

## **BILL ANALYSIS**

H.B. 3863  
By: Hilderbran  
Culture, Recreation, & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

To honor and celebrate Texas' rich musical legacy the state needs an official museum of Texas music history. The museum would preserve, recognize, and celebrate Texas music and music history. The museum would operate using a similar framework to the one created for the Bullock Museum of Texas History, but no state money would be appropriated to create the museum. This legislation would provide the state's blessing on the creation of a music museum and incentivize whatever group is able to put the best proposal together. A proposal advisory council would be created to oversee selection of a contractor for construction and initial operation of the museum through a request for proposal. The proposal advisory council would consist of six members and advise the Texas Commission on the Arts on the request for proposal process. A second advisory board appointed by the Governor would advise the museum on content, once the operator for the museum has been chosen. The museum operator would be able to sell music, host live music performances, and to host recordings. In all other respects, the museum operator would market the museum and be able to operate as a contractor to make a profit. The Texas Commission on the Arts' music office would administer the contract with the operator. The operator, however, would retain the ability to contract with third parties to build the museum, solicit donations, charge fees, and receive charitable contributions.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

SECTION 1. Adds Chapter 446 to Subtitle D, Title 4 of the Government Code regarding the Texas Music History Museum (museum).

Subchapter A. Sets forth the definitions of "Commission" and "Museum operator," and states the purpose of the creation of the museum. Section 2165.005 does not apply to the museum, and Sections 446.003-446.020 are reserved for expansion.

Subchapter A-1 relates to requests for proposals for the museum. Provides the definition of "proposal advisory council." The Subchapter also states that the commission shall establish a request for proposal process to select a museum operator and sets forth the criteria to evaluate proposals. The proposal advisory council is described and explained, and the date it will be abolished is stated. Sections 446.026-446.050 are reserved for expansion.

Subchapter B relates to the administrative provisions. This Subchapter states that the Commission shall administer the contract with the museum operator and the purpose and makeup of the Music History Advisory Board is given. Section 446.053 states who will name the museum, and Section 446.054 describes the hiring of personnel. Sections 446.005-446.100 are reserved for expansion.

Subchapter C pertains to the powers and duties, stating the sorts of exhibits, programs, and activities the museum with promote and offer. The commission and museum operator may exercise powers appropriate to implement the chapter or to operate or promote a museum purpose. This Subchapter states the options of the museum regarding sale of music, live musical performances, the development and production of films, recordings, or products, the establishment of a membership program, marketing and public relations, vending facilities,

parking and tour transportation, renting all or part of the museum facility for private events, sale of alcoholic beverages, and the establishment and maintenance of supporting organizations. Sections 446.112-446.150 are reserved for expansion.

Subchapter D pertains to contracts, specifically a contract with the museum operator to operate the museum, the terms contained in the contract with the museum operator, and contracts between the operator and third parties. Sections 446.154-446.200 are reserved for expansion.

Subchapter F describes the financial provisions. This Subchapter states how operation costs will be paid, how the museum operator may spend money received by the museum, and how the revenue may be divided. This Subchapter further describes the solicitation and acceptance of donations, gifts, and grants, the setting of fees, audit by the state auditor, state employee charitable contributions, and insurance policies purchased by the museum operator on behalf of the museum.

SECTION 2. Effective date.

**EFFECTIVE DATE**

This Act takes effect September 1, 2007.