

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 3726

A BILL TO BE ENTITLED

AN ACT

relating to the private entity granted care and custody of the Alamo.

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

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 450 to read as follows:

CHAPTER 450. CUSTODIAN OF ALAMO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 450.001. DEFINITIONS. In this chapter:

(1) "Advisory board" means the Alamo Preservation Advisory Board.

(2) "Custodian" means the private entity:

(A) in whose care the state has placed the Alamo;
and

(B) on whom the state has imposed a duty to repair the Alamo and to maintain the Alamo in good order.

Sec. 450.002. APPLICABILITY. This chapter does not apply to a chapter or subsidiary of the custodian that is not involved in the daily operations of the Alamo complex or other state-owned property.

[Sections 450.003-450.050 reserved for expansion]

SUBCHAPTER B. DUTIES OF CUSTODIAN

Sec. 450.051. ANNUAL REPORT REQUIRED. To provide transparency in the performance of duties as custodian, not later

1 than December 1 of each year the custodian shall:

2 (1) prepare a financial accountability and general
3 transparency report that covers the custodian's previous fiscal
4 year unless otherwise provided by this chapter; and

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

6 (A) the comptroller;

7 (B) the governor; and

8 (C) the Texas Historical Commission.

9 Sec. 450.052. CONTENT OF ANNUAL REPORT. The annual report
10 required under Section 450.051 at a minimum must contain:

11 (1) copies of each independent audit or review of the
12 financial activities of the custodian, including:

13 (A) financial activities related to the Alamo;

14 and

15 (B) any recommendation, management letter, or
16 report of the governing board of the custodian related to the audit
17 or review;

18 (2) copies of the annual operating budget for:

19 (A) the custodian; and

20 (B) the Alamo;

21 (3) documents that identify all financial institution
22 accounts held in the name of the custodian or in which funds from
23 the Alamo complex and all other state-owned property managed by the
24 custodian, including museums and other general operations of the
25 custodian, are or have been held;

26 (4) documents that identify all accounts into which
27 income from operation of the Alamo, including income from gift shop

1 and vending machine sales and donations, are deposited;

2 (5) copies of the annual general ledgers for the
3 custodian, the Alamo complex, and all other state-owned property
4 managed by the custodian;

5 (6) copies of documents that describe the money spent
6 on inspections of the Alamo, including inspections by engineers,
7 architects, planners, and consultants;

8 (7) copies of all contracts and agreements between the
9 custodian and any person relating to the operations, management,
10 maintenance, and preservation of the Alamo complex and all other
11 state-owned property managed by the custodian;

12 (8) copies of all documents relating to permits sought
13 by the custodian from the Texas Historical Commission, including
14 applications for permits, permits issued, amendments or revisions
15 to existing permits, and purchase orders and invoices for work
16 performed on the Alamo;

17 (9) copies of all documents relating to any repair of
18 \$2,000 or more made to the Alamo complex or other state-owned
19 property managed by the custodian, for which a permit from the Texas
20 Historical Commission was not obtained, including purchase orders
21 and invoices for work performed;

22 (10) copies of all contracts by and between the
23 custodian and professional fund-raisers, public relations
24 companies, and marketing companies; and

25 (11) a copy of the custodian's master plan for the
26 Alamo complex and any revisions to the plan, including an
27 explanation of the reason for the revision.

1 Sec. 450.053. RECORDS. (a) The custodian shall keep in its
2 permanent records all receipts, purchase orders, invoices, expense
3 reports, or other documents that support, describe, or explain the
4 documents required under Sections 450.052(2) and (3).

5 (b) The information required under Subsection (a) shall on
6 request be made available to the comptroller, governor, and Texas
7 Historical Commission.

