

1-1 By: Watson S.B. No. 1933  
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 25, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 25, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1933 By: Hegar  
1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Texas State Music History Museum.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Subtitle D, Title 4, Government Code, is amended  
1-13 by adding Chapter 446 to read as follows:  
1-14 CHAPTER 446. TEXAS STATE MUSIC HISTORY MUSEUM  
1-15 SUBCHAPTER A. GENERAL PROVISIONS  
1-16 Sec. 446.001. DEFINITIONS. In this chapter:  
1-17 (1) "Museum operator" means the person selected by the  
1-18 music office to operate the museum.  
1-19 (2) "Music office" means the Music, Film, Television,  
1-20 and Multimedia Office established in Chapter 485.  
1-21 Sec. 446.002. CREATION; PURPOSE. (a) The Texas State  
1-22 Music History Museum is created to educate visitors on the musical  
1-23 heritage of Texas, display objects and information relating to the  
1-24 musical history of Texas, and recognize great musical artists that  
1-25 have contributed to the musical fabric of Texas.  
1-26 (b) Section 2165.005 does not apply to the museum.  
1-27 [Sections 446.003-446.020 reserved for expansion]  
1-28 SUBCHAPTER A-1. REQUESTS FOR PROPOSALS  
1-29 FOR MUSEUM  
1-30 Sec. 446.021. DEFINITION. In this subchapter, "proposal  
1-31 advisory council" means the proposal advisory council created by  
1-32 Section 446.024.  
1-33 Sec. 446.022. REQUEST FOR PROPOSAL PROCESS. The music  
1-34 office shall establish a request for proposal process to select  
1-35 contractors for the construction and operation of the museum.  
1-36 Sec. 446.023. CRITERIA. (a) The music office, with the  
1-37 assistance of the proposal advisory council, shall develop criteria  
1-38 to evaluate proposals for selecting a contractor for the  
1-39 construction and initial operation of the museum.  
1-40 (b) The criteria must:  
1-41 (1) require proposals that do not require money  
1-42 appropriated by the state;  
1-43 (2) specify information that must be provided in a  
1-44 proposal, including:  
1-45 (A) information on the construction cost;  
1-46 (B) the proposed location of the museum;  
1-47 (C) sources of funding for the construction;  
1-48 (D) estimated revenue from and annual usage of  
1-49 the museum; and  
1-50 (E) the proposed museum operator; and  
1-51 (3) allow the music office to change the museum  
1-52 operator after a period of time specified by the music office.  
1-53 Sec. 446.024. PROPOSAL ADVISORY COUNCIL. (a) A proposal  
1-54 advisory council is created to advise the music office on the  
1-55 request for proposal process.  
1-56 (b) The proposal advisory council is made up of six members  
1-57 appointed by the governor as follows:  
1-58 (1) one representative from the Texas Commission on  
1-59 the Arts;  
1-60 (2) one representative from the State Preservation  
1-61 Board;  
1-62 (3) one representative from the Texas Historical  
1-63 Commission;

2-1 (4) one representative from the Texas Economic  
2-2 Development and Tourism Office;

2-3 (5) one representative involved in tourism-related  
2-4 activities at the Texas Department of Transportation; and

2-5 (6) one representative from the music office.  
2-6 (c) The music office representative serves as the presiding

2-7 officer of the proposal advisory council.  
2-8 (d) The proposal advisory council shall meet at the call of

2-9 the presiding officer.  
2-10 (e) Chapter 2110 does not apply to the council.

2-11 Sec. 446.025. DUTIES OF PROPOSAL ADVISORY COUNCIL. The  
2-12 proposal advisory council shall advise the music office regarding:

2-13 (1) criteria used to select a proposal for  
2-14 construction and operation of the museum under this subchapter; and

2-15 (2) the selection process after proposals have been  
2-16 submitted for the construction and operation of the museum.

2-17 Sec. 446.026. EXPIRATION. On September 1, 2013, the  
2-18 proposal advisory council is abolished and this subchapter expires.

2-19 [Sections 446.027-446.050 reserved for expansion]  
2-20 SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

2-21 Sec. 446.051. ADMINISTRATION. The music office shall  
2-22 administer this chapter.

2-23 Sec. 446.052. ADVISORY BOARD. (a) The music history  
2-24 advisory board is created to advise the music office and the museum  
2-25 operator on the content and additions to the content of the Texas  
2-26 State Music History Museum, including the addition of specific  
2-27 Texan artists for recognition of their contributions to music.

