

SUBJECT: Bob Bullock Texas State History Museum and Preservation Board revisions

COMMITTEE: House Administration — favorable, without amendment

VOTE: 7 ayes — Goolsby, Luna, Allen, Chisum, Giddings, Hamric, Maxey
0 nays
4 absent — Alvarado, Bailey, Hawley, Tillery

SENATE VOTE: On final passage, March 15 — 30-0

WITNESSES: For — Sid Covington, Old Enfield Homeowners Association
Against — None
On — Rick Crawford, Julie Fields, State Preservation Board

BACKGROUND: The State Preservation Board (SPB) has jurisdiction over the maintenance, restoration, and preservation of the State Capitol, the old General Land Office Building, and the Capitol Extension in Austin.

DIGEST: SB 494 would establish the Bob Bullock Texas State History Museum and would authorize SPB to build, govern, and operate the museum. It also would create the Bob Bullock Texas State History Museum Fund, to be held outside the treasury, for use in operating the museum.

The purpose of the museum would be to educate visitors about Texas history. It would have to provide exhibits, programs, and activities for public school students that comply with the Texas Essential Knowledge and Skills (TEKS) curriculum.

The bill would create a three-person advisory committee to help SPB operate the museum. In their capacity as SPB members, the governor, lieutenant governor, and House speaker each would appoint one member to the advisory committee.

SB 494 would require SPB to install in a prominent place in the museum a plaque commemorating the dedication of the museum to former Lt. Gov. Bob Bullock.

SB 494 also would establish a general revenue-dedicated account called the Capitol Renewal Account for SPB's use in maintaining and preserving the Capitol and the General Land Office Building. It also would authorize SPB to maintain and restore the historic Woodlawn property, also known as the Pease Mansion, in Austin and to provide tours of buildings under its jurisdiction.

Museum funding. The Bob Bullock Texas State History Museum Fund would be held in trust by the comptroller. Donations and revenue received by the museum could be spent for anything related to the museum. The comptroller would have to manage and invest the fund, and any interest, dividends, and other income would be credited to the fund.

SB 494 would require, to the extent possible, that revenues generated by the museum be used for museum operating costs, although the Legislature could appropriate money for operating costs. All transactions and programs would be subject to audit by the state auditor. The museum would have to solicit and could accept donations from individuals and from public or private foundations and organizations. In addition to selling items and publications, the museum could set and collect fees for:

- ! admission to exhibits, theaters, programs, and activities;
- ! parking and transportation; and
- ! facility rental.

All revenue from admission and parking fees, facility rentals, and revenue from vending facilities would be credited to the museum fund.

The museum would have to prepare a detailed annual report for the state auditor. The auditor would have to review the report every year and could review any other information used to prepare the report. The auditor would have to report any recommendations to the museum and the Legislative Audit Committee. Purchases or leases made with money from the fund would be exempt from the State Purchasing and General Services Act.

Museum activities. SB 494 would allow the museum to operate one or more theaters, including a large-format theater. The museum could show films about Texas history as well as commercially produced films. The museum also could develop and produce its own films and keep any revenue received from the sale of those films. The museum could operate:

- ! a gift shop;
- ! food services, restaurants, cafeterias, and vending machines;
- ! pay station telephones;
- ! automated teller machines; and
- ! any other service or facility necessary for visitors to the museum.

The museum could rent the facility for private events and could provide for the sale, gift, possession, and consumption of alcoholic beverages at private events held in the facility.

Museum vending facilities would be exempt from Human Resources Code, chapter 94, which requires an agency, when feasible, to install a facility to be operated by a blind or disabled person.

Museum operations. The museum could:

- ! hire public relations personnel to market the museum's activities;
- ! publish informational and promotional materials;
- ! advertise the museum;
- ! buy insurance to insure the museum and its contents, including insurance for historical artifacts, art, or items on loan to the museum;
- ! contract with public or private entities to operate exhibits, programs, and activities, including acquisition for purchase or loan of items for exhibition;
- ! provide visitor parking;
- ! cooperate with public or private transportation authorities to provide visitor transportation between other historical and cultural sites; and
- ! establish nonprofit support organizations.

The museum would have to comply with state and federal laws regarding accessibility to programs and facilities.

Capitol Renewal Account. SB 494 would establish a general revenue-dedicated Capitol Renewal Account for SPB to use in maintaining and preserving the Capitol, Capitol Extension, and General Land Office Building and their contents and grounds. The fund would include revenue from pay telephones, sale of board publications, and revenue from transportation services.

The fund could maintain any accumulated balance at the end of a fiscal year, and a pro-rata portion of interest from general revenue investments would be credited to the account.