8 [Sections 450.054-450.100 reserved for expansion]

9 SUBCHAPTER C. ALAMO PRESERVATION ADVISORY BOARD

10 Sec. 450.101. ESTABLISHMENT AND COMPOSITION OF BOARD. (a)
11 The custodian shall establish the Alamo Preservation Advisory Board
12 composed of the following members:

- 13 (1) the president of the custodian;
14 (2) the Alamo chairman of the custodian;
15 (3) the immediately preceding president of the
16 custodian;
17 (4) the immediately preceding Alamo chairman of the
18 custodian;
19 (5) the custodian's Alamo curator;
20 (6) the custodian's Alamo conservator;
21 (7) one representative of the Texas Historical
22 Commission;
23 (8) one representative of the Texas Facilities
24 Commission;
25 (9) the president of the Bexar County Historical
26 Society; and
27 (10) one representative of the City of San Antonio

1 Office of Historic Preservation.

2 (b) Subject to approval by the custodian, the advisory board
3 may include nonvoting members composed of individuals or
4 representatives of institutions interested in the purposes and
5 duties of the advisory board.

6 Sec. 450.102. PRESIDING OFFICER. The president of the
7 custodian shall serve as presiding officer of the advisory board.

8 Sec. 450.103. ADVISORY BOARD PROCEDURES. The advisory
9 board may adopt procedures the advisory board considers advisable
10 for the management, administration, and regulation of the business
11 and affairs of the advisory board. The procedures may not be
12 inconsistent with the custodian's articles of incorporation or
13 bylaws or the laws of this state.

14 Sec. 450.104. DUTIES OF ADVISORY BOARD. The advisory board
15 shall:

16 (1) promote, operate, and support the Alamo complex;

17 (2) provide the resources and support to advance the
18 understanding and education of current and future generations about
19 the historical significance and factual record of the Alamo
20 complex;

21 (3) seek to inspire virtues of honor and pride in this
22 state;

23 (4) preserve the memory and achievement of those at
24 the Alamo who paid the ultimate sacrifice for freedom and all the
25 men and women of this state who have served in the armed forces;

26 (5) promote and provide for the preservation,
27 perpetuation, and appropriate publication and display of

1 manuscripts, books, relics, pictures, oral histories, and all other
2 items and information pertaining to the history of the Alamo
3 complex and related history of this state; and

4 (6) promote, counsel, and provide support to
5 governmental and private organizations that are committed to
6 objectives similar to the objectives described by this section.

7 SECTION 2. This Act takes effect September 1, 2011.

ADOPTED

MAY 17 2011

Atty. Gen.
Secretary of the Senate

By: *Patricia Vande Puff*

H.B. No. 3726

Substitute the following for H.B. No. 3726.

By: *Wentworth*

C.S. H.B. No. 3726

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

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

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

17 SUBCHAPTER I. THE ALAMO COMPLEX

18 Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a)
19 The Alamo complex is under the jurisdiction of the land office. The
20 land office is responsible for the preservation, maintenance, and
21 restoration of the Alamo complex and its contents and the
22 protection of the historical and architectural integrity of the
23 exterior, interior, and grounds of the Alamo complex.

24 (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 STATE PRESERVATION BOARD. The
7 land 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 to ensure the
12 freedom of the people of this state;
- 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. Section 2203.003(a), Government Code, is amended
19 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 17, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3726 by Guillen (Relating to the preservation and maintenance of the Alamo by the General Land Office.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3726, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>New General Revenue Dedicated--Alamo Complex</i>	Probable Savings/ (Cost) from <i>New General Revenue Dedicated--Alamo Complex</i>	Probable Revenue Gain from <i>Appropriated Receipts 666</i>	Probable Savings/ (Cost) from <i>Appropriated Receipts 666</i>
2012	\$8,000,000	(\$2,432,354)	\$743,087	(\$236,552)
2013	\$12,000,000	(\$3,319,939)	\$1,114,630	(\$353,127)
2014	\$12,000,000	(\$3,319,939)	\$1,114,630	(\$337,829)
2015	\$12,000,000	(\$3,319,939)	\$1,114,630	(\$337,829)
2016	\$12,000,000	(\$3,319,939)	\$1,114,630	(\$337,829)

Fiscal Year	Change in Number of State Employees from FY 2011
2012	2.0
2013	2.0
2014	2.0
2015	2.0
2016	2.0

Fiscal Analysis

The bill would require the General Land Office (GLO) to employ staff necessary to preserve and

maintain the Alamo and contract for professional services of qualified consultants. The bill would require the GLO to prepare an annual budget and workplan for maintenance of the Alamo and other buildings on Alamo property, their contents, and grounds.

