

- SUBJECT:** Changing the definition of ‘artist’ for the regulation of talent agencies
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, J. Moreno, A. Reyna, Wise
- 0 nays
- 1 absent — D. Jones
- WITNESSES:** For — None
- Against — None
- On — William Kuntz, Texas Department of Licensing and Regulation; Casey Monahan, Texas Music Office, Office of the Governor
- BACKGROUND:** Occupations Code, ch. 2105, the Texas Talent Agency Act, requires the Texas Department of Licensing and Regulation (TDLR) to register talent agencies that employ artists. For the purposes of this registration, Occupations Code, sec. 2105.001 defines the term “artist” to include an actor in a motion picture, theatrical, radio, television, or other entertainment production; a director; a musician or musical director; a writer; a cinematographer; a composer or lyricist; a model; or another individual who performs analogous professional services.
- In response to entertainment industry concerns, TDLR adopted rules in Title 16, Texas Administrative Code (TAC), ch. 78 that narrowed the definition of “artist” to “an actor or model as defined by the Act.” Since the adoption of this definition, TDLR only has required the registration of talent agencies that represent models or actors.
- DIGEST:** CSHB 1216 would limit the definition of “artist” for purposes of the Texas Talent Agency Act to an actor who performs in a motion picture, radio, or television production or a model.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 1216 is necessary to clear up a discrepancy between the definition of 'artist' in TAC rules and the definition in the Texas Talent Agency Act. The Legislature enacted the talent agency law in 1989 to curb abuses by disreputable talent agencies that preyed upon young people with ambitions of becoming actors or models. However, the original definition required TDLR to regulate many entertainment industry professionals, such as musicians and writers, whom the authors of the act did not intend to regulate with the original legislation.

The original intent of the act was to curb abuses by fly-by-night modeling agencies who prey primarily on young people with ambitions of becoming fashion models or actors. These firms typically set up shop, promised that they could get their client a break into the industry, took a few photos, then left town. When the act proved to have broader coverage than needed to accomplish its intent, the TDLR adopted rules limiting its application. CSHB 1216 simply would change the law to conform to current regulatory practice.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute amended the original bill by removing an actor who performs in a theater or in another entertainment production from the definition of 'artist'.