

## **BILL ANALYSIS**

H.B. 3386  
By: Chisum  
Culture, Recreation, & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

To honor and celebrate Texas' rich musical legacy the state needs an official museum of Texas music history. This bill creates a museum that would preserve, recognize, and celebrate Texas music and music history. The museum would operate using a similar framework to the one created for the Bullock Museum of Texas History, but no state money would be appropriated to create the museum. This legislation would provide the state's blessing on the creation of a music museum and incentivize whatever group is able to put the best proposal together. A proposal advisory council would be created to oversee selection of a contractor for construction and initial operation of the museum through a request for proposal. The proposal advisory council would consist of six members and advise the music office in the Governor's Office based on specified criteria. A second advisory board appointed by the Governor would advise the museum on content, once the operator for the museum has been chosen. The museum operator would be able to sell music, host live music performances, and to host recordings. In all other respects, the museum operator would market the museum and be able to operate as a contractor to make a profit. The Governor's music office would administer the contract with the operator. The operator, however, would retain the ability to contract with third parties to build the museum, solicit donations, charge fees, and receive charitable contributions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Subtitle D, Title 4, government code by adding Chapter 446.

#### SUBCHAPTER A - General Provisions

Sec 446.001 DEFINITIONS: Defines "museum operator" as the person selected to operate the museum and "music office" to mean the Music, Film Television and Multimedia Office established in Chapter 485.

Sec 446.002 CREATION; PURPOSE: Specifies the reason for the creation of the museum to educate visitors on the musical heritage of Texas, displaying of historical music objects and information and to recognize the talented music artists of Texas. Stipulates that Section 2165.005 does not apply to the museum and Sections 446.003-446.020 are reserved for expansion.

#### SUBCHAPTER A-1. Requests for Proposals for Museum

Sec. 446.021 DEFINITIONS: Defines "proposal advisory council."

Sec. 446.022 REQUEST FOR PROPOSAL PROCESS states that the Governor's music office must establish a request for proposal process to select a museum contractors.

Sec. 446.023 CRITERIA Directs the music assisted by the proposal advisory counsel office shall establish criteria for evaluating proposals for selecting a contractor. States the criteria required for the proposals which includes; no money appropriated by the state and information on construction cost, museum location, construction funding source, estimate of money earned

and usage of museum, museum operator and grants permission for the museum operator to be replaced as determined by the music office of the Governor.

Sec. 446.024 PROPOSAL ADVISORY COUNCIL. Establishes a proposal advisory council to advise the music office on the request for proposal process. Sets the membership of the council at six members to be appointed by the Governor with one from each of the following: Texas Commission on the Arts; State Preservation Board; Texas Historical Commission; Texas Economic Development and Tourism Office; Tourism-related activities at the Texas Department of Transportation; and one representative from the music office who shall serve as the presiding officer. The council will meet at the presiding officers call, and the council does not fall under Chapter 2110.

Sec. 446.025 DUTIES OF PROPOSAL ADVISORY COUNCIL. States the council must advise the music office on criteria for a proposal and the selection of a proposal.

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

Sec. 446.027-446.050 reserved for expansion

#### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 446.051. ADMINISTRATION. States the music office will administer this chapter.

Sec. 446.052 ADVISORY BOARD. Creates a music history advisory board, which is different from the proposal board identified in SUBCHAPTER A-1, which would 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 Texas artists for recognition of their contributions to music. The Governor would appoint this Advisory Board and one member must be from the Texas Commission on the Arts.

Sec. 446.053 MUSEUM OPERATOR. A museum operator must be hired by the music office for museum management.

Sec. 446.054 PERSONNEL. Permits the museum operator to hire staff necessary for the museum.

Sec. 446.055-446.100 reserved for expansion.

#### SUBCHAPTER C POWERS AND DUTIES

Sec. 446.101 GENERAL POWERS. Establishes that exhibits, programs and activities that promote the purpose described by Section 446.002, and support the education of the public 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. Gives the music office or museum operator broad authority to promote the museum's purpose.

