

By: Geren

H.B. No. 2495

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas State Music Museum and Texas Music Foundation; authorizing fees.

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 MUSEUM AND TEXAS MUSIC FOUNDATION

Sec. 446.001. DEFINITIONS. In this chapter:

(1) "Board" means the State Preservation Board.

(2) "Capitol Complex" has the meaning assigned by Section 443.0071.

(3) "Foundation" means the Texas Music Foundation.

(4) "Museum" means the Texas State Music Museum.

(5) "Presiding officer" means the presiding officer of the foundation.

Sec. 446.002. ESTABLISHMENT OF MUSEUM. (a) The Texas State Music Museum is established to:

(1) educate and engage visitors in the rich and varied heritage of the music of this state;

(2) display objects and information relating to the heritage described by Subdivision (1); and

(3) honor musical artists and other persons who have contributed to the heritage described by Subdivision (1).

(b) The museum shall provide exhibits, concerts, programs,

1 and activities that support the musical education of the people of
2 this state, including students.

3 (c) The cost of operating the museum shall be paid from
4 revenue generated or collected by the museum and the foundation.

5 Sec. 446.003. ESTABLISHMENT OF FOUNDATION. The board shall
6 establish and maintain the Texas Music Foundation as a Texas
7 nonprofit corporation, exempt from federal income taxation under
8 Section 501(a), Internal Revenue Code of 1986, as an organization
9 described by Section 501(c)(3) of that code. The foundation is a
10 nonpolitical legal entity dedicated solely to supporting the
11 mission and goals of the museum.

12 Sec. 446.004. FOUNDATION DIRECTORS. (a) The foundation is
13 governed by 13 directors, appointed by the governor, as chairman of
14 the board, in consultation with the other board members.

15 (b) The executive director of the board and a person
16 designated by the governor's office serve as ex officio directors
17 of the foundation, without voting privileges.

18 (c) Each director serves at the will of the governor.

19 (d) The governor shall designate a director to serve as the
20 presiding officer of the foundation.

21 (e) A director serves without compensation but is entitled
22 to reimbursement for reasonable and necessary expenses incurred in
23 the performance of duties as director.

24 (f) A person who is required to register as a lobbyist under
25 Chapter 305 may not serve as a director.

26 Sec. 446.005. BOARD OVERSIGHT AND DESIGNATION OF MUSEUM
27 SPACE. (a) The museum is under the jurisdiction of the board.

1 (b) The board, with the assistance of the Texas Facilities
2 Commission, shall designate sufficient space in a building in the
3 Capitol Complex to house the museum. The building is not subject to
4 Section 2165.005.

5 (c) The board shall name the building.

6 Sec. 446.006. AGREEMENT BETWEEN BOARD AND FOUNDATION. The
7 board shall enter into an agreement with the foundation for the
8 management, operation, and financial support of the museum. The
9 agreement must:

10 (1) detail the expectations and goals of the board and
11 the foundation;

12 (2) outline the management and operation of the
13 museum;

14 (3) establish management standards;

15 (4) provide for oversight by the board;

16 (5) address funding and payment of costs;

17 (6) address equipment needed for the museum;

18 (7) establish insurance coverage requirements;

19 (8) address construction, maintenance, and repair of
20 the museum;

21 (9) establish the term of the agreement;

22 (10) require submission of financial information from
23 the foundation to the board;

24 (11) establish the foundation as a trustee of the
25 museum for the benefit of this state;

26 (12) address ownership by this state of the museum and
27 museum contents;

1 (13) include a dispute resolution process;

2 (14) provide that the laws of this state govern the
3 agreement;

4 (15) include notice requirements;

5 (16) establish a conflict of interest policy for
6 foundation officers, directors, and employees;

7 (17) establish a budget for the operation of the
8 foundation; and

9 (18) allow the board to provide personnel and office
10 support to the foundation.

11 Sec. 446.007. FOUNDATION PERSONNEL. (a) The foundation
12 shall employ personnel necessary to operate the museum.

13 (b) A foundation employee is not a state employee. The
14 foundation may set the salaries of foundation employees, subject to
15 board oversight.

16 Sec. 446.008. FOUNDATION POWERS AND DUTIES. (a) The
17 foundation shall manage and operate the museum.

18 (b) Any authority granted to the museum may be exercised by
19 the foundation, except as otherwise directed by the board.

20 (c) The foundation shall raise money to finance and support
21 the museum.

22 (d) With the approval of the board, the foundation may
23 conduct concerts, programs, and fund-raising activities in the
24 Capitol Complex outside the fence line of the Capitol grounds.

25 Sec. 446.009. FUNDING AND FEES. (a) The foundation may
26 solicit and accept gifts, grants, sponsorships, and donations from
27 individuals and public or private foundations and organizations to

1 further the foundation's mission, including a gift, grant,
2 sponsorship, or donation made in the name of the museum.

