

By: Van de Putte
(Guillen)

S.B. No. 1841

Substitute the following for S.B. No. 1841:

By: Larson

C.S.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 land
office 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
preservation, future maintenance, and 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.

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 this section 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.
- 26 (d) All property received by the Daughters of the Republic
27 of Texas in its capacity as custodian or trustee of the Alamo for

1 the benefit of the Alamo is subject to the requirements of this
2 chapter and the agreement required by this section.

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

5 (b) The account consists of:

6 (1) transfers made to the account;

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

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

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

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

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

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

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

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

7 (1) promote and support the Alamo complex;

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

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

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

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

25 (6) promote, counsel, and provide support to
26 governmental and private organizations that are committed to
27 objectives similar to the objectives described in this subsection.

1 (b) The advisory board is composed of:

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

4 (2) a designee appointed by the governor;

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

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

9 (5) the immediate past Alamo chairman of the Daughters
10 of the Republic of Texas;

11 (6) the Alamo curator;

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

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

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

18 (c) Subject to approval by the advisory board, membership
19 may be open to individuals and institutions interested in the
20 purposes for which the advisory board was formed.

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

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

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

27 SECTION 4. The following are repealed:

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

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

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

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

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

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

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

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

24 (c) Notwithstanding any other law, unless otherwise
25 provided pursuant to a contract entered into under Section 31.453,
26 Natural Resources Code, as added by this Act, the Daughters of the
27 Republic of Texas shall continue to perform functions and

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1 activities related to the Alamo and granted by Chapter 7, Acts of
2 the 29th Legislature, Regular Session, 1905, until January 1, 2012,
3 and the former law is continued in effect for that purpose.

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