The bill would place the Alamo under the jurisdiction of the GLO, and the GLO would be responsible for the preservation, maintenance, restoration and protection of the Alamo and its contents. The bill would transfer any power or duty related to the Alamo formerly vested in any other state agency or entity to the GLO. The bill would exempt the GLO from compliance with state purchasing laws relating to requests for proposals in carrying out its duties related to the Alamo.

The bill would require the State Preservation Board to assist the GLO with its duties relating to the Alamo upon request by the GLO.

The bill would require the GLO to enter into an agreement with the Daughters of the Republic of Texas (DRT) for the management, operation, and financial support of the Alamo. The bill would specify minimum requirements for the agreement.

The bill would create an Alamo Complex Account in the General Revenue Fund which would consist of transfers made to the account, fees and revenue from operation of the Alamo, grants and donations, and income earned on investments of money in the account. Appropriations to the GLO for the Alamo would be deposited to the account. The GLO would be authorized to use the account on expenses related to the Alamo and to acquire historical items appropriate to the Alamo. The bill would exempt the account from application of Government Code, Section 403.095. The bill would authorize the GLO to accept a grant or donation for any program or purpose of the Alamo.

The bill would authorize the DRT to charge an admission fee to the Alamo. The bill would repeal Article 6394, Revised Civil Statutes of 1911, and Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, relating to the care and custody of the Alamo by the DRT.

Subject to an agreement between the GLO and the DRT provided under provisions of the bill, the bill would transfer all powers and duties of DRT relating to the Alamo to the GLO on January 1, 2012.

Methodology

Costs for functions provided by GLO at the Alamo would include salaries, related operating costs, and benefits of \$219,183 each full fiscal year for 2.0 full-time equivalent positions. The positions would include a project manager and a maintenance supervisor. Although the GLO would not take over full responsibilities at the Alamo until January 1, 2012, this estimate assumes that the 2.0 FTEs would be needed for all of fiscal year 2012 because the agency would need staff time to prepare for the transition.

GLO has determined that initially it would need to contract with a qualified external architectural firm to assess the current physical and structural conditions of the Alamo complex. It is estimated that the initial study would cost a minimum of \$150,000 and may result in additional studies to address specific areas in need of immediate or critical attention. These costs are included in fiscal year 2012.

Costs of the GLO to operate and maintain the Alamo are based on estimates that the Texas Historical Commission (THC) provided when it proposed that the THC be given jurisdiction over the Alamo. It is assumed that the GLO would operate the site in a similar arrangement as the National Museum of the Pacific War (NMPW), a site that is operated by the THC and a nonprofit organization. For the NMPW, during the 2010-11 biennium, it is anticipated that 78 percent of costs for the site would be managed by the nonprofit organization and the remaining 22 percent would include management and program functions provided by THC. This ratio of operational expenses is assumed for operation of the Alamo by the GLO. It is anticipated that the contract costs of \$2,063,171 in fiscal year 2012 and \$3,094,756 each fiscal year thereafter would include the operating expenses of the DRT which would enter into an agreement with the GLO to operate the Alamo.

In addition, there are indeterminate costs for restoration of the Alamo. The agency has indicated that evaluations of the Alamo would need to be conducted to determine the costs.

This analysis also assumes collections of admissions fees at the Alamo at \$8,000,000 in fiscal year 2012 and \$12,000,000 each fiscal year thereafter to be deposited to the new Alamo Complex Account. The estimate is based on reported visitation by DRT on the Alamo's website of 2,500,000 visitors each year. It is assumed that 80 percent of visitors would pay the admissions charge, based on paid visitation figures at NMPW, and an average fee of \$6 per visitor.

This analysis also assumes additional revenue of \$743,087 in fiscal year 2012 and \$1,114,630 each fiscal year thereafter from appropriated receipts generated from sales at gift shops. Costs of operating the gift shop of approximately \$225,000 to \$350,000 per fiscal year are also included in the table above.