2-28 (b) The advisory board is appointed by the governor and must  
2-29 include at least one representative from the Texas Commission on  
2-30 the Arts.

2-31 Sec. 446.053. MUSEUM OPERATOR. The music office shall hire  
2-32 a museum operator to manage the operation of the museum.

2-33 Sec. 446.054. PERSONNEL. The museum operator may hire  
2-34 personnel necessary for the museum.

2-35 [Sections 446.055-446.100 reserved for expansion]  
2-36 SUBCHAPTER C. POWERS AND DUTIES

2-37 Sec. 446.101. GENERAL POWERS. (a) The museum shall  
2-38 provide exhibits, programs, and activities that promote the  
2-39 purposes described by Section 446.002 and support the education of  
2-40 the public, including students, in the knowledge and appreciation  
2-41 of the various musical trailblazers and pioneers of Texas and the  
2-42 varied musical styles of Texas that have evolved and  
2-43 cross-pollinated the face of modern popular music, including  
2-44 Country, Blues, Jazz, Gospel, Rock, Pop, and TexMex or Tejano  
2-45 music.

2-46 (b) The music office and museum operator may exercise any  
2-47 power appropriate to implement or promote a museum purpose.

2-48 Sec. 446.102. SALE OF MUSIC. (a) The museum operator may  
2-49 license and sell music from the museum's website.

2-50 (b) In addition to music connected with Texas music history,  
2-51 the museum operator may sell commercially produced music from the  
2-52 museum's website.

2-53 Sec. 446.103. LIVE MUSIC. The museum operator may host live  
2-54 musical performances.

2-55 Sec. 446.104. FILMS, RECORDINGS, AND OTHER PRODUCTS. The  
2-56 museum operator may develop and produce films, musical recordings  
2-57 or compilations, and other products and may retain royalties or  
2-58 otherwise receive revenue from the production, distribution,  
2-59 exhibition, or sale of those films, recordings, or products.

2-60 Sec. 446.105. MEMBERSHIP PROGRAM. The museum operator may  
2-61 establish a museum membership program.

2-62 Sec. 446.106. MARKETING AND PUBLIC RELATIONS. (a) The  
2-63 museum operator may market and publicize the museum's exhibits,  
2-64 programs, and activities.

2-65 (b) The museum operator may:

2-66 (1) employ public relations personnel;

2-67 (2) publish brochures, books, and periodicals  
2-68 intended for the general public that are promotional,  
2-69 informational, or educational; and

