowledge and appreciation of the various musical  
18 trailblazers and pioneers of Texas and the varied musical styles of  
19 Texas that have evolved and cross-pollinated the face of modern  
20 popular music, including Country, Blues, Jazz, Gospel, Rock, Pop,  
21 and TexMex or Tejano music.

22 (b) The music office and museum operator may exercise any  
23 power appropriate to implement or promote a museum purpose.

24 Sec. 446.102. SALE OF MUSIC. (a) The museum operator may  
25 license and sell music from the museum's website.

26 (b) In addition to music connected with Texas music history,  
27 the museum operator may sell commercially produced music from the

1 museum's website.

2 Sec. 446.103. LIVE MUSIC. The museum operator may host live  
3 musical performances.

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

9 Sec. 446.105. MEMBERSHIP PROGRAM. The museum operator may  
10 establish a museum membership program.

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

14 (b) The museum operator may:

15 (1) employ public relations personnel;

16 (2) publish brochures, books, and periodicals  
17 intended for the general public that are promotional,  
18 informational, or educational; and

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

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

22 (1) a gift shop;

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

25 (3) pay station telephones;

26 (4) automated teller machines; and

27 (5) other services and facilities convenient or

1 necessary for visitors to the museum.

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

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

10 Sec. 446.109. PRIVATE EVENTS. (a) The museum operator  
11 may rent all or part of the museum facility at various times for  
12 private events. The museum operator may restrict public access to  
13 that part of the facility rented for a private event.

14 (b) The museum operator may provide for the sale, gift,  
15 possession, and consumption of alcoholic beverages at a private  
16 event held in the facility.

17 Sec. 446.110. SUPPORT ORGANIZATIONS. The museum operator  
18 may establish and maintain one or more organizations of persons  
19 interested in supporting the programs and activities of the museum.  
20 Such an organization may be incorporated as a Texas nonprofit  
21 corporation.

22 Sec. 446.111. CONTRACTS. The museum operator may enter  
23 into contracts with any person to the extent necessary or  
24 convenient to construct or operate the museum, including contracts  
25 for exhibits, programs, activities, and facilities, and contracts  
26 to acquire or by purchase or loan, items for exhibition.

27 Sec. 446.112. PROGRAM AND FACILITY ACCESSIBILITY. The

1 museum operator shall comply with federal and state laws related to  
2 program and facility accessibility. The museum operator shall  
3 prepare and maintain a written plan that describes how a person who  
4 does not speak English can be provided reasonable access to the  
5 museum's programs and services.

6 [Sections 446.113-446.150 reserved for expansion]

7 SUBCHAPTER D. FINANCIAL PROVISIONS

8 Sec. 446.151. GENERAL FUNDING AND SPENDING  
9 AUTHORITY. (a) To the extent possible, the costs of operating the  
10 museum shall be paid from revenues generated by the museum, but the  
11 legislature may appropriate money to operate the museum.

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

14 Sec. 446.152. 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 music office may accept donations and grants for the  
19 museum.

20 Sec. 446.153. FEES. (a) The museum operator may set and  
21 collect fees in amounts necessary to operate the museum, including  
22 fees for:

23 (1) admission to exhibits, theaters, programs, and  
24 activities;

25 (2) parking and transportation; and

26 (3) facility rental.

27 (b) The museum operator may sell at prices set by the museum

1 items manufactured or publications printed under contract with the  
2 museum.

3 Sec. 446.154. AUDIT. The transactions, funds, and programs  
4 of the museum are subject to audit by the state auditor in  
5 accordance with Chapter 321.

6 Sec. 446.155. STATE EMPLOYEE CHARITABLE CONTRIBUTIONS. For  
7 purposes of Subchapter I, Chapter 659:

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

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

16 Sec. 446.156. MUSEUM FUND. (a) All money and securities  
17 received by the museum, including the net revenue from vending  
18 facilities under Section 446.107, shall be credited to and held in  
19 trust outside the treasury by the comptroller in a special fund to  
20 be known as the Texas State Music History Museum fund.

21 (b) The comptroller shall manage and invest the fund on  
22 behalf of the museum as directed or agreed to by the museum  
23 operator. Interest, dividends, and other income of the fund shall  
24 be credited to the fund.

25 (c) The museum operator shall prepare a detailed annual  
26 report on the fund. That report must describe the status of the  
27 fund, list all donations to the fund, including the name of each



1 donor, and list all disbursements from the fund, including the  
2 purpose of each disbursement.

3 (d) The state auditor, based on a risk assessment and  
4 subject to the legislative audit committee's approval of including  
5 the review in the audit plan under Section 321.013, may review the  
6 annual report on the fund, and any information used in preparing the  
7 report as the auditor determines necessary, and shall report any  
8 findings or recommendations to the museum and the legislative audit  
9 committee.

10 (e) The fund is not subject to Subchapter F, Chapter 404. A  
11 provision of this chapter or other law that provides for the deposit  
12 of money or another thing of value into the fund prevails over  
13 Subchapter F, Chapter 404.

14 (f) Subtitle D, Title 10, does not apply to a purchase or  
15 lease made with money from the fund.

16 Sec. 446.157. INSURANCE. The museum operator may purchase  
17 insurance policies to insure the museum buildings and contents and  
18 other personal property against any insurable risk, including  
19 insurance covering historical artifacts, art, recordings, or other  
20 items on loan to the museum.

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