

1-1 By: Van de Putte S.B. No. 1841
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read
1-3 first time and referred to Committee on Administration;
1-4 April 19, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 1; April 19, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1841 By: Uresti

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 Texas Historical Commission.

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

1-13 SECTION 1. Section 442.004, Government Code, is amended by
1-14 adding Subsection (c-1) to read as follows:

1-15 (c-1) The executive director shall:

1-16 (1) employ staff necessary to preserve and maintain
1-17 the Alamo and contract for professional services of qualified
1-18 consultants; and

1-19 (2) prepare an annual budget and work plan, including
1-20 usual maintenance for the Alamo and other buildings on the Alamo
1-21 property, their contents, and their grounds.

1-22 SECTION 2. Chapter 442, Government Code, is amended by
1-23 adding Subchapter D to read as follows:

1-24 SUBCHAPTER D. THE ALAMO

1-25 Sec. 442.101. PRESERVATION AND MAINTENANCE OF ALAMO.

1-26 (a) The Alamo is under the jurisdiction of the commission. The
1-27 commission is responsible for the preservation, maintenance, and
1-28 restoration of the Alamo and its contents and the protection of the
1-29 historical and architectural integrity of the Alamo's exterior,
1-30 interior, and grounds.

1-31 (b) Any power or duty related to the Alamo formerly vested
1-32 in any other state agency or entity is vested solely in the
1-33 commission.

1-34 (c) Notwithstanding any other law, the commission is not
1-35 required to comply with state purchasing law related to requests
1-36 for proposals in carrying out its duties under this subchapter.

1-37 Sec. 442.102. ASSISTANCE FROM OTHER AGENCIES. The
1-38 commission may consult with the State Preservation Board in the
1-39 performance of duties under this chapter. On request of the
1-40 commission, the State Preservation Board shall assist the
1-41 commission with the commission's duties relating to the Alamo.

1-42 Sec. 442.103. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF
1-43 TEXAS. (a) The commission shall enter into an agreement with the
1-44 Daughters of the Republic of Texas for the management, operation,
1-45 and financial support of the Alamo.

1-46 (b) The agreement at a minimum must:

1-47 (1) detail the expectations and goals of the
1-48 commission and the Daughters of the Republic of Texas;

1-49 (2) outline the management and operation of the Alamo;

1-50 (3) establish management standards;

1-51 (4) provide for oversight by the commission;

1-52 (5) address funding and payment for costs;

1-53 (6) require some Alamo employees to be commission
1-54 employees;

1-55 (7) address equipment;

1-56 (8) establish insurance requirements;

1-57 (9) address compliance with local, state, and federal
1-58 building and operation laws;

1-59 (10) address construction, maintenance, and repair;

1-60 (11) establish the term of the agreement;

1-61 (12) require submission of financial information from
1-62 the Daughters of the Republic of Texas;

1-63 (13) address other activities of the Daughters of the

2-1 Republic of Texas that might undermine the financial condition of
2-2 the Daughters of the Republic of Texas or its duties under the
2-3 agreement;

2-4 (14) address ownership by this state of the Alamo and
2-5 its contents;

2-6 (15) include a dispute resolution process;

2-7 (16) provide that the laws of this state govern the
2-8 agreement; and

2-9 (17) include notice requirements.

2-10 Sec. 442.104. THE ALAMO ACCOUNT. (a) The Alamo account is
2-11 a separate account in the general revenue fund.

2-12 (b) The account consists of:

2-13 (1) transfers made to the account;

2-14 (2) fees and other revenue from operation of the
2-15 Alamo;

2-16 (3) grants and donations from any source; and

2-17 (4) income earned on investments of money in the
2-18 account.

2-19 (c) Appropriations to the commission for the preservation,
2-20 operation, or maintenance of the Alamo shall be deposited to the
2-21 credit of the account.

2-22 (d) The commission may use money in the account to
2-23 administer this chapter, including to support the preservation,
2-24 repair, renovation, improvement, expansion, equipping, operation,
2-25 or maintenance of the Alamo or to acquire a historical item
2-26 appropriate to the Alamo.

2-27 (e) Any money in the account not used in a fiscal year
2-28 remains in the account. The account is exempt from the application
2-29 of Section 403.095.

2-30 Sec. 442.105. GRANTS; DONATIONS. The commission may accept
2-31 a grant or donation for any program or purpose of the Alamo.

2-32 SECTION 3. Subsection (a), Section 2203.003, Government
2-33 Code, is amended to read as follows:

2-34 (a) The Daughters of the Confederacy, Texas Division, and
2-35 the Daughters of the Republic of Texas each may charge admission to
2-36 state property over which each organization has custody or
2-37 control [~~This subsection does not apply to the Alamo~~].

2-38 SECTION 4. The following are repealed:

2-39 (1) Article 6394, Revised Civil Statutes of 1911; and

2-40 (2) Chapter 7, Acts of the 29th Legislature, Regular
2-41 Session, 1905.

2-42 SECTION 5. (a) If the Texas Historical Commission and the
2-43 Daughters of the Republic of Texas have not entered the agreement
2-44 required by Section 442.103, Government Code, as added by this Act,
2-45 before January 1, 2012, on that date the following are transferred
2-46 to the Texas Historical Commission:

2-47 (1) all powers and duties of the Daughters of the
2-48 Republic of Texas relating to the Alamo;

2-49 (2) all unobligated and unexpended funds granted to
2-50 the Daughters of the Republic of Texas and designated for the
2-51 administration of the Alamo;

2-52 (3) all equipment and property acquired with state
2-53 money by the Daughters of the Republic of Texas and used for the
2-54 administration of or related to the Alamo; and

2-55 (4) all files and other records of the Daughters of the
2-56 Republic of Texas kept by the organization regarding the Alamo.

2-57 (b) The Daughters of the Republic of Texas may agree with
2-58 the Texas Historical Commission to transfer any property of the
2-59 Daughters of the Republic of Texas to the Texas Historical
2-60 Commission before January 1, 2012, to implement the transfer
2-61 required by this Act.

2-62 (c) Notwithstanding any other law, the Daughters of the
2-63 Republic of Texas shall continue to perform functions and
2-64 activities related to the Alamo and granted by Chapter 7, Acts of
2-65 the 29th Legislature, Regular Session, 1905, until January 1, 2012,
2-66 and the former law is continued in effect for that purpose.

2-67 SECTION 6. This Act takes effect September 1, 2011.

2-68 * * * * *