3-1                   (3) advertise the museum in any available media.  
3-2                   Sec. 446.107. VENDING FACILITIES. (a) In addition to  
3-3 exhibits and theaters, the museum operator may operate:  
3-4                   (1) a gift shop;  
3-5                   (2) food services, including one or more restaurants,  
3-6 cafeterias, and vending machines;  
3-7                   (3) pay station telephones;  
3-8                   (4) automated teller machines; and  
3-9                   (5) other services and facilities convenient or  
3-10 necessary for visitors to the museum.  
3-11                  (b) Chapter 94, Human Resources Code, does not apply to  
3-12 vending facilities operated by or approved for operation in the  
3-13 museum.  
3-14                  Sec. 446.108. TOURS; PARKING AND TRANSPORTATION. The  
3-15 museum operator may provide parking for visitors and, in  
3-16 cooperation with other public and private authorities, may  
3-17 participate in providing for tour transportation of visitors  
3-18 between other historical and cultural sites.  
3-19                  Sec. 446.109. PRIVATE EVENTS. (a) The museum operator may  
3-20 rent all or part of the museum facility at various times for private  
3-21 events. The museum operator may restrict public access to that part  
3-22 of the facility rented for a private event.  
3-23                  (b) The museum operator may provide for the sale, gift,  
3-24 possession, and consumption of alcoholic beverages at a private  
3-25 event held in the facility.  
3-26                  Sec. 446.110. SUPPORT ORGANIZATIONS. The museum operator  
3-27 may establish and maintain one or more organizations of persons  
3-28 interested in supporting the programs and activities of the museum.  
3-29 Such an organization may be incorporated as a Texas nonprofit  
3-30 corporation.  
3-31                  Sec. 446.111. CONTRACTS. The museum operator may enter  
3-32 into contracts with any person to the extent necessary or  
3-33 convenient to construct or operate the museum, including contracts  
3-34 for exhibits, programs, activities, and facilities, and contracts  
3-35 to acquire, by purchase or loan, items for exhibition.  
3-36                  Sec. 446.112. PROGRAM AND FACILITY ACCESSIBILITY. The  
3-37 museum operator shall comply with federal and state laws related to  
3-38 program and facility accessibility. The museum operator shall  
3-39 prepare and maintain a written plan that describes how a person who  
3-40 does not speak English can be provided reasonable access to the  
3-41 museum's programs and services.  
3-42                  [Sections 446.113-446.150 reserved for expansion]  
3-43                                 SUBCHAPTER D. FINANCIAL PROVISIONS  
3-44                  Sec. 446.151. GENERAL FUNDING AND SPENDING AUTHORITY.  
3-45 (a) To the extent possible, the costs of operating the museum  
3-46 shall be paid from revenues generated by the museum, but the  
3-47 legislature may appropriate money to operate the museum.  
3-48                  (b) The museum operator may spend money received by the  
3-49 museum for any purpose connected with the museum.  
3-50                  Sec. 446.152. GIFTS, GRANTS, AND DONATIONS. (a) The  
3-51 museum operator shall solicit and may accept donations of money or  
3-52 items from individuals and from public or private foundations and  
3-53 organizations.  
3-54                  (b) The museum operator may accept donations and grants for the  
3-55 museum.  
3-56                  Sec. 446.153. FEES. (a) The museum operator may set and  
3-57 collect fees in amounts necessary to operate the museum, including  
3-58 fees for:  
3-59                   (1) admission to exhibits, theaters, programs, and  
3-60 activities;  
3-61                   (2) parking and transportation; and  
3-62                   (3) facility rental.  
3-63                  (b) The museum operator may sell at prices set by the museum  
3-64 operator items manufactured or publications printed under contract  
3-65 with the museum.  
3-66                  Sec. 446.154. AUDIT. The transactions, funds, and programs  
3-67 of the museum are subject to audit by the state auditor in  
3-68 accordance with Chapter 321.  
3-69                  Sec. 446.155. STATE EMPLOYEE CHARITABLE CONTRIBUTIONS. For

4-1 purposes of Subchapter I, Chapter 659:

4-2 (1) the museum is considered an eligible charitable  
4-3 organization entitled to participate in a state employee charitable  
4-4 campaign under Subchapter I, Chapter 659; and

4-5 (2) a state employee is entitled to authorize a  
4-6 deduction for contributions to the museum, including contributions  
4-7 for museum membership, as a charitable contribution under Section  
4-8 659.132, and the museum may use the contributions for museum  
4-9 purposes.

4-10 Sec. 446.156. MUSEUM FUND. (a) All money and securities  
4-11 received by the museum, including the net revenue from vending  
4-12 facilities under Section 446.107, shall be credited to and held in  
4-13 trust outside the treasury by the comptroller in a special fund to  
4-14 be known as the Texas State Music History Museum fund.

4-15 (b) The comptroller shall manage and invest the fund on  
4-16 behalf of the museum as directed or agreed to by the museum  
4-17 operator. Interest, dividends, and other income of the fund shall  
4-18 be credited to the fund.

4-19 (c) The museum operator shall prepare a detailed annual  
4-20 report on the fund. That report must describe the status of the  
4-21 fund, list all donations to the fund, including the name of each  
4-22 donor, and list all disbursements from the fund, including the  
4-23 purpose of each disbursement.

4-24 (d) The state auditor, based on a risk assessment and  
4-25 subject to the legislative audit committee's approval of including  
4-26 the review in the audit plan under Section 321.013, may review the  
4-27 annual report on the fund, and any information used in preparing the  
4-28 report as the auditor determines necessary, and shall report any  
4-29 findings or recommendations to the museum and the legislative audit  
4-30 committee.

4-31 (e) The fund is not subject to Subchapter F, Chapter 404. A  
4-32 provision of this chapter or other law that provides for the deposit  
4-33 of money or another thing of value into the fund prevails over  
4-34 Subchapter F, Chapter 404.

4-35 (f) Subtitle D, Title 10, does not apply to a purchase or  
4-36 lease made with money from the fund.

4-37 Sec. 446.157. INSURANCE. The museum operator may purchase  
4-38 insurance policies to insure the museum buildings and contents and  
4-39 other personal property against any insurable risk, including  
4-40 insurance covering historical artifacts, art, recordings, or other  
4-41 items, including items on loan to the museum.

4-42 SECTION 2. This Act takes effect September 1, 2007.

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