

Amend CSHB 3560 by adding the following SECTIONS, numbered appropriately, and by renumbering any subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. 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 by the music office to operate the museum.

(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.

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

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

(b) The criteria must:

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

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

(A) information on the construction cost, if applicable;

(B) the proposed location of the museum;

(C) sources of funding for the construction, if applicable;

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

(E) the proposed museum operator; and

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

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

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

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

(2) one representative from the State Preservation Board;

(3) one representative from the Texas Historical Commission;

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

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

(6) one representative from the music office.

(c) The music office representative serves as the presiding officer of the proposal advisory council.

(d) The proposal advisory council shall meet at the call of the presiding officer.

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

Sec. 446.025. DUTIES OF PROPOSAL ADVISORY COUNCIL. The proposal advisory council shall advise the music office regarding:

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

(2) the selection process after proposals have been

submitted for the operation and, if applicable, construction of the museum.

Sec. 446.026. EXPIRATION. On September 1, 2013, the proposal advisory council is abolished and this subchapter expires.

[Sections 446.027-446.050 reserved for expansion]

#### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

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

Sec. 446.052. ADVISORY BOARD. (a) The music history advisory board is created to advise the music office and the museum operator on the content and additions to the content of the Texas State Music History Museum, including the addition of specific Texan artists for recognition of their contributions to music.

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

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

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

[Sections 446.055-446.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 446.101. GENERAL POWERS. (a) The museum shall provide exhibits, programs, and activities that promote the purposes described by Section 446.002 and support the education of the public, including students, in the knowledge and appreciation of the various musical trailblazers and pioneers of Texas and the varied musical styles of Texas that have evolved and cross-pollinated the face of modern popular music, including country, blues, jazz, gospel, rock, pop, and TexMex or Tejano music.

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

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

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

museum's website.

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

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

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

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

(b) The museum operator may:

(1) employ public relations personnel;

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

(3) advertise the museum in any available media.

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

(1) a gift shop;

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

(3) pay station telephones;

(4) automated teller machines; and

(5) other services and facilities convenient or necessary for visitors to the museum.

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

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

Sec. 446.109. PRIVATE EVENTS. (a) The museum operator may

rent all or part of the museum facility at various times for private events. The museum operator may restrict public access to that part of the facility rented for a private event.

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

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

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

Sec. 446.112. PROGRAM AND FACILITY ACCESSIBILITY. The museum operator shall comply with federal and state laws related to program and facility accessibility. The museum operator shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the museum's programs and services.

[Sections 446.113-446.150 reserved for expansion]

#### SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 446.151. GENERAL FUNDING AND SPENDING AUTHORITY. (a) To the extent possible, the costs of operating the museum shall be paid from revenues generated by the museum. Money from the general revenue fund, other than gifts, grants, and donations that may be used for operating the museum and are deposited in the general revenue fund, may not be appropriated for the purpose of operating the museum.

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

Sec. 446.152. GIFTS, GRANTS, AND DONATIONS. (a) The museum operator shall solicit and may accept donations of money or items from individuals and from public or private foundations and organizations.

(b) The music office may accept donations and grants for the museum.

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

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

(2) parking and transportation; and

(3) facility rental.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION \_\_\_\_\_. This Act takes effect September 1, 2007.