This estimate assumes that the GLO would receive appropriations out of the Alamo Complex Account sufficient to cover agency expenses plus the cost of the contract with the DRT. This estimate also assumes that if the Preservation Board would incur any costs in assisting the GLO with the agency's duties with respect to the Alamo, the GLO would reimburse the Preservation Board for such expenses through an Interagency Contract from proceeds of the agency's appropriations out of the Alamo Complex Account.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board, 808 Historical Commission, 304 Comptroller of Public Accounts

LBB Staff: JOB, SD, KM, ZS, TL, LCO, MS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 9, 2011

TO: Honorable Kevin Eltife, Chair, Senate Committee on Administration

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3726 by Guillen (Relating to the preservation and maintenance of the Alamo by the General Land Office.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3726, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
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All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>New General Revenue Dedicated--Alamo Complex</i>	Probable Savings/ (Cost) from <i>New General Revenue Dedicated--Alamo Complex</i>	Probable Revenue Gain from <i>Appropriated Receipts 666</i>	Probable Savings/ (Cost) from <i>Appropriated Receipts 666</i>
2012	\$8,000,000	(\$2,432,354)	\$743,087	(\$236,552)
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Fiscal Year	Change in Number of State Employees from FY 2011
2012	2.0
2013	2.0
2014	2.0
2015	2.0
2016	2.0

Fiscal Analysis

The bill would require the General Land Office (GLO) to employ staff necessary to preserve and

maintain the Alamo and contract for professional services of qualified consultants. The bill would require the GLO to prepare an annual budget and workplan for maintenance of the Alamo and other buildings on Alamo property, their contents, and grounds.

The bill would place the Alamo under the jurisdiction of the GLO, and the GLO would be responsible for the preservation, maintenance, restoration and protection of the Alamo and its contents. The bill would transfer any power or duty related to the Alamo formerly vested in any other state agency or entity to the GLO. The bill would exempt the GLO from compliance with state purchasing laws relating to requests for proposals in carrying out its duties related to the Alamo.

The bill would require the State Preservation Board to assist the GLO with its duties relating to the Alamo upon request by the GLO.

The bill would require the GLO to enter into an agreement with the Daughters of the Republic of Texas (DRT) for the management, operation, and financial support of the Alamo. The bill would specify minimum requirements for the agreement.

The bill would create an Alamo Complex Account in the General Revenue Fund which would consist of transfers made to the account, fees and revenue from operation of the Alamo, grants and donations, and income earned on investments of money in the account. Appropriations to the GLO for the Alamo would be deposited to the account. The GLO would be authorized to use the account on expenses related to the Alamo and to acquire historical items appropriate to the Alamo. The bill would exempt the account from application of Government Code, Section 403.095. The bill would authorize the GLO to accept a grant or donation for any program or purpose of the Alamo.

The bill would authorize the DRT to charge an admission fee to the Alamo. The bill would repeal Article 6394, Revised Civil Statutes of 1911, and Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, relating to the care and custody of the Alamo by the DRT.

Subject to an agreement between the GLO and the DRT provided under provisions of the bill, the bill would transfer all powers and duties of DRT relating to the Alamo to the GLO on January 1, 2012.

Methodology

Costs for functions provided by GLO at the Alamo would include salaries, related operating costs, and benefits of \$219,183 each full fiscal year for 2.0 full-time equivalent positions. The positions would include a project manager and a maintenance supervisor. Although the GLO would not take over full responsibilities at the Alamo until January 1, 2012, this estimate assumes that the 2.0 FTEs would be needed for all of fiscal year 2012 because the agency would need staff time to prepare for the transition.

GLO has determined that initially it would need to contract with a qualified external architectural firm to assess the current physical and structural conditions of the Alamo complex. It is estimated that the initial study would cost a minimum of \$150,000 and may result in additional studies to address specific areas in need of immediate or critical attention. These costs are included in fiscal year 2012.

Costs of the GLO to operate and maintain the Alamo are based on estimates that the Texas Historical Commission (THC