

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3726
By: Guillen (Van de Putte)
Administration
5/9/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3726 amends current law relating to the preservation and maintenance of the Alamo by the General Land Office.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 31, Natural Resources Code, by adding Section 31.0515, as follows:

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. Requires the commissioner of the General Land Office (commissioner; GLO) to:

- (1) employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants; and
- (2) prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Amends Chapter 31, Natural Resources Code, by adding Subchapter I, as follows:

SUBCHAPTER I. THE ALAMO COMPLEX

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) Provides that the Alamo complex is under the jurisdiction of GLO. Provides that GLO is responsible for the preservation, maintenance, and restoration of the Alamo complex and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the Alamo complex.

(b) Provides that any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in GLO.

(c) Provides that, notwithstanding any other law, GLO is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. Authorizes GLO to consult with the State Preservation Board (SPB) in the performance of duties under this subchapter. Requires SPB, on request of GLO, to assist GLO with GLO's duties related to the Alamo complex.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS.

(a) Requires GLO to enter into an agreement with the Daughters of the Republic of Texas (DRT) for the management, operation, and financial support of the Alamo complex.

(b) Requires the agreement at a minimum to:

- (1) detail the expectations and goals of GLO and DRT;
- (2) outline the management and operation of the Alamo complex;
- (3) establish management standards;
- (4) provide for oversight by GLO;
- (5) address funding and payment for costs;
- (6) require some Alamo complex employees to be GLO employees;
- (7) address equipment;
- (8) establish insurance requirements;
- (9) address compliance with local, state, and federal building and operation laws;
- (10) address construction, maintenance, and repair;
- (11) establish the term of the agreement, which may not be less than 10 years;
- (12) require submission of financial information from DRT, excluding chapters of the organization;
- (13) address other activities of DRT that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of DRT or its duties under the agreement;
- (14) address ownership by this state of the Alamo complex and its contents;
- (15) include a dispute resolution process;
- (16) provide that the laws of this state govern the agreement; and
- (17) include notice requirements.

(c) Authorizes GLO to enter into the agreement required by this section only if DRT is a properly formed nonprofit corporation in this state in accordance with Section 2.008 (Nonprofit Corporations), Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code.

(d) Provides that all property received by DRT in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo and listed on the organization's balance sheet is subject to the requirements of this chapter and the agreement required by this section.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) Provides that the Alamo complex account is a separate account in the general revenue fund.

(b) Provides that the account consists of:

- (1) transfers made to the account;
- (2) fees and other revenue from operation of the Alamo complex;
- (3) grants and donations from any source designated for the benefit of the Alamo complex; and
- (4) income earned on investments of money in the account.

(c) Requires appropriations to GLO for the preservation, operation, or maintenance of the Alamo complex to be deposited to the credit of the account.

(d) Authorizes GLO to use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(e) Provides that any money in the account not used in a fiscal year remains in the account. Exempts the account from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 31.455. GRANTS; DONATIONS. Authorizes GLO to accept a grant or donation for any program of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) Authorizes GLO to create an Alamo Preservation Advisory Board (advisory board) to:

- (1) promote and support the Alamo complex;
- (2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;
- (3) inspire virtues of honor and Texas pride;
- (4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces to ensure the freedom of the people of this state;
- (5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and
- (6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described in this subsection.

(b) Provides that the advisory board is composed of:

- (1) a designee appointed by the governor;
- (2) the president of DRT;
- (3) the current Alamo chairman of DRT;

- (4) the immediate past Alamo chairman of DRT;
- (5) the Alamo curator;
- (6) one representative of the Texas Historical Commission;
- (7) one representative of GLO;
- (8) the president of the Bexar County Historical Commission; and
- (9) one representative who serves as a member of the City of San Antonio Office of Historic Preservation.

(c) Provides that the president of DRT serves as presiding officer of the advisory board.

(d) Provides that the representative of GLO serves as a nonvoting ex officio member.

(e) Authorizes membership, subject to approval by the advisory board, to be open to individuals and institutions interested in the purposes for which the advisory board was formed.

SECTION 3. Amends Section 2203.003(a), Government Code, as follows:

(a) Authorizes the Daughters of the Confederacy, Texas Division, and DRT each to charge admission to state property over which each organization has custody or control. Deletes existing text providing that this subsection does not apply to the Alamo.

SECTION 4. Repealer: Article 6394 (The Alamo), Revised Civil Statutes of 1911; and

Repealer: Chapter 7 (Alamo—Providing for the Purchase, Care, and Preservation of), Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) Provides that if GLO and DRT have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to GLO:

- (1) all powers and duties of DRT relating to the Alamo complex;
- (2) all unobligated and unexpected funds granted to DRT and used for the administration of or related to the Alamo complex; and
- (3) all files and other record of DRT kept by the organization regarding the Alamo complex.

(b) Authorizes DRT to agree with GLO to transfer any property of DRT to GLO before January 1, 2012, to implement the transfer required by this Act.

(c) Requires DRT, notwithstanding any other law, to continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th legislature, Regular Session, 1905, until January 1, 2012, and provides that the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2011.