

BILL ANALYSIS

Senate Research Center
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S.B. 786
By: Harris
Administration
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As Filed

DIGEST

Currently, under Texas law, the Texas State History Museum (museum) will be located north of the State Capitol Building. The state-of-the-art museum will be technology-oriented and educational. However, legislation is now needed to clarify the operational procedures of the museum, since the museum will open before the 2001 legislature adjourns. S.B. 786 would outline the museum's purpose, operation and maintenance by the State Preservation Board, exhibits and facilities provided by the museum, marketing, insurance policies, relationship with public entities, federal and state laws, cost and net revenues; and would create the Texas State History Museum fund.

PURPOSE

As proposed, S.B. 786 clarifies the operation and maintenance procedures of the Texas State History Museum.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4D, Government Code, by adding Chapter 445, as follows:

CHAPTER 445. TEXAS STATE HISTORY MUSEUM

Sec. 445.001. MUSEUM. Provides that the Texas State History Museum (museum) is established for the purpose of educating and engaging visitors in the exciting and unique story of Texas and displaying objects and information relating to the history of Texas. Requires the museum to provide exhibits, programs, and activities that support the education of public school students in the essential knowledge and skills developed and adopted under Chapter 28, Education Code.

Sec. 445.002. GOVERNANCE. Requires the State Preservation Board (board) to govern and provide for the operation of the museum. Provides that the board and the executive director of the board have the same powers and duties in relation to the museum that they have in regard to other facilities and programs under Chapter 443, except to the extent of conflict with this chapter. Requires the governor, lieutenant governor, and speaker of the house of representatives, in their capacities as members of the board, to each appoint one person to an advisory committee to assist and advise the board in governing and operating the museum. Provides that a member of the board is eligible to serve on the advisory committee.

Sec. 445.003. VENDING FACILITIES. Authorizes the museum to operate, in addition to exhibits and theaters, certain services and facilities. Provides that Chapter 94, Human Resources Code, does not apply to vending facilities operated by or approved for operation in the museum.

Sec. 445.004. THEATERS; FILMS AND OTHER PRODUCTS. Authorizes the museum to operate one or more film theaters, including a large-format theater. Authorizes the museum to exhibit commercially produced entertainment films in museum theaters, in addition to films connected with Texas history. Authorizes the museum to develop and produce films and other products and to retain royalties or otherwise receive revenue from the production, distribution, exhibition, or sale of those films or products.

Sec. 445.005. **MARKETING AND PUBLIC RELATIONS.** Provides that marketing and publicity of the museum's exhibits, programs, and activities is essential to the museum's statutory objectives. Authorizes the museum to engage in certain marketing activities.

Sec. 445.006. **TOURS; PARKING AND TRANSPORTATION.** Authorizes the museum 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. 445.007. **PRIVATE EVENTS.** Authorizes the museum to rent all or part of the museum facility at various times for private events. Authorizes the museum to restrict public access to that part of the facility rented for a private event. Authorizes the museum to provide for the sale, gift, possession, and consumption of alcoholic beverages at a private event held in the facility.

Sec. 445.008. **INSURANCE.** Authorizes the museum to purchase insurance policies to insure the museum buildings and contents and other personal property against any insurable risk, including insurance covering historical artifacts, art, or other items on loan to the museum.

Sec. 445.009. **CONTRACTS.** Authorizes the museum to contract with public or private entities to the extent necessary or convenient to the operation of the museum's exhibit, programs, activities, and facilities, including contracts for the acquisition by purchase or loan of items for exhibition.

Sec. 445.010. **PROGRAM AND FACILITY ACCESSIBILITY.** Requires the museum to comply with federal and state laws related to program and facility accessibility. Requires the museum to prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the museum's programs and services.

Sec. 445.011. **FUNDING.** Requires the costs of operating the museum to be paid from revenue generated by the museum, to the extent possible, but the legislature may appropriate funds for the operation of the museum. Requires the museum to solicit and to accept gifts of money or items from individuals and from public or private foundations and organizations. Authorizes the museum to set and collect fees in amounts necessary to provide for the operation of the museum, including fees for certain facilities. Authorizes the museum to sell at prices set by the museum items manufactured or publications printed under contract with the museum. Requires all net revenue collected by the museum under this chapter, including the net revenue from vending facilities under Section 445.003, to be credited to the Texas State History Museum fund. Provides that the transactions, funds, and programs of the museum are subject to audit by the state auditor in accordance with Chapter 321.

Sec. 445.012. **MUSEUM FUND.** Requires money and securities received by the museum to be held in trust outside the treasury by the comptroller in a special fund to be known as the Texas State History Museum fund. Authorizes the museum to spend money received by the museum for any purpose connected with the museum. Requires the comptroller to manage and invest the fund on behalf of the museum as directed or agreed to by the museum. Requires interest, dividends, and other income of the fund to be credited to the fund. Requires the museum to prepare a detailed annual report on the fund. Requires that report to describe the status of the fund, list all donations to the fund, including the name of each donor, and list all disbursements from the fund, including the purpose of each disbursement. Requires the state auditor to annually review the annual report on the fund, and any information used in preparing the report as the auditor determines necessary, and to report any findings or recommendations to the museum and the legislative audit committee. Provides that the fund is not subject to Chapter 404F. 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 Chapter 404F. Provides that Title 10D does not apply to a purchase or lease made with money from the fund.

Sec. 445.013. **SUPPORT ORGANIZATIONS.** Authorizes the museum 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.

SECTION 2. Provides that the museum is dedicated to former Lieutenant Governor Bob Bullock in recognition of his contribution to the people of the State of Texas through a life of public service and in

recognition of his vision in proposing and securing funding for the museum. Requires the board to install in a prominent place in the museum a plaque commemorating the dedication of the museum to Bob Bullock.

SECTION 3. Emergency clause.

Effective date: upon passage.