

By: Chisum

H.B. No. 3386

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 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.

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 officer 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, 2013, 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
16 described by Section 446.002 and support the education of the
17 public, including students, in the knowledge and appreciation of
18 the various musical trailblazers and pioneers of Texas and the
19 varied musical styles of Texas that have evolved and
20 cross-pollinated the face of modern popular music, including
21 Country, Blues, Jazz, Gospel, Rock, Pop, and TexMex or Tejano
22 music.

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

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

27 (b) In addition to music connected with Texas music history,

1 the museum operator may sell commercially produced music from the
2 museum's website.

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

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

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

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

15 (b) The museum operator may:

16 (1) employ public relations personnel;

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

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

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

23 (1) a gift shop;

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

26 (3) pay station telephones;

27 (4) automated teller machines; and

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

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

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

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

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

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

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

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

7 [Sections 446.113-446.150 reserved for expansion]

8 SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

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

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

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

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

26 (2) parking and transportation; and

27 (3) facility rental.

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

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

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

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

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

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

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

26 (c) The museum operator shall prepare a detailed annual
27 report on the fund. That report must describe the status of the

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

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

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

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

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

22 SECTION 2. This Act takes effect September 1, 2007.