

BILL ANALYSIS

C.S.S.B. 1841
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Custodianship of the Alamo was granted to the Daughters of the Republic of Texas in 1905, but the legislation granting this custodianship did not clearly define what this role would entail. C.S.S.B. 1841 seeks to define the beneficiary-trustee relationship between the Daughters of the Republic of Texas and the State of Texas, through the General Land Office. The bill's goals include fostering a relationship between the Daughters of the Republic of Texas and the General Land Office similar to the one between the Admiral Nimitz Foundation and the Texas Historical Commission at the National Museum of the Pacific War in Fredericksburg, Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1841 amends the Natural Resources Code to establish that the Alamo complex is under the jurisdiction of the General Land Office (GLO) and that the 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. The bill establishes that any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the GLO. The bill establishes that the GLO is not required to comply with state purchasing law in carrying out its duties under the bill's provisions. The bill authorizes the GLO to participate in the establishment of and partner with a qualifying nonprofit organization the purposes of which include raising funds for or providing services or other benefits for the preservation and maintenance of the Alamo complex and authorizes the GLO to contract with the organization for the performance of any activity.

C.S.S.B. 1841 provides that if the GLO and the Daughters of the Republic of Texas have not entered into an agreement for the management, operation, and financial support of the Alamo complex as required by the bill's provisions before January 1, 2012, the following are transferred to the GLO: all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex; all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the benefit of the Alamo complex; all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

C.S.S.B. 1841 authorizes the Daughters of the Republic of Texas to agree with the GLO to transfer any property of the Daughters of the Republic of Texas to the land office before January 1, 2012, to implement the transfer required under the bill's provisions. The bill requires the Daughters of the Republic of Texas, unless otherwise provided pursuant to a contract entered into under the bill's provisions, to continue to perform functions and activities related to the

Alamo and granted by state law until January 1, 2012, and establishes that the former law is continued in effect for that purpose.

C.S.S.B. 1841 requires the GLO to prepare an annual budget and work plan, including preservation, future maintenance, and usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds, and to employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants.

C.S.S.B. 1841 authorizes the GLO to consult with the State Preservation Board in the performance of duties under the bill's provisions and requires the State Preservation Board, on request of the GLO, to assist the land office with the land office's duties regarding the Alamo complex. The bill requires the GLO to enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex and specifies the minimum required elements to be included in the agreement.

C.S.S.B. 1841 authorizes the GLO to enter into the agreement required by the bill's provisions only if the Daughters of the Republic of Texas is a properly formed nonprofit corporation in Texas in accordance with certain provisions of the Business Organizations Code and is exempt from income taxation under the federal Internal Revenue Code of 1986. The bill establishes that all property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo is subject to the requirements of the bill's provisions and the agreement.

C.S.S.B. 1841 establishes the Alamo complex account as a separate account in the general revenue fund consisting of transfers made to the account; fees and other revenue from operation of the Alamo complex; grants, donations, and bequests from any source designated for the benefit of the Alamo complex; and income earned on investments of money in the account. The bill authorizes the GLO to accept a gift, grant, or bequest of money, securities, services, or property to carry out any purpose related to the preservation and maintenance of the Alamo complex, including funds raised or services provided by a volunteer or volunteer group to promote the work of the GLO. The bill requires all such proceeds to be deposited to the credit of the account.

C.S.S.B. 1841 requires appropriations to the GLO for the preservation, operation, or maintenance of the Alamo complex to be deposited to the credit of the account and authorizes the land office to use money in the account only to administer the bill's provisions, 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. The bill establishes that any money in the account not used in a fiscal year remains in the account and exempts the account from statutory provisions relating to the use of dedicated revenue.

C.S.S.B. 1841 authorizes the GLO to create an Alamo Preservation Advisory Board for certain purposes relating to the Alamo complex. The bill sets out the composition of the advisory board and specifies that the commissioner of the GLO or the commissioner's designee serves as presiding officer. The bill authorizes, subject to approval by the board, membership to be open to individuals and institutions interested in the purposes for which the advisory board was formed.

C.S.S.B. 1841 amends the Government Code to make a conforming change.

C.S.S.B. 1841 repeals Article 6394, Revised Civil Statutes of 1911, designating the Daughters of the Republic of Texas as the caretakers of certain Alamo property, and Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, relating to the purchase, care, and preservation of the Alamo.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1841 differs from the original by requiring the General Land Office (GLO) to carry out certain duties relating to the Alamo complex, whereas the original requires the commissioner of the GLO to carry out those duties. The substitute, in the provision including among those duties the preparation of an annual budget and work plan, contains a specification not included in the original that the budget and work plan include the preservation and future maintenance of the Alamo complex.

C.S.S.B. 1841, in the provision establishing that the GLO is not required to comply with state purchasing law in carrying out its duties under the bill's provisions, omits a specification included in the original specifying that the provision applies to state purchasing law related to requests for proposals.

C.S.S.B. 1841 contains a provision not included in the original authorizing the GLO to participate in the establishment of and partner with a qualifying nonprofit organization the purposes of which include raising funds for or providing services or other benefits for the preservation and maintenance of the Alamo complex and authorizing the GLO to contract with the organization for the performance of any activity.

C.S.S.B. 1841, in the list of minimum elements required of an agreement between the GLO and the Daughters of the Republic of Texas, differs from the original by:

- adding a specification not included in the original specifying that the expectations and goals of the GLO and the Daughters of the Republic of Texas include the transfer of any state money held in trust for the Alamo by the Daughters of the Republic of Texas and all property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo;
- omitting the requirement included in the original that some Alamo complex employees be GLO employees;
- removing the specification included in the original prohibiting the term from being less than 10 years; and
- omitting the requirement included in the original that the agreement address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement.

C.S.S.B. 1841, in the provision establishing that all property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo is subject to the requirements of the bill's provisions and the agreement, omits a specification included in the original specifying that the provision applies to such property listed on the organization's balance sheet.

C.S.S.B. 1841, in the provision establishing the sources of funds contained in the Alamo complex account, contains a specification not included in the original that those sources include bequests from any source designated for the benefit of the Alamo complex.

C.S.S.B. 1841 differs from the original by authorizing the GLO to accept a gift, grant, or bequest of money, securities, services, or property to carry out any purpose related to the preservation and maintenance of the Alamo complex and requiring all such proceeds to be deposited to the

credit of the Alamo complex account, whereas the original authorizes the GLO to accept a grant or donation for any program or purpose of the Alamo complex and to use the funds in accordance with the bill's provisions relating to that account.

C.S.S.B. 1841 differs from the original by including among the members of the Alamo complex advisory board not included in the original the commissioner or the commissioner's designee and by omitting as a board member included in the original one representative of the GLO, who is also designated in the original to serve as a nonvoting ex officio member. The substitute differs from the original by establishing that the commissioner or the commissioner's designee serves as the board's presiding officer, whereas the original establishes that the president of the Daughters of the Republic of Texas serves as the presiding officer.

C.S.S.B. 1841 differs from the original, in the provision transferring to the GLO under certain conditions all unobligated and unexpended funds granted to the Daughters of the Republic of Texas, by specifying that such funds are those designated for the benefit of the Alamo complex, whereas the original specifies that the funds are those designated for the administration of the Alamo complex.

C.S.S.B. 1841, in the requirement that the Daughters of the Republic of Texas continue to perform functions and activities related to the Alamo and granted by state law until January 1, 2012, contains as a condition not included in the original that the requirement is applicable unless otherwise provided pursuant to a contract entered into under the bill's provisions.

C.S.S.B. 1841 differs from the original in nonsubstantive ways.