

1-1 By: Guillen (Senate Sponsor - Van de Putte) H.B. No. 3726
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 27, 2011, read first time and referred to Committee on
1-4 Administration; May 10, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 10, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3726 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the preservation and maintenance of the Alamo by the
1-11 General Land Office.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 31, Natural Resources
1-14 Code, is amended by adding Section 31.0515 to read as follows:

1-15 Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The
1-16 commissioner shall:

1-17 (1) employ staff necessary to preserve and maintain
1-18 the Alamo complex and contract for professional services of
1-19 qualified consultants; and

1-20 (2) prepare an annual budget and work plan, including
1-21 usual maintenance for the Alamo complex, including buildings on the
1-22 Alamo property, their contents, and their grounds.

1-23 SECTION 2. Chapter 31, Natural Resources Code, is amended
1-24 by adding Subchapter I to read as follows:

1-25 SUBCHAPTER I. THE ALAMO COMPLEX

1-26 Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO.

1-27 (a) The Alamo complex is under the jurisdiction of the land
1-28 office. The land office is responsible for the preservation,
1-29 maintenance, and restoration of the Alamo complex and its contents
1-30 and the protection of the historical and architectural integrity of
1-31 the exterior, interior, and grounds of the Alamo complex.

1-32 (b) Any power or duty related to the Alamo complex formerly
1-33 vested in any other state agency or entity is vested solely in the
1-34 land office.

1-35 (c) Notwithstanding any other law, the land office is not
1-36 required to comply with state purchasing law related to requests
1-37 for proposals in carrying out its duties under this subchapter.

1-38 Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. The
1-39 land office may consult with the State Preservation Board in the
1-40 performance of duties under this subchapter. On request of the land
1-41 office, the State Preservation Board shall assist the land office
1-42 with the land office's duties relating to the Alamo complex.

1-43 Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF
1-44 TEXAS. (a) The land office shall enter into an agreement with the
1-45 Daughters of the Republic of Texas for the management, operation,
1-46 and financial support of the Alamo complex.

1-47 (b) The agreement at a minimum must:

1-48 (1) detail the expectations and goals of the land
1-49 office and the Daughters of the Republic of Texas;

1-50 (2) outline the management and operation of the Alamo
1-51 complex;

1-52 (3) establish management standards;

1-53 (4) provide for oversight by the land office;

1-54 (5) address funding and payment for costs;

1-55 (6) require some Alamo complex employees to be land
1-56 office employees;

1-57 (7) address equipment;

1-58 (8) establish insurance requirements;

1-59 (9) address compliance with local, state, and federal
1-60 building and operation laws;

1-61 (10) address construction, maintenance, and repair;

1-62 (11) establish the term of the agreement, which may
1-63 not be less than 10 years;

2-1 (12) require submission of financial information from
2-2 the Daughters of the Republic of Texas, excluding chapters of the
2-3 organization;

2-4 (13) address other activities of the Daughters of the
2-5 Republic of Texas that would, as demonstrated by clear and
2-6 convincing evidence, materially undermine the financial condition
2-7 of the Daughters of the Republic of Texas or its duties under the
2-8 agreement;

2-9 (14) address ownership by this state of the Alamo
2-10 complex and its contents;

2-11 (15) include a dispute resolution process;

2-12 (16) provide that the laws of this state govern the
2-13 agreement; and

2-14 (17) include notice requirements.

2-15 (c) The land office may enter into the agreement required by
2-16 this section only if the Daughters of the Republic of Texas is a
2-17 properly formed nonprofit corporation in this state in accordance
2-18 with Section 2.008, Business Organizations Code, and is exempt from
2-19 income taxation under Section 501(c)(3), Internal Revenue Code.

2-20 (d) All property received by the Daughters of the Republic
2-21 of Texas in its capacity as custodian or trustee of the Alamo for
2-22 the benefit of the Alamo and listed on the organization's balance
2-23 sheet is subject to the requirements of this chapter and the
2-24 agreement required by this section.

2-25 Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo
2-26 complex account is a separate account in the general revenue fund.

2-27 (b) The account consists of:

2-28 (1) transfers made to the account;

2-29 (2) fees and other revenue from operation of the Alamo
2-30 complex;

2-31 (3) grants and donations from any source designated
2-32 for the benefit of the Alamo complex; and

2-33 (4) income earned on investments of money in the
2-34 account.

2-35 (c) Appropriations to the land office for the preservation,
2-36 operation, or maintenance of the Alamo complex shall be deposited
2-37 to the credit of the account.

2-38 (d) The land office may use money in the account only to
2-39 administer this subchapter, including to support the preservation,
2-40 repair, renovation, improvement, expansion, equipping, operation,
2-41 or maintenance of the Alamo complex or to acquire a historical item
2-42 appropriate to the Alamo complex.

2-43 (e) Any money in the account not used in a fiscal year
2-44 remains in the account. The account is exempt from the application
2-45 of Section 403.095, Government Code.

2-46 Sec. 31.455. GRANTS; DONATIONS. The land office may accept
2-47 a grant or donation for any program or purpose of the Alamo complex
2-48 and use the funds in accordance with Section 31.454.

2-49 Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The
2-50 land office may create an Alamo Preservation Advisory Board to:

2-51 (1) promote and support the Alamo complex;

2-52 (2) provide the resources and support necessary to
2-53 advance the understanding and education of current and future
2-54 generations on the historical significance and factual record of
2-55 the Alamo complex;

2-56 (3) inspire virtues of honor and Texas pride;

2-57 (4) preserve the memory and achievement of individuals
2-58 who served at the Alamo and provide a fitting tribute to the heroism
2-59 of the people who paid the ultimate sacrifice for freedom and of the
2-60 noble men and women of this state who have served in the armed
2-61 forces or died while serving in the armed forces to ensure the
2-62 freedom of the people of this state;

2-63 (5) promote and provide for the preservation,
2-64 perpetuation, appropriate publication, and display of manuscripts,
2-65 books, relics, pictures, oral histories, and all other items and
2-66 information related to the history of the Alamo complex and of this
2-67 state that preserve the historical character of the Alamo shrine;
2-68 and

2-69 (6) promote, counsel, and provide support to

3-1 governmental and private organizations that are committed to
3-2 objectives similar to the objectives described in this subsection.

3-3 (b) The advisory board is composed of:

3-4 (1) a designee appointed by the governor;

3-5 (2) the president of the Daughters of the Republic of
3-6 Texas;

3-7 (3) the current Alamo chairman of the Daughters of the
3-8 Republic of Texas;

3-9 (4) the immediate past Alamo chairman of the Daughters
3-10 of the Republic of Texas;

3-11 (5) the Alamo curator;

3-12 (6) one representative of the Texas Historical
3-13 Commission;

3-14 (7) one representative of the land office;

3-15 (8) the president of the Bexar County Historical
3-16 Commission; and

3-17 (9) one representative who serves as a member of the
3-18 City of San Antonio Office of Historic Preservation.

3-19 (c) The president of the Daughters of the Republic of Texas
3-20 serves as presiding officer of the advisory board.

3-21 (d) The representative of the land office serves as a
3-22 nonvoting ex officio member.

3-23 (e) Subject to approval by the advisory board, membership
3-24 may be open to individuals and institutions interested in the
3-25 purposes for which the advisory board was formed.

3-26 SECTION 3. Section 2203.003(a), Government Code, is amended
3-27 to read as follows:

3-28 (a) The Daughters of the Confederacy, Texas Division, and
3-29 the Daughters of the Republic of Texas each may charge admission to
3-30 state property over which each organization has custody or control.
3-31 [~~This subsection does not apply to the Alamo.~~]

3-32 SECTION 4. The following are repealed:

3-33 (1) Article 6394, Revised Civil Statutes of 1911; and

3-34 (2) Chapter 7, Acts of the 29th Legislature, Regular
3-35 Session, 1905.

3-36 SECTION 5. (a) If the General Land Office and the
3-37 Daughters of the Republic of Texas have not entered into the
3-38 agreement required by Section 31.453, Natural Resources Code, as
3-39 added by this Act, before January 1, 2012, on that date the
3-40 following are transferred to the land office:

3-41 (1) all powers and duties of the Daughters of the
3-42 Republic of Texas relating to the Alamo complex;

3-43 (2) all unobligated and unexpended funds granted to
3-44 the Daughters of the Republic of Texas and designated for the
3-45 administration of the Alamo complex;

3-46 (3) all equipment and property acquired with state
3-47 money by the Daughters of the Republic of Texas and used for the
3-48 administration of or related to the Alamo complex; and

3-49 (4) all files and other records of the Daughters of the
3-50 Republic of Texas kept by the organization regarding the Alamo
3-51 complex.

3-52 (b) The Daughters of the Republic of Texas may agree with
3-53 the General Land Office to transfer any property of the Daughters of
3-54 the Republic of Texas to the General Land Office before January 1,
3-55 2012, to implement the transfer required by this Act.

3-56 (c) Notwithstanding any other law, the Daughters of the
3-57 Republic of Texas shall continue to perform functions and
3-58 activities related to the Alamo and granted by Chapter 7, Acts of
3-59 the 29th Legislature, Regular Session, 1905, until January 1, 2012,
3-60 and the former law is continued in effect for that purpose.

3-61 SECTION 6. This Act takes effect September 1, 2011.

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