Sec. 446.102 SALE OF MUSIC. Permits the museum operator may license and sell music from the museum website., including commercially produced music sold from the museum's website.

Sec. 446.103. LIVE MUSIC. Permits the museum operator to host live performances at the museum.

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

Sec. 446.105 MEMBERSHIP PROGRAM. Permits the museum operator to set up a museum membership program.

Sec. 446.106 **MARKETING AND PUBLIC RELATIONS.** Permits the museum operator to advertise the museums exhibits, programs, and activities. In doing so, the museum operator may hire public relations personnel, print promotional documents as listed, and advertise in all media sources.

Sec. 446.107 **VENDING FACILITIES** Permits the establishment of a gift shop, food service facilities, pay phones, automated teller machines, and other services and facilities needed. Exempts the museum from Chapter 94, Human Resources Code.

Sec. 446.108 **PARKING AND TRANSPORTATION.** Permits the museum operator to establish parking facilities and tour transportation as noted between other historical and cultural sites.

Sec. 446.109 **PRIVATE EVENTS.** Provides for the renting of the museum facility for private functions, restrict public access to that part of the facility, and has a provision allowing the sale, gift, possession, and consumption of alcohol at a private event held in the facility.

Sec. 446.110 **SUPPORT ORGANIZATIONS.** Permits the museum operator to establish and maintain organization(s) interested in supporting the programs and activities the museum. The organization may be a Texas nonprofit corporation.

Sec. 446.111 **CONTRACTS.** Permits the museum operator to enter into contracts regarding the construction and operation of the museum as noted.

Sec. 446.112 **PROGRAM AND FACILITY ACCESSIBILITY.** States the museum operator shall comply with federal and state laws regarding program and facility accessibility including preparing and maintaining a written plan for providing access to museum's programs and services to a person who does not speak English.

Sec. 446.113-446.150 reserved for expansion

#### SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 446.151. **GENERAL FUNDING AND SPENDING AUTHORITY.** States the museum is to be run on the money generated by the museum, but the legislature may appropriate money to the museum. Grants the museum operator permission to spend museum money for any purpose connected with the museum.

Sec.446.152 **GIFTS, GRANTS, AND DONATIONS.** The museum operator shall solicit and may accept money or items from individuals and public or private foundations and organizations on behalf of the museum. The music office may also accept donations and grants for the museum.

Sec. 446.153. **FEES.** Permits the museum operator to set and collect fees in order to operate the museum, including fees for exhibits, theaters, programs activities, parking, transportation and facility rental. This section also permits the museum to sell manufactured items or publications under contract with the museum at a price set by the museum operator.

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

Sec. 446.155 **STATE EMPLOYEE CHARITABLE CONTRIBUTIONS.** For the purposes of Subchapter I, Chapter 659, makes contributions to the museum a valid charitable contribution and provides for deductions, and the museum may use the contributions for museum purposes.

Sec. 446.156 **MUSEUM FUND.** All money and securities received by the museum are to be credited to and held in a trust outside the treasury by the comptroller in a fund to be known as the Texas State Music History Museum fund. The comptroller shall manage and invest the fund on behalf of the museum as directed or agreed by the museum operator. Interest, dividends, and other income shall be credited back to the fund. A detailed annual report is to be prepared by the museum operator listing the fund status, donations, donor's name, fund disbursements with the purpose. The state auditor, based on risk assessment and subject to the legislative audit committee's approval of including the review in the audit plan, is allowed to review the annual

report and pertinent information, and shall report any findings or recommendations to the museum and legislative audit committee. This fund is not subject to Subchapter F, Chapter 404. Laws regarding the deposit of money or another thing of value in this chapter or other law prevails over Subchapter F, Chapter 404. Subtitle D, Title 10, does not apply to a purchase or lease made with money from the fund.

Sec. 446.157 INSURANCE. Permits the museum operator to purchase insurance for the museum buildings, contents, and personal property against any insurable risk as delineated.

SECTION 2: Effective date: September 1, 2007.

**EFFECTIVE DATE**

September 1, 2007