3 (b) Money raised by the foundation may be used to acquire
4 personal property for or engage in construction activities related
5 to the museum.

6 (c) The foundation may set and collect fees in amounts
7 necessary to provide for the operation of the museum, including
8 fees for:

9 (1) admission to exhibits, theaters, concerts,
10 programs, and activities;

11 (2) parking and transportation; and

12 (3) facility rental.

13 (d) The foundation may sell at the museum items manufactured
14 or publications printed under contract with the museum.

15 (e) The foundation may establish a museum membership
16 program.

17 Sec. 446.010. TEXAS STATE MUSIC MUSEUM FUND. (a) Money and
18 securities received by the foundation and museum shall be held in
19 trust outside the state treasury by the comptroller in a special
20 fund to be known as the Texas State Music Museum fund.

21 (b) The foundation may spend money in the Texas State Music
22 Museum fund for any lawful purpose connected with the museum.

23 (c) Subtitle D, Title 10, does not apply to a purchase or
24 lease made with money from the fund.

25 Sec. 446.011. FACILITIES. (a) The foundation may operate
26 in the museum:

27 (1) a theater or other venue for hosting a musical

1 concert or performance;

2 (2) a gift shop;

3 (3) unmanned teller machines;

4 (4) food services; and

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

7 (b) Chapter 355, Labor Code, does not apply to vending
8 facilities operated by or approved for operation in the museum.

9 Sec. 446.012. NAMING OF MUSEUM AREAS. With the approval of
10 the board, the foundation may name areas in the museum, including
11 rooms and exhibition halls, in honor of donors or benefactors, or
12 other persons who have contributed to the musical heritage of this
13 state.

14 Sec. 446.013. INTELLECTUAL PROPERTY RIGHTS. The foundation
15 may secure museum-related intellectual property rights for this
16 state.

17 Sec. 446.014. AUDIT. The museum is subject to audit by the
18 state auditor as provided by Chapter 321.

19 Sec. 446.015. PARKING AND TRANSPORTATION. The foundation
20 may provide at the museum parking for visitors and, in cooperation
21 with other public and private authorities, may participate in
22 providing transportation for visitors between other musical and
23 cultural sites.

24 Sec. 446.016. PRIVATE EVENTS. The foundation may rent all
25 or part of the museum's facilities for private events and provide
26 for the sale, gift, possession, and consumption of alcoholic
27 beverages at a private event held in the facilities.

1 Sec. 446.017. MARKETING AND PUBLIC RELATIONS. The
2 foundation may engage in marketing and public relations to
3 publicize the museum and the museum's mission.

4 Sec. 446.018. INSURANCE. The foundation may purchase
5 insurance policies to insure the museum's contents and other
6 personal property against any insurable risk, including insurance
7 covering historical artifacts, art, or other items on loan to the
8 museum.

9 Sec. 446.019. CONTRACTS. The foundation may contract with
10 public or private entities to the extent necessary or convenient
11 for the operation of the museum's exhibits, concerts, programs,
12 activities, and facilities, including contracts for the
13 acquisition by purchase or loan of items for exhibition.

14 Sec. 446.020. AGREEMENT FOR UTILITIES AND OTHER SERVICES.
15 The foundation may enter into an agreement with the Texas
16 Facilities Commission to reimburse the commission for the costs of
17 providing utilities and other necessary services for the museum.

18 Sec. 446.021. ANNUAL REPORT. Not later than the 60th day
19 after the last day of each state fiscal year, the foundation shall
20 submit to the board an electronic report itemizing all income and
21 expenditures of the foundation and describing all activities of the
22 foundation and museum during the preceding state fiscal year.

23 Sec. 446.022. OPEN MEETINGS AND PUBLIC INFORMATION
24 EXEMPTION. The foundation is not subject to Chapter [551](#) or [552](#).

25 Sec. 446.023. TAX EXEMPTION; FILING REQUIREMENT. (a) All
26 income, property, and other assets of the foundation are exempt
27 from taxation by this state and political subdivisions of this

1 state.

2 (b) The foundation shall comply with all filing
3 requirements of the secretary of state and the Internal Revenue
4 Service.

5 Sec. 446.024. PROHIBITED ACTIVITIES. The foundation may
6 not:

7 (1) donate funds to a political campaign or endorse a
8 political candidate;

9 (2) lobby or otherwise attempt to influence a member
10 of the legislature; or

11 (3) directly or indirectly attempt to influence
12 legislation.

13 SECTION 2. As soon as practicable after the effective date
14 of this Act:

15 (1) the State Preservation Board shall establish the
16 Texas Music Foundation under Chapter 446, Government Code, as added
17 by this Act; and

18 (2) the governor shall appoint directors to the Texas
19 Music Foundation as provided by Section 446.004, Government Code,
20 as added by this Act.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2017.