

By: Guillen

H.B. No. 3740

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the preservation and maintenance of the Alamo and the  
3 financial accountability and transparency of persons granted care  
4 and custody over certain historic state real properties.

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

6 SECTION 1. Section 442.004, Government Code, is amended by  
7 adding Subsection (c-1) to read as follows:

8 (c-1) The executive director shall:

9 (1) employ staff necessary to preserve and maintain  
10 the Alamo and contract for professional services of qualified  
11 consultants, including architectural historians, landscape  
12 architects with experience in landscape architectural  
13 preservation, conservators, historians, historic architects,  
14 engineers, and craftsmen; and

15 (2) prepare an annual budget and work plan, including  
16 usual maintenance for the Alamo and other buildings on the Alamo  
17 property, their contents, and their grounds.

18 SECTION 2. Chapter 442, Government Code, is amended by  
19 adding Subchapter D to read as follows:

20 SUBCHAPTER D. THE ALAMO

21 Sec. 442.101. PRESERVATION AND MAINTENANCE OF ALAMO. (a)  
22 The commission is responsible for the preservation, maintenance,  
23 and restoration of the Alamo and its contents and the protection of  
24 the historical and architectural integrity of the Alamo's exterior,

1 interior, and grounds.

2 (b) Subject to Chapter 450, any power or duty related to the  
3 Alamo formerly vested in any other state agency or entity is vested  
4 solely in the commission.

5 (c) Notwithstanding any other law, the commission is not  
6 required to comply with state purchasing law related to requests  
7 for proposals in carrying out its duties under this subchapter.

8 Sec. 442.102. ASSISTANCE FROM OTHER AGENCIES. The  
9 commission may consult with the State Preservation Board in the  
10 performance of duties under this chapter. On request of the  
11 commission, the State Preservation Board shall assist the  
12 commission with the commission's duties relating to the Alamo.

13 Sec. 442.103. AGREEMENT WITH NONPROFIT CORPORATION. The  
14 commission, in consultation with the State Preservation Board,  
15 shall enter into an agreement with a nonprofit corporation for the  
16 expansion, renovation, management, operation, or financial support  
17 of the Alamo.

18 Sec. 442.104. FRIENDS OF THE TEXAS HISTORICAL COMMISSION  
19 ACCOUNT. (a) The Friends of the Texas Historical Commission  
20 account is a separate account in the general revenue fund.

21 (b) The account consists of:

22 (1) transfers made to the account;

23 (2) fees and other revenue from operation of the  
24 Alamo;

25 (3) grants and donations made by the Friends of the  
26 Texas Historical Commission and other sources; and

27 (4) income earned on investments of money in the

1 account.

2 (c) Appropriations to the commission for the preservation,  
3 operation, or maintenance of the Alamo shall be deposited to the  
4 credit of the account.

5 (d) The commission may use money in the account to  
6 administer this chapter, including to support the preservation,  
7 repair, renovation, improvement, expansion, equipping, operation,  
8 or maintenance of the Alamo or to acquire a historical item  
9 appropriate to the Alamo.

10 (e) Any money in the account not used in a fiscal year  
11 remains in the account. The account is exempt from the application  
12 of Section 403.095.

13 Sec. 442.105. GRANTS; DONATIONS. The commission may accept  
14 a grant or donation for any program or purpose of the Alamo.

15 SECTION 3. Subtitle D, Title 4, Government Code, is amended  
16 by adding Chapter 450 to read as follows:

17 CHAPTER 450. FINANCIAL ACCOUNTABILITY RELATED TO  
18 HISTORIC STATE REAL PROPERTIES

19 Sec. 450.001. DEFINITION. In this chapter, "custodian of  
20 historic state real property" and "custodian" mean a private  
21 entity:

22 (1) in whose care the state has placed historic real  
23 property of the state, including the Alamo and the French Embassy;  
24 and

25 (2) on whom the state has imposed a duty, including  
26 duties imposed under an agreement under Section 442.103, to repair  
27 the property and to maintain the property in good order.

1       Sec. 450.002. FINANCIAL ACCOUNTABILITY AND GENERAL  
2 TRANSPARENCY REPORT. Not later than December 1 of each year, a  
3 custodian of historic state real property shall:

4           (1) prepare a financial accountability and general  
5 transparency report that covers the previous state fiscal year  
6 unless otherwise provided by this chapter; and

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

8                   (A) the comptroller;

9                   (B) the governor; and

10                   (C) the Texas Historical Commission.