Woodlawn. SB 494 would transfer ownership of Woodlawn (Pease Mansion) from the General Services Commission (GSC) to SPB, which would have to preserve, maintain, restore, and furnish the building, contents, and grounds. SPB could:

- ! set and collect fees for use of the mansion for special events;
- ! provide for public tours and transportation;
- ! cooperate with public or private transportation authorities to provide visitor transportation;
- ! set and collect fees for transportation;
- ! hire public relations personnel;
- ! publish promotional and informational brochures; and
- ! sell publications at prices set by the SPB.

Other SPB duties. SB 494 also would authorize SPB to meet at the call of the governor and would authorize the executive director to employ an architect. The bill would require SPB to adopt a schedule for employees' use of earned compensatory time. It would allow SPB to buy insurance for historical artifacts, art, or other items on loan to SPB.

SB 494 would require the executive director to notify SPB in writing of any expenditures for purchases or leases in excess of \$15,000.

The bill would permit SPB to apply and enforce rules applicable to the Capitol and General Land Office Building to other buildings and grounds over which SPB has jurisdiction and would remove references to the architect of the

capitol. It would authorize the SPB to use in the flower beds on the Capitol grounds nonindigenous plants that have historical significance.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

By creating the Bob Bullock Texas State History Museum, SB 494 would fulfill the vision of former Lt. Gov. Bullock to preserve and promote Texas' history and heritage for generations to come.

Establishing a dedicated museum fund would enable SPB to solicit and accept donations and endowments for the museum. Individuals who wished to make donations to the museum or endowments for specific purposes related to the museum would be assured that their wishes would be carried out and that donations would remain with the museum and not go to general revenue for other state uses.

Architects and building management experts have recommended setting aside a special fund to pay for needed repairs to depreciated assets such as carpet, heating and air conditioning units, and other mechanical systems. The proposed Capitol Renewal Account would enable SPB to plan for long-term maintenance and for the replacement of these expensive items.

The Pease Mansion is the third most important historic state building in Austin after the Capitol and the Governor's Mansion. It was designed by renowned architect Abner Cook, who also designed the Governor's Mansion. GSC has done a good job of maintaining the pre-Civil War estate, but the mansion has been vacant since 1996 and is deteriorating badly. SB 494 would strengthen oversight and upkeep of the mansion by putting it in the hands of an agency with the appropriate expertise to restore and manage this historic facility.

The bill would make needed conforming statutory changes regarding the architect of the Capitol. SPB has not designated an architect of the Capitol since 1992 and now retains staff architects. Also, by authorizing SPB to meet at the call of the chair rather than requiring it to meet quarterly, the bill would bring the law in line with current practice.

SPB needs to be able to buy insurance for historical artifacts or other items, including items on loan from other institutions. Most museums require the borrowing institution to provide insurance for items on loan to them.

Currently, SPB is exempt from purchasing rules for direct purchases under \$15,000. However, there are many expensive, specialized items and materials in the Capitol and the old General Land Office, and often only one source can provide them. Having to procure these items under GSC guidelines can cause a delay of weeks or even months. Sole-source purchasing is possible through GSC, but the bureaucracy involved is time-consuming. Other legislative agencies such as Legislative Budget Board (LBB), the Sunset Advisory Commission, and the Legislative Council have this exemption.

Rules governing compensatory time now require SPB employees to use their comp time within one year of the end of a legislative session. Authorizing SPB to adopt a schedule regarding comp time would allow it to extend the amount of time, subject to state law, that employees have to use comp time earned during a legislative session.

OPPONENTS
SAY:

SPB should not be exempt from the State Purchasing and General Services Act and should have to adhere to purchasing guidelines that apply to other state agencies. If SPB needs to obtain a specialized item, it can do so through sole-source provisions, which allow it to circumvent the bidding process when there is only one source for an item.

OTHER
OPPONENTS
SAY:

SB 494 should specify that the Pease Mansion could be used only for residential purposes, such as a residence for the governor or a temporary residence for visiting dignitaries. Using the mansion for public functions would increase traffic and noise in the residential neighborhood surrounding the mansion.

NOTES:

According to the fiscal note, opening and operating the Bob Bullock Texas State History Museum, restoring and maintaining the Pease Mansion, and providing tours of buildings under SPB jurisdiction would cost the state \$14.4 million, excluding donations, through the fiscal biennium ending August 31, 2001, and \$3.5 million each year thereafter. According to SPB, both the House and Senate versions of HB 1 by Junell, the general appropriations bill, propose funding of slightly less than \$10 million for the biennium.