

BILL ANALYSIS

C.S.S.B. 1933
By: Watson
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The state is currently without an official museum of Texas music history. Such a museum would preserve, recognize, and celebrate Texas music and music history.

C.S.S.B. 1933 creates the Texas State Music History Museum to honor and celebrate Texas's rich musical legacy.

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, as follows:

CHAPTER 446. TEXAS STATE MUSIC HISTORY MUSEUM

SUBCHAPTER A. GENERAL PROVISIONS

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

Sec. 446.002. CREATION; PURPOSE. (a) Creates the Texas State Music History Museum (museum) 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) Provides that Section 2165.005 (Naming of State Buildings) does not apply to the museum.

[Reserves Sections 446.003-446.020 for expansion.]

SUBCHAPTER A-1. REQUESTS FOR PROPOSALS FOR MUSEUM

Sec. 446.021. DEFINITION. Defines "proposal advisory council" as the proposal advisory council created by Section 446.024.

Sec. 446.022. REQUEST FOR PROPOSAL PROCESS. Requires the Music, Film, Television, and Multimedia Office (music office) to establish a request for proposal process to select contractors for the construction and operation of the museum.

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

(b) 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;
 - (B) the proposed location of the museum;
 - (C) sources of funding for the construction;
 - (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) Creates the council to advise the music office on the request for proposal process.

- (b) Provides that the governor is to appoint six certain members to the council:
- (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) Provides that the music office representative serves as the presiding officer of the council.

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

(e) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the council.

Sec. 446.025. DUTIES OF PROPOSAL ADVISORY COUNCIL. The council shall advise the music office regarding criteria used to select a proposal for construction and operation of the museum under this subchapter and the selection process after proposals have been submitted for the construction and operation of the museum.

Sec. 446.026. EXPIRATION. Provides that the council is abolished and this subchapter expires on September 1, 2013.

[Reserves Sections 446.027-446.050 for expansion.]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 446.051. ADMINISTRATION. Requires the music office to administer this chapter.

Sec. 446.052. ADVISORY BOARD. (a) Creates the music history advisory board (board) to advise the music office and the museum operator on the content and additions to the content of the museum, including the addition of specific Texan artists for recognition of their contributions to music.

(b) Provides that the board is appointed by the governor and is required to include at least one representative from the Texas Commission on the Arts.

Sec. 446.053. PERSONNEL. Authorizes the museum operator to hire personnel necessary for the museum.

[Reserves Sections 446.054-446.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 446.101. GENERAL POWERS. Requires the museum to 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) Authorizes the music office and museum operator to exercise any power appropriate to implement or promote a museum purpose.

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

(b) Authorizes the museum operator to sell commercially produced music from the museum's website in addition to music connected with Texas music history.

Sec. 446.103. **LIVE MUSIC.** Authorizes the museum operator to host live musical performances.

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

Sec. 446.105. **MEMBERSHIP PROGRAM.** Authorizes the museum operator to establish a museum membership program.

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

(b) Authorizes the museum operator to employ public relations personnel, publish brochures, books, periodicals intended for the general public, and to advertise the museum in any available media.

Sec. 446.107. **VENDING FACILITIES.** (a) Authorizes the museum operator to operate a gift shop; food services, including one or more restaurants, cafeterias, and vending machines; pay station telephones; automated teller machines; and other services and facilities convenient or necessary for visitors to the museum, in addition to exhibits and theaters.

(b) Provides that Chapter 94 (Vending Facilities Operated by Blind Persons), 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.** Authorizes the museum operator to provide parking for visitors and, in cooperation with other public and private authorities, to participate in providing for tour transportation of visitors between other historical and cultural sites.

Sec. 446.109. **PRIVATE EVENTS.** (a) Authorizes the museum operator to rent all or part of the museum facility at various times for private events. Authorizes the museum operator to restrict public access to that part of the facility rented for a private event.

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

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

[Reserves Sections 446.111-446.150 for expansion.]

