

SUBJECT: Creating a Texas music history museum

COMMITTEE: Culture, Recreation, and Tourism — committee substitute recommended

VOTE: 4 ayes — Hilderbran, Dunnam, Gallego, Phillips
0 nays
3 absent — Kuempel, Baxter, Dukes

WITNESSES: For — (*Registered, but did not testify:* Regina Lindsey, President of Texans for the Arts)
Against — None
On — (*Registered, but did not testify:* A.R. Schwartz, Wayne Miller)

DIGEST: CSHB 3062 would create a Texas music history museum for the purpose of educating visitors on the state’s musical heritage and recognizing the great musical artists that have contributed to the musical fabric of Texas. It would provide exhibits and activities that promote Texas music and educate the public about the various musical trailblazers and pioneers of Texas and the varied musical styles of Texas including, folk, country, swing, blues, classical, jazz, soul, gospel, rock, R&B, polka, pop, hip-hop, punk, zydeco and Tejano music.

The bill would create a six-member proposal advisory council to advise The Texas Commission on the Arts on the request for proposal process. The commission would consist of the following six members appointed by the governor:

- one representative from the Music, Film, Television, and Multimedia Office;
- one representative from the State Preservation Board;
- one representative from the Texas Historical Commission;
- one representative from the Texas Economic Development and Tourism Office;
- one representative involved with tourism-related activities at the Texas Department of Transportation; and

- one representative from the Texas Commission on the Arts to serve as the presiding member.

The council would advise the commission regarding the criteria used to select a proposal for construction and operation of the museum and the selection process after proposals had been submitted. The criteria would have to:

- require that proposals did not rely upon appropriated funds;
- contain information about construction costs, location, sources of funding, estimated revenue; and
- identify the proposed museum operator, with the understanding that the commission could change the museum operator after a period of time.

The proposal advisory council would be abolished a year after the commission contracted with a museum operator.

The commission would name the museum with proposals from the museum operator. An advisory board would be created to advise the commission and the museum operator on the content and additions to the museum. The advisory board would be appointed by the governor with at least one representative from the Music, Film, Television, and Multimedia Office.

The commission would administer the contract with the person they selected to operate the museum. A contract with a museum operator would involve either the construction of a state-owned museum leased to the operator or the operation of a museum on private property owned or leased by the museum operator. The operator would be required to purchase insurance policies to cover the museum property and contents. Employees of the museum operator or the museum would not be state employees.

The commission could not spend state money to construct or operate the museum, but it could spend state money as necessary to administer the contract with the museum operator. To the extent possible, operating costs would be paid from revenues generated by the museum. The museum operator could spend money received by the museum for any purpose connected with the museum and could share revenue generated by the museum with the state. The commission could accept donated funds or items for the museum. Transactions would be subject to state audit.

The bill would allow the museum to sell music, host live music, develop films and recordings, establish a museum membership program, operate pay station telephones and ATM machines, conduct marketing activities, and operate food services and a gift shop. The museum could rent the facility for private events and sell alcoholic beverages. It could charge fees for admission and parking and provide tour transportation for visitors. The museum operator could establish a nonprofit organization of members interested in supporting the programs and activities of the museum.

The museum would be considered an eligible charitable organization and state employees could authorize deductions to the museum as charitable contributions.

The bill would take effect September 1, 2005.

NOTES:

According to the fiscal note, this bill would cost the state \$153,240 in general revenue related funds in fiscal 2006-07 in staff and other start-up costs.

Changes made by the committee substitute to the original include:

- changing the proposal advisory council expiration date from 2011 to one year after the contract with the museum operator began;
- specifying that the commission would administer the contract with the museum operator;
- specifying that employees of the museum operator would not be state employees; and
- prohibiting the commission from spending state money to construct or operate the museum.