

By: Van de Putte

S.B. No. 1841

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The commissioner shall:

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

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

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

SUBCHAPTER I. THE ALAMO COMPLEX

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO.

(a) The Alamo complex is under the jurisdiction of the land office. The land office 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.

(b) Any power or duty related to the Alamo complex formerly

1 vested in any other state agency or entity is vested solely in the
2 land office.

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

6 Sec. 31.452. ASSISTANCE FROM OTHER AGENCIES. The land
7 office may consult with the State Preservation Board in the
8 performance of duties under this subchapter. On request of the land
9 office, the State Preservation Board shall assist the land office
10 with the land office's duties relating to the Alamo complex.

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

15 (b) The agreement at a minimum must:

16 (1) detail the expectations and goals of the land
17 office and the Daughters of the Republic of Texas;

18 (2) outline the management and operation of the Alamo
19 complex;

20 (3) establish management standards;

21 (4) provide for oversight by the land office;

22 (5) address funding and payment for costs;

23 (6) require some Alamo complex employees to be land
24 office employees;

25 (7) address equipment;

26 (8) establish insurance requirements;

27 (9) address compliance with local, state, and federal

1 building and operation laws;

2 (10) address construction, maintenance, and repair;

3 (11) establish the term of the agreement, which may
4 not be less than 10 years;

5 (12) require submission of financial information from
6 the Daughters of the Republic of Texas, excluding chapters of the
7 organization;

8 (13) address other activities of the Daughters of the
9 Republic of Texas that would, as demonstrated by clear and
10 convincing evidence, materially undermine the financial condition
11 of the Daughters of the Republic of Texas or its duties under the
12 agreement;

13 (14) address ownership by this state of the Alamo
14 complex and its contents;

15 (15) include a dispute resolution process;

16 (16) provide that the laws of this state govern the
17 agreement; and

18 (17) include notice requirements.

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

24 (d) All property received by the Daughters of the Republic
25 of Texas in its capacity as custodian or trustee of the Alamo for
26 the benefit of the Alamo and listed on the organization's balance
27 sheet is subject to the requirements of this chapter and the

1 agreement required by this section.

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

4 (b) The account consists of:

5 (1) transfers made to the account;

6 (2) fees and other revenue from operation of the Alamo
7 complex;

8 (3) grants and donations from any source designated
9 for the benefit of the Alamo complex; and

10 (4) income earned on investments of money in the
11 account.

12 (c) Appropriations to the land office for the preservation,
13 operation, or maintenance of the Alamo complex shall be deposited
14 to the credit of the account.

15 (d) The land office may use money in the account only to
16 administer this subchapter, including to support the preservation,
17 repair, renovation, improvement, expansion, equipping, operation,
18 or maintenance of the Alamo complex or to acquire a historical item
19 appropriate to the Alamo complex.

20 (e) Any money in the account not used in a fiscal year
21 remains in the account. The account is exempt from the application
22 of Section 403.095, Government Code.

23 Sec. 31.455. GRANTS; DONATIONS. The land office may accept
24 a grant or donation for any program or purpose of the Alamo complex
25 and use the funds in accordance with Section 31.454.

26 Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The
27 land office may create an Alamo Preservation Advisory Board to:

- 1 (1) promote and support the Alamo complex;
2 (2) provide the resources and support necessary to
3 advance the understanding and education of current and future
4 generations on the historical significance and factual record of
5 the Alamo complex;
6 (3) inspire virtues of honor and Texas pride;
7 (4) preserve the memory and achievement of individuals
8 who served at the Alamo and provide a fitting tribute to the heroism
9 of the people who paid the ultimate sacrifice for freedom and of the
10 noble men and women of this state who have served in the armed
11 forces or died while serving in the armed forces so that Texas may
12 be free;
13 (5) promote and provide for the preservation,
14 perpetuation, appropriate publication, and display of manuscripts,
15 books, relics, pictures, oral histories, and all other items and
16 information related to the history of the Alamo complex and of this
17 state that preserve the historical character of the Alamo shrine;
18 and
19 (6) promote, counsel, and provide support to
20 governmental and private organizations that are committed to
21 objectives similar to the objectives described in this subsection.
22 (b) The advisory board is composed of:
23 (1) a designee appointed by the governor;
24 (2) the president of the Daughters of the Republic of
25 Texas;
26 (3) the current Alamo chairman of the Daughters of the
27 Republic of Texas;

1 (4) the immediate past Alamo chairman of the Daughters
2 of the Republic of Texas;

3 (5) the Alamo curator;

4 (6) one representative of the Texas Historical
5 Commission;

6 (7) one representative of the land office;

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

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

11 (c) The president of the Daughters of the Republic of Texas
12 serves as presiding officer of the advisory board.

13 (d) The representative of the land office serves as a
14 nonvoting ex officio member.

15 (e) Subject to approval by the advisory board, membership
16 may be open to individuals and institutions interested in the
17 purposes for which the advisory board was formed.

18 SECTION 3. Subsection (a), Section 2203.003, Government
19 Code, is amended to read as follows:

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

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

24 SECTION 4. The following are repealed:

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

26 (2) Chapter 7, Acts of the 29th Legislature, Regular
27 Session, 1905.

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

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

8 (2) all unobligated and unexpended funds granted to
9 the Daughters of the Republic of Texas and designated for the
10 administration of the Alamo complex;

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

14 (4) all files and other records of the Daughters of the
15 Republic of Texas kept by the organization regarding the Alamo
16 complex.

17 (b) The Daughters of the Republic of Texas may agree with
18 the General Land Office to transfer any property of the Daughters of
19 the Republic of Texas to the General Land Office before January 1,
20 2012, to implement the transfer required by this Act.

21 (c) Notwithstanding any other law, the Daughters of the
22 Republic of Texas shall continue to perform functions and
23 activities related to the Alamo and granted by Chapter 7, Acts of
24 the 29th Legislature, Regular Session, 1905, until January 1, 2012,
25 and the former law is continued in effect for that purpose.

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