SUBCHAPTER D. FINANCIAL PROVISIONS

Sec. 446.151. **CONTRACT TO OPERATE MUSEUM.** (a) Provides that the music office shall contract with the museum operator to construct and operate the museum. (b) The music office shall award the contract based on certain criteria. (c) Subtitle d, Title, 10, Chapters 2261 and 2262 do not apply to a contract under this section.

Sec. 446.152. **CONTRACT TERMS.** (a) Provides that the music office may include in the contract with the museum operator provisions relating to the music office's duties to market the museum, and to the museum operator's right to access and exhibit music paraphernalia, and any other provisions the music office determines necessary to encourage potential museum operators to submit bids. (b) The music office may amend or enter into a new contract under this subchapter.

Sec. 446.153. **CONTRACTS BETWEEN OPERATOR AND THIRD PARTIES.** Allows the museum operator to enter into contracts with any persons to the extent necessary or convenient to construct or operate the museum, including contracts for exhibits, programs, activities, and facilities, and contracts to acquire or by purchase or loan, items for exhibition.

[Reserves Section 446.154-446.200 for expansion.]

SUBCHAPTER E. FINANCIAL PROVISIONS

Sec. 446.201. **GENERAL FUNDING AND SPENDING AUTHORITY.** (a) Provides that 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) Authorizes the museum operator to spend money received by the museum for any purpose connected with the museum.

Sec. 446.202. **GIFTS, GRANTS, AND DONATIONS.** (a) Requires the museum operator to solicit and authorizes the museum operator to accept donations of money or items from individuals and from public or private foundations and organizations.

(b) Authorizes the music office to accept donations and grants for the museum.

Sec. 446.203. **FEES.** (a) Authorizes the museum operator to set and collect certain fees in amounts necessary to operate the museum.

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

Sec. 446.204. **AUDIT.** Provides that the transactions, funds, and programs of the museum are subject to audit by the state auditor in accordance with Chapter 321 (State Auditor).

Sec. 446.205. **STATE EMPLOYEE CHARITABLE CONTRIBUTIONS.** Provides that the museum is considered an eligible charitable organization and entitles the museum to participate in a state employee charitable campaign under Subchapter I (Charitable Contributions), Chapter 659. Entitles a state employee to authorize a deduction for certain contributions to the museum as a charitable contribution under Section 659.132 (Deduction Authorized). Authorizes the museum to use the contributions for museum purposes.

Sec. 446.206. **MUSEUM FUND.** (a) Requires all money and securities received by the museum, including certain revenues under Section 446.107, to be credited to and held in trust outside the treasury by the comptroller of public accounts (comptroller) in a special fund to be known as the Texas State Music History Museum fund (fund).

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

(c) Requires the museum operator to prepare a detailed annual report on the fund. Requires the report to describe the status of the fund, list all donations and donors to the fund, and list all disbursements, and the purpose of each, from the fund.

(d) Authorizes 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 (Powers and Duties of State Auditor), to review the annual report on the fund, and any information used in preparing the report as the auditor determines necessary. Requires the state auditor to report any findings or recommendations to the museum and the legislative audit committee.

(e) Provides that the fund is not subject to Subchapter F (State Funds Reform Act), Chapter 404. Provides that 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) Provides that Subtitle D, Title 10 (State Purchasing and General Services), does not apply to a purchase or lease made with money from the fund.

Sec. 446.207. INSURANCE. Authorizes the museum operator to purchase insurance policies to insure the museum buildings and contents and other person property against any insurable risk, including covering historical artifacts, art, recordings, or other items, including items on loan to the museum.

SECTION 2. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The language regarding general funding and spending authority in the substitute bill is changed to state that, "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." The original bill stated that the "legislature may appropriate money to operate the museum."

Removes the previous language regarding Contracts, and includes more specific language regarding contract to operate museum, contract terms, and contracts between operator and third parties.

The language regarding program and facility accessibility is deleted, and the Section regarding the Museum Operator in Subchapter B has been deleted.

Sections have been renumbered as necessary.