

By: Watson

S.B. No. 1933

Substitute the following for S.B. No. 1933:

By: Hilderbran

C.S.S.B. No. 1933

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 operation and, if applicable, construction of  
4 the museum.

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

9       (b) The criteria must:

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

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

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

16                   (B) the proposed location of the museum;

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

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

21                   (E) the proposed museum operator; and

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

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

27       (b) The proposal advisory council is made up of six members

1 appointed by the governor as follows:

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

4 (2) one representative from the State Preservation  
5 Board;

6 (3) one representative from the Texas Historical  
7 Commission;

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

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

12 (6) one representative from the music office.

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

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

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

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

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

23 (2) the selection process after proposals have been  
24 submitted for the operation and, if applicable, construction of the  
25 museum.

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

1 [Sections 446.027-446.050 reserved for expansion]

2 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

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

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

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

13 Sec. 446.053. PERSONNEL. The museum operator may hire  
14 personnel necessary for the museum.

15 [Sections 446.054-446.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

3       (b) In addition to music connected with Texas music history,  
4 the museum operator may sell commercially produced music from the  
5 museum's website.

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

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

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

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

18       (b) The museum operator may:

19           (1) employ public relations personnel;

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

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

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

26           (1) a gift shop;

27           (2) food services, including one or more restaurants,

1 cafeterias, and vending machines;

2 (3) pay station telephones;

3 (4) automated teller machines; and

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

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

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

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

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

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

26 [Sections 446.111-446.150 reserved for expansion]

SUBCHAPTER D. CONTRACTS

Sec. 446.151. CONTRACT TO OPERATE MUSEUM. (a) The music office shall contract with a museum operator to:

(1) construct the museum to be owned by the state and to operate the museum under a lease agreement; or

(2) operate the museum on private property owned or leased by the museum operator.

(b) The music office shall award the contract based on the criteria developed under Section 446.023.

(c) Subtitle D, Title 10, and Chapters 2261 and 2262 do not apply to a contract under this section.

Sec. 446.152. CONTRACT TERMS. (a) The music office may include in the contract with the museum operator:

(1) provisions relating to the music office's duties to market the museum, including promotion of the museum in state tourism publications and advertisements;

(2) provisions relating to the museum operator's right to access and exhibit music paraphernalia owned by the state; and

(3) 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. 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 or by purchase

1 or loan, items for exhibition.

2 [Sections 446.154-446.200 reserved for expansion]

3 SUBCHAPTER E. FINANCIAL PROVISIONS

4 Sec. 446.201. GENERAL FUNDING AND SPENDING AUTHORITY. (a)

5 To the extent possible, the costs of operating the museum shall be  
6 paid from revenues generated by the museum. Money from the general  
7 revenue fund, other than gifts, grants, and donations that may be  
8 used for operating the museum and are deposited in the general  
9 revenue fund, may not be appropriated for the purpose of operating  
10 the museum.

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

13 Sec. 446.202. GIFTS, GRANTS, AND DONATIONS. (a) The museum  
14 operator shall solicit and may accept donations of money or items  
15 from individuals and from public or private foundations and  
16 organizations.

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

19 Sec. 446.203. FEES. (a) The museum operator may set and  
20 collect fees in amounts necessary to operate the museum, including  
21 fees for:

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

24 (2) parking and transportation; and

25 (3) facility rental.

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



1 with the museum.

2 Sec. 446.204. AUDIT. The transactions, funds, and programs  
3 of the museum are subject to audit by the state auditor in  
4 accordance with Chapter 321.

5 Sec. 446.205. STATE EMPLOYEE CHARITABLE CONTRIBUTIONS. For  
6 purposes of Subchapter I, Chapter 659:

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

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

15 Sec. 446.206. MUSEUM FUND. (a) All money and securities  
16 received by the museum, including the net revenue from vending  
17 facilities under Section 446.107, shall be credited to and held in  
18 trust outside the treasury by the comptroller in a special fund to  
19 be known as the Texas State Music History Museum fund.

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

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

1 purpose of each disbursement.

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

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

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

15 Sec. 446.207. INSURANCE. The museum operator may purchase  
16 insurance policies to insure the museum buildings and contents and  
17 other personal property against any insurable risk, including  
18 insurance covering historical artifacts, art, recordings, or other  
19 items, including items on loan to the museum.

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