

1 AN ACT

2 relating to the preservation and maintenance of the Alamo by the  
3 General Land Office.

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

5 SECTION 1. Subchapter C, Chapter 31, Natural Resources  
6 Code, is amended by adding Section 31.0515 to read as follows:

7 Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land  
8 office shall:

9 (1) employ staff necessary to preserve and maintain  
10 the Alamo complex and contract for professional services of  
11 qualified consultants; and

12 (2) prepare an annual budget and work plan, including  
13 preservation, future construction, and usual maintenance for the  
14 Alamo complex, including buildings on the Alamo property, their  
15 contents, and their grounds.

16 SECTION 2. Chapter 31, Natural Resources Code, is amended  
17 by adding Subchapter I to read as follows:

18 SUBCHAPTER I. THE ALAMO COMPLEX

19 Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a)  
20 The Alamo complex is under the jurisdiction of the land office. The  
21 land office is responsible for the preservation, maintenance, and  
22 restoration of the Alamo complex and its contents and the  
23 protection of the historical and architectural integrity of the  
24 exterior, interior, and grounds of the Alamo complex.

1        (b) Any power or duty related to the Alamo complex formerly  
2 vested in any other state agency or entity is vested solely in the  
3 land office.

4        (c) Notwithstanding any other law, the land office is not  
5 required to comply with state purchasing law in carrying out its  
6 duties under this subchapter.

7        (d) The land office may participate in the establishment of  
8 and partner with a qualifying nonprofit organization the purposes  
9 of which include raising funds for or providing services or other  
10 benefits for the preservation and maintenance of the Alamo complex.  
11 The land office may contract with the organization for the  
12 performance of any activity.

13        Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. The  
14 land office may consult with the State Preservation Board in the  
15 performance of duties under this subchapter. On request of the land  
16 office, the State Preservation Board shall assist the land office  
17 with the land office's duties relating to the Alamo complex.

18        Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF  
19 TEXAS. (a) The land office shall enter into an agreement with the  
20 Daughters of the Republic of Texas for the management, operation,  
21 and financial support of the Alamo complex.

22        (b) The agreement at a minimum must:

23            (1) detail the expectations and goals of the land  
24 office and the Daughters of the Republic of Texas, including the  
25 transfer of any state money held in trust for the Alamo by the  
26 Daughters of the Republic of Texas and the property described in  
27 Subsection (d);

- 1           (2) outline the management and operation of the Alamo  
2 complex;
- 3           (3) establish management standards;  
4           (4) provide for oversight by the land office;  
5           (5) address funding and payment for costs;  
6           (6) address equipment;  
7           (7) establish insurance requirements;  
8           (8) address compliance with local, state, and federal  
9 building and operation laws;
- 10           (9) address construction, maintenance, and repair;  
11           (10) establish the term of the agreement;  
12           (11) require submission of financial information from  
13 the Daughters of the Republic of Texas, excluding chapters of the  
14 organization;
- 15           (12) address ownership by this state of the Alamo  
16 complex and its contents;
- 17           (13) include a dispute resolution process;  
18           (14) provide that the laws of this state govern the  
19 agreement; and
- 20           (15) include notice requirements.
- 21           (c) The land office may enter into the agreement required by  
22 Subsection (a) only if the Daughters of the Republic of Texas is a  
23 properly formed nonprofit corporation in this state in accordance  
24 with Section 2.008, Business Organizations Code, and is exempt from  
25 income taxation under Section 501(c)(3), Internal Revenue Code of  
26 1986.
- 27           (d) All property received by the Daughters of the Republic

1 of Texas in its capacity as custodian or trustee of the Alamo for  
2 the benefit of the Alamo is subject to the requirements of this  
3 subchapter and the agreement required by this section.

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

6 (b) The account consists of:

7 (1) transfers made to the account;

8 (2) fees and other revenue from operation of the Alamo  
9 complex;

10 (3) grants, donations, and bequests from any source  
11 designated for the benefit of the Alamo complex; and

12 (4) income earned on investments of money in the  
13 account.

14 (c) The land office may accept a gift, grant, or bequest of  
15 money, securities, services, or property to carry out any purpose  
16 related to the preservation and maintenance of the Alamo complex,  
17 including funds raised or services provided by a volunteer or  
18 volunteer group to promote the work of the land office. All  
19 proceeds under this subsection shall be deposited to the credit of  
20 the account.

21 (d) Appropriations to the land office for the preservation,  
22 operation, or maintenance of the Alamo complex shall be deposited  
23 to the credit of the account.

24 (e) The land office may use money in the account only to  
25 administer this subchapter, including to support the preservation,  
26 repair, renovation, improvement, expansion, equipping, operation,  
27 or maintenance of the Alamo complex or to acquire a historical item

1 appropriate to the Alamo complex.