11       Sec. 450.003. CONTENT OF FINANCIAL ACCOUNTABILITY AND  
12 GENERAL TRANSPARENCY REPORT. (a) The financial accountability and  
13 general transparency report at a minimum must contain:

14           (1) copies of all minutes, resolutions, and dissents  
15 from meetings of the governing board of the custodian and any  
16 committees created by the governing board, including a finance  
17 committee or committee created to oversee state property;

18           (2) copies of each independent audit or review of the  
19 financial activities of the custodian, including:

20                   (A) financial activities related to the state  
21 property in the care of the custodian; and

22                   (B) any recommendation, management letter, or  
23 report of the governing board related to the audit or review;

24           (3) copies of the annual operating budget for:

25                   (A) the custodian; and

26                   (B) the state property;

27           (4) documents that identify all financial institution

1 accounts held in the name of the custodian or in which funds from  
2 the state property and all other property of the custodian,  
3 including museums, and from general operations of the custodian are  
4 or have been held;

5 (5) documents that identify all accounts into which  
6 income from operation of the state property, including income from  
7 gift shop and vending machine sales and donations, are deposited;

8 (6) copies of all receipts, purchase orders, invoices,  
9 expense reports, or other documents that support, describe, or  
10 explain the documents required under Subdivisions (3) and (4);

11 (7) copies of the annual general ledgers for the  
12 custodian, the state property, and all other property of the  
13 custodian;

14 (8) documents that identify the donor, amount, and  
15 date of each cash or noncash donation of more than \$2,500 made to  
16 the custodian, the state property, or any other property of the  
17 custodian, including a donation from an individual, estate,  
18 governmental entity, private foundation, fund, endowment, trust,  
19 or other charitable entity or public source of funds;

20 (9) copies of documents that describe the money spent  
21 on inspections of the state property, including inspections by  
22 engineers, architects, planners, and consultants;

23 (10) copies of all contracts and agreements between  
24 the custodian and any person relating to the operations,  
25 management, maintenance, and preservation of the state property and  
26 all other property of the custodian;

27 (11) copies of all correspondence, including

1 electronic correspondence, between the custodian and the Texas  
2 Historical Commission;

3 (12) copies of all documents relating to permits  
4 sought by the custodian from the Texas Historical Commission,  
5 including applications for permits, permits issued, amendments or  
6 revisions to existing permits, and purchase orders and invoices for  
7 work performed on the state property;

8 (13) copies of all documents relating to any repair  
9 made to the state property or other property of the custodian, for  
10 which a permit from the Texas Historical Commission was not  
11 obtained, including purchase orders and invoices for work  
12 performed; and

13 (14) copies of all contracts by and between the  
14 custodian and professional fund-raisers, public relations  
15 companies, and marketing companies.

16 (b) The information required under Subsection (a)(1) does  
17 not include:

18 (1) the minutes, resolutions, and dissents from any  
19 chapter or subsidiary of the custodian; or

20 (2) information that has been included in a previous  
21 financial accountability and general transparency report, provided  
22 the information is still accurate.

23 SECTION 4. Section 2203.003, Government Code, is amended by  
24 amending Subsection (a) and adding Subsection (e) to read as  
25 follows:

26 (a) The Daughters of the Confederacy, Texas Division, and  
27 the Daughters of the Republic of Texas each may charge admission to

1 state property over which each organization has custody or  
2 control[. ~~This subsection does not apply to the Alamo~~].

3 (e) Unless the Daughters of the Republic of Texas has  
4 entered into an agreement with this state under Section 442.103,  
5 the organization may not exercise any custody or control over the  
6 Alamo, its grounds, or its contents and may not have an  
7 organizational presence at the Alamo or on its grounds.

8 SECTION 5. The following are repealed:

- 9 (1) Article 6394, Revised Civil Statutes of 1911; and  
10 (2) Chapter 7, Acts of the 29th Legislature, Regular  
11 Session, 1905.

12 SECTION 6. (a) On August 1, 2012, the following are  
13 transferred to the Texas Historical Commission:

14 (1) all powers and duties of the Daughters of the  
15 Republic of Texas relating to the Alamo;

16 (2) all unobligated and unexpended funds granted to  
17 the Daughters of the Republic of Texas and designated for the  
18 administration of the Alamo;

19 (3) all equipment and property acquired with state  
20 money by the Daughters of the Republic of Texas and used for the  
21 administration of or related to the Alamo; and

22 (4) all files and other records of the Daughters of the  
23 Republic of Texas kept by the organization regarding the Alamo.

24 (b) The Daughters of the Republic of Texas may agree with  
25 the Texas Historical Commission to transfer any property of the  
26 Daughters of the Republic of Texas to the Texas Historical  
27 Commission before August 1, 2012, to implement the transfer

1 required by this Act.

2           (c) Notwithstanding any other law, the Daughters of the  
3 Republic of Texas shall continue to perform functions and  
4 activities related to the Alamo and granted by Chapter 7, Acts of  
5 the 29th Legislature, Regular Session, 1905, until August 1, 2012,  
6 and the former law is continued in effect for that purpose.

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