

**SUBJECT:** Creating the Texas State Music History Museum

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

**VOTE:** 6 ayes — Hilderbran, Kuempel, Homer, D. Howard, O’Day, Phillips  
0 nays  
1 absent — Dukes

**SENATE VOTE:** On final passage, April 30 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** *(On House companion bill, HB 3386 by Chisum, et al.):*  
For — *(Registered, but did not testify:* D.L. Bearden, Texas Music Museum; and Ramón Hernández, Establishing an Hispanic Music Archives at the Texas Music Museum aka MAMH)  
  
Against — Sara Morgan and Clayton Shorkey, Texas Music Museum; Stephen Williams, American Music History Project  
  
On —Ricardo Hernandez, Texas Commission on the Arts; Sharon Herfurth, Texas Music Museum

**DIGEST:** CSSB 1933 would create the Texas State Music History Museum to educate visitors on the musical heritage of Texas, display objects and information relating to the musical history of Texas, and recognize great musical artists that have contributed to the musical fabric of Texas.

The bill would define “museum operator” as the person selected by the music office to operate the museum, and “music office” as the Music, Film, Television, and Multimedia Office in the Office of the Governor. It would exempt the museum from Government Code, sec. 2165.005, which requires state building names to be approved by the Legislature and the governor and be named for a deceased person who was significant in the state’s history.

The bill would require the music office to establish a request for proposal (RFP) process to select contractors for the operation and, if applicable, construction of the museum.

CSSB 1933 would create a proposal advisory council to advise the music office on the RFP process and would authorize the governor to appoint the following six members to the council:

- one representative from the Texas Commission on the Arts (TCA);
- 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 in tourism-related activities at the Texas Department of Transportation; and
- one representative from the music office.

The bill would authorize the council to advise the music office regarding criteria used to select a proposal and the selection process after proposals have been submitted for the operation, and if applicable, construction of the museum. It would clarify that the council would meet at the call of the presiding officer, which would be the music office representative. The bill would exempt the council from requirements for state advisory committees under Government Code, ch. 2110. CSSB 1933 would abolish the council on September 1, 2013.

The bill would require the music office, with the assistance of the council, to develop criteria to evaluate proposals for selecting a contractor for the initial operation and, if applicable, construction of the museum. The music office would be authorized to award the contract based on the criteria. Under CSSB 1933, proposals could not require money appropriated by the state, and the music office could change the operator after a period of time. The bill would specify information that would have to be provided in a proposal, including:

- information on the construction cost, if applicable;
- the proposed location of the museum;
- sources of funding for the construction, if applicable;
- estimated revenue from and annual usage of the museum; and
- the proposed museum operator.

The bill would establish the music history advisory board to advise the music office and the museum operator on the content and additions to the content of the museum, including the addition of specific Texan artists for recognition of their contributions to music. The board would be appointed

by the governor and would be required to include at least one representative from TCA.

The museum would be required to provide exhibits, programs, and activities that served the mission of the museum and supported the education of the public, including students, in the knowledge and appreciation of the various musical trailblazers and pioneers of Texas and the varied musical styles of Texas that have evolved and cross-pollinated the face of modern popular music, including Country, Blues, Jazz, Gospel, Rock, Pop, and TexMex or Tejano music.

The museum operator could hire personnel, license and sell music, host live music, develop and retain royalties from films and recordings, create publications for sale to the public, establish a museum membership program, operate pay phones and ATM machines, conduct marketing and advertising activities, employ public relations personnel, 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 bill would require the music office to contract with the museum operator to:

- construct the museum owned by the state and to operate the museum under a lease agreement; or
- operate the museum on private property owned or leased by the museum operator.

The bill would allow the music office to include in the contract with the museum operator provisions relating to the music office's duties to market the museum, to the museum operator's right to access and exhibit music paraphernalia, and to any other provisions the music office deemed necessary to encourage potential museum operators to submit bids.

The museum operator could amend or enter into contracts with any person to construct or operate the museum, including contracts for exhibits, programs, activities, and facilities, and contracts to acquire, by purchase or loan, items for exhibition.

The bill would require that, to the extent possible, the costs of operating the museum be paid from revenues generated by the museum. It would not allow money from the general revenue fund, other than gifts, grants, and donations deposited to that fund, to be appropriated for operating the museum. The museum operator would be authorized to spend money received by the museum for any museum purpose.

The bill would require the museum operator to solicit, and authorize the operator to accept, cash or in-kind donations from individuals and from public or private foundations and organizations. It would authorize the music office to accept donations and grants on behalf of the museum. The transactions, funds, and programs of the museum would be subject to audit by the state auditor.

The museum would be considered an eligible charitable organization, which would allow a state employee to authorize a deduction for contributions to the museum as a charitable contribution. The bill would authorize the museum to use those funds to support the museum.

CSSB 1933 would require all money and securities received by the museum, including vending revenues, to be credited to and held in trust outside the treasury by the comptroller in the Texas State Music History Museum fund . The bill would require the comptroller to manage and invest the fund on behalf of the museum as directed or agreed to by the museum operator. Interest, dividends, and other fund income would be credited to the fund. The museum operator would have to prepare a detailed annual report on the fund describing the status of the fund, listing all donations and donors to the fund, and listing all disbursements from the fund and the purpose of each. The state auditor could review the annual report on the fund and any information used in preparing the report. The bill would require the state auditor to report any findings or recommendations to the museum and the Legislative Audit Committee.

The fund would not be subject to the State Funds Reform Act for depositing money into the fund or to the State Purchasing and General Services for purchases or leases made from the fund.

The bill would authorize the museum operator to purchase insurance policies to insure the museum buildings, contents, and other personal property, including coverage for historical artifacts, art, recordings, or other items, including items on loan to the museum.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

CSSB 1933 would create a museum to honor and celebrate the rich musical legacy of Texas. The state currently does not have an official museum of Texas music history and needs one to preserve, recognize, and celebrate Texas music and music history. The museum would operate using a similar framework to the one created for the Bob Bullock Museum of Texas History, but no state money would be appropriated to create the museum, representing a bargain for taxpayers. Instead, the museum would be self-supporting through on-site admissions, fees, and sales, plus the solicitation of donations, gifts, and grants. The bill would serve as the state's blessing for the creation of a music museum and provide an incentive for a group to put together a compelling proposal.

CSSB 1933 would ensure a high quality, innovative, public-private partnership by creating a proposal advisory council to oversee selection of a contractor for construction and initial operation of the museum and a second advisory board appointed by the governor to advise the museum on content, once the operator for the museum had been chosen. Further, while this bill does specifically list some musical genres in order to reflect the intended diversity of the museum's offerings, it would allow the musical exhibits and collections to grow to include all styles of music and cultural influences.

The bill would not require the construction of a museum at the expense of other regional music museums. Several cities already have established Texas music museums with special collections and exhibits supported through nonprofit organizations. CSSB 1933 would allow for a flexible proposal process that could include the creation of a central music history archives and administrative museum that could work with the existing museums much in the same way that library networks currently work throughout the state. The bill would not necessarily support the construction of a new facility, nor would it establish the location of such a facility if one were built. Rather than the fractured, multi-site music museum system that exists today in the state, CSSB 1933 would allow Texas' musical heritage to be properly chronicled, protected, and distributed to the citizens of this state.

**OPPONENTS  
SAY:**

This bill would negate the work of several Texas music museums already operating in the state. Currently, museums celebrating Texas music are

operating in several cities, including Arlington, Austin, Brady, Bryan, Carthage, Dallas, Fort Worth, Houston, and San Antonio. While some contend that this bill would create a central administration for a library-like museum system that would provide exhibits and collections coordination to the various music museums across the state, this bill would not guarantee such a partnership. Rather, the system would be modeled on the one in place for the Bob Bullock Museum of Texas History, which is simply an exhibition space and not set up to handle collection development and preservation. The bill would enable an entity to use the Texas music brand for its private interests at the expense of existing community-based music museums. Rather than develop a partnership with a private entity, the state publicly should support the efforts of the museums that are operating today.

The bill would not adequately address the cultural diversity of the state and contains no requirements for program accessibility necessary to ensure that non-English-speakers could enjoy museum amenities. Currently, 31.2 percent of Texans speak a language other than English at home. These citizens should not be excluded from the Texas State Music History Museum because they are taxpayers, reflect the Texas population, and have contributed to the musical heritage of the state. Further, by creating a list of music styles to be supported through the museum, this bill would leave out many genres, including Native American music, polka, hip hop, and rap. The bill should not specify any musical genres and instead should allow the collection to develop through supporter groups.

NOTES:

The House companion bill, HB 3386 by Chisum, et al., was reported favorably by the House Culture, Recreation, and Tourism Committee on April 19.

Unlike SB 1933 as passed by the Senate, the House committee substitute would:

- require the museum to operate without general revenue appropriations;
- add more specific contract language; and
- delete requirements for program and facility accessibility.