2 (f) Any money in the account not used in a fiscal year  
3 remains in the account. The account is exempt from the application  
4 of Section 403.095, Government Code.

5 Sec. 31.455. ALAMO PRESERVATION ADVISORY BOARD. (a) The  
6 land office may establish an Alamo Preservation Advisory Board to  
7 provide advice, proposals, and recommendations to:

8 (1) promote and support the Alamo complex;

9 (2) provide the resources and support necessary to  
10 advance the understanding and education of current and future  
11 generations on the historical significance and factual record of  
12 the Alamo complex;

13 (3) inspire virtues of honor and Texas pride;

14 (4) preserve the memory and achievement of individuals  
15 who served at the Alamo and provide a fitting tribute to the heroism  
16 of the people who paid the ultimate sacrifice for freedom and of the  
17 noble men and women of this state who have served in the armed  
18 forces or died while serving in the armed forces to ensure the  
19 freedom of the people of this state;

20 (5) promote and provide for the preservation,  
21 perpetuation, appropriate publication, and display of manuscripts,  
22 books, relics, pictures, oral histories, and all other items and  
23 information related to the history of the Alamo complex and of this  
24 state that preserve the historical character of the Alamo shrine;  
25 and

26 (6) promote, counsel, and provide support to  
27 governmental and private organizations that are committed to

1 objectives similar to the objectives described in this subsection.

2 (b) The advisory board is composed of:

3 (1) the commissioner or the commissioner's designee,  
4 who serves as the presiding officer of the advisory board;

5 (2) a designee appointed by the governor;

6 (3) the president general of the Daughters of the  
7 Republic of Texas;

8 (4) the current Alamo chairperson of the Daughters of  
9 the Republic of Texas;

10 (5) the immediate past Alamo chairperson of the  
11 Daughters of the Republic of Texas;

12 (6) the Alamo curator;

13 (7) one representative of the Texas Historical  
14 Commission;

15 (8) the president of the Bexar County Historical  
16 Commission; and

17 (9) one representative who serves as a member of the  
18 City of San Antonio Office of Historic Preservation.

19 (c) Subject to approval by the advisory board, the advisory  
20 board may include nonvoting members, who as individuals or as  
21 representatives of institutions, are interested in the purposes for  
22 which the advisory board was established.

23 SECTION 3. Section 2203.003(a), Government Code, is amended  
24 to read as follows:

25 (a) The Daughters of the Confederacy, Texas Division, and  
26 the Daughters of the Republic of Texas each may charge admission to  
27 state property over which each organization has custody or control.

1 ~~[This subsection does not apply to the Alamo.]~~

2 SECTION 4. The following are repealed:

3 (1) Article 6394, Revised Civil Statutes of 1911; and

4 (2) Chapter 7, General Laws, Acts of the 29th  
5 Legislature, Regular Session, 1905.

6 SECTION 5. (a) If the General Land Office and the  
7 Daughters of the Republic of Texas have not entered into the  
8 agreement required by Section 31.453, Natural Resources Code, as  
9 added by this Act, before January 1, 2012, on that date the  
10 following are transferred to the land office:

11 (1) all powers and duties of the Daughters of the  
12 Republic of Texas relating to the Alamo complex;

13 (2) all unobligated and unexpended funds granted to  
14 the Daughters of the Republic of Texas and designated for the  
15 benefit of the Alamo complex;

16 (3) all equipment and property acquired with state  
17 money by the Daughters of the Republic of Texas and used for the  
18 administration of or related to the Alamo complex; and

19 (4) all files and other records of the Daughters of the  
20 Republic of Texas kept by the organization regarding the Alamo  
21 complex.

22 (b) The Daughters of the Republic of Texas may agree with  
23 the General Land Office to transfer any property of the Daughters of  
24 the Republic of Texas to the General Land Office before January 1,  
25 2012, to implement the transfer required by this Act.

26 (c) Notwithstanding any other law, unless otherwise  
27 provided pursuant to a contract entered into under Section 31.453,

1 Natural Resources Code, as added by this Act, the Daughters of the  
2 Republic of Texas shall continue to perform functions and  
3 activities related to the Alamo and granted by Chapter 7, General  
4 Laws, Acts of the 29th Legislature, Regular Session, 1905, until  
5 January 1, 2012, and the former law is continued in effect for that  
6 purpose.

7 SECTION 6. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3726 was passed by the House on April 21, 2011, by the following vote: Yeas 148, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3726 on May 19, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3726 on May 29, 2011, by the following vote: Yeas 144, Nays 3, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 3726

I certify that H.B. No. 3726 was passed by the Senate, with amendments, on May 17, 2011, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3726 on May 29, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor