

By: Guillen

H.B. No. 3726

A BILL TO BE ENTITLED

AN ACT

relating to the private entity granted care and custody of the Alamo.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 450 to read as follows:

CHAPTER 450. CUSTODIAN OF ALAMO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 450.001. DEFINITIONS. In this chapter:

(1) "Advisory board" means the Alamo Preservation Advisory Board.

(2) "Custodian" means the private entity:

(A) in whose care the state has placed the Alamo;  
and

(B) on whom the state has imposed a duty to repair the Alamo and to maintain the Alamo in good order.

Sec. 450.002. APPLICABILITY. This chapter does not apply to a chapter or subsidiary of the custodian that is not involved in the daily operations of the Alamo complex or other state-owned property.

[Sections 450.003-450.050 reserved for expansion]

SUBCHAPTER B. DUTIES OF CUSTODIAN

Sec. 450.051. ANNUAL REPORT REQUIRED. To provide transparency in the performance of duties as custodian, not later

1 than December 1 of each year the custodian shall:

2 (1) prepare a financial accountability and general  
3 transparency report that covers the custodian's previous fiscal  
4 year unless otherwise provided by this chapter; and

5 (2) submit a copy of the report to:

6 (A) the comptroller;

7 (B) the governor; and

8 (C) the Texas Historical Commission.

9 Sec. 450.052. CONTENT OF ANNUAL REPORT. The annual report  
10 required under Section 450.051 at a minimum must contain:

11 (1) copies of each independent audit or review of the  
12 financial activities of the custodian, including:

13 (A) financial activities related to the Alamo;

14 and

15 (B) any recommendation, management letter, or  
16 report of the governing board of the custodian related to the audit  
17 or review;

18 (2) copies of the annual operating budget for:

19 (A) the custodian; and

20 (B) the Alamo;

21 (3) documents that identify all financial institution  
22 accounts held in the name of the custodian or in which funds from  
23 the Alamo complex and all other state-owned property managed by the  
24 custodian, including museums and other general operations of the  
25 custodian, are or have been held;

26 (4) documents that identify all accounts into which  
27 income from operation of the Alamo, including income from gift shop

- 1 and vending machine sales and donations, are deposited;  
2 (5) copies of the annual general ledgers for the  
3 custodian, the Alamo complex, and all other state-owned property  
4 managed by the custodian;  
5 (6) copies of documents that describe the money spent  
6 on inspections of the Alamo, including inspections by engineers,  
7 architects, planners, and consultants;  
8 (7) copies of all contracts and agreements between the  
9 custodian and any person relating to the operations, management,  
10 maintenance, and preservation of the Alamo complex and all other  
11 state-owned property managed by the custodian;  
12 (8) copies of all documents relating to permits sought  
13 by the custodian from the Texas Historical Commission, including  
14 applications for permits, permits issued, amendments or revisions  
15 to existing permits, and purchase orders and invoices for work  
16 performed on the Alamo;  
17 (9) copies of all documents relating to any repair of  
18 \$2,000 or more made to the Alamo complex or other state-owned  
19 property managed by the custodian, for which a permit from the Texas  
20 Historical Commission was not obtained, including purchase orders  
21 and invoices for work performed;  
22 (10) copies of all contracts by and between the  
23 custodian and professional fund-raisers, public relations  
24 companies, and marketing companies; and  
25 (11) a copy of the custodian's master plan for the  
26 Alamo complex and any revisions to the plan, including an  
27 explanation of the reason for the revision.

1       Sec. 450.053. RECORDS. (a) The custodian shall keep in its  
2 permanent records all receipts, purchase orders, invoices, expense  
3 reports, or other documents that support, describe, or explain the  
4 documents required under Sections 450.052(2) and (3).

5       (b) The information required under Subsection (a) shall on  
6 request be made available to the comptroller, governor, and Texas  
7 Historical Commission.

8       [Sections 450.054-450.100 reserved for expansion]

9       SUBCHAPTER C. ALAMO PRESERVATION ADVISORY BOARD

10       Sec. 450.101. ESTABLISHMENT AND COMPOSITION OF BOARD. (a)  
11 The custodian shall establish the Alamo Preservation Advisory Board  
12 composed of the following members:

13               (1) the president of the custodian;  
14               (2) the Alamo chairman of the custodian;  
15               (3) the immediately preceding president of the  
16 custodian;

17               (4) the immediately preceding Alamo chairman of the  
18 custodian;

19               (5) the custodian's Alamo curator;

20               (6) the custodian's Alamo conservator;

21               (7) one representative of the Texas Historical  
22 Commission;

23               (8) one representative of the Texas Facilities  
24 Commission;

25               (9) the president of the Bexar County Historical  
26 Society; and

27               (10) one representative of the City of San Antonio

1 Office of Historic Preservation.

2 (b) Subject to approval by the custodian, the advisory board  
3 may include nonvoting members composed of individuals or  
4 representatives of institutions interested in the purposes and  
5 duties of the advisory board.

6 Sec. 450.102. PRESIDING OFFICER. The president of the  
7 custodian shall serve as presiding officer of the advisory board.

8 Sec. 450.103. ADVISORY BOARD PROCEDURES. The advisory  
9 board may adopt procedures the advisory board considers advisable  
10 for the management, administration, and regulation of the business  
11 and affairs of the advisory board. The procedures may not be  
12 inconsistent with the custodian's articles of incorporation or  
13 bylaws or the laws of this state.

14 Sec. 450.104. DUTIES OF ADVISORY BOARD. The advisory board  
15 shall:

16 (1) promote, operate, and support the Alamo complex;

17 (2) provide the resources and support to advance the  
18 understanding and education of current and future generations about  
19 the historical significance and factual record of the Alamo  
20 complex;

21 (3) seek to inspire virtues of honor and pride in this  
22 state;

23 (4) preserve the memory and achievement of those at  
24 the Alamo who paid the ultimate sacrifice for freedom and all the  
25 men and women of this state who have served in the armed forces;

26 (5) promote and provide for the preservation,  
27 perpetuation, and appropriate publication and display of

1 manuscripts, books, relics, pictures, oral histories, and all other  
2 items and information pertaining to the history of the Alamo  
3 complex and related history of this state; and

4 (6) promote, counsel, and provide support to  
5 governmental and private organizations that are committed to  
6 objectives similar to the objectives described by this section.

7 SECTION 2. This Act takes effect September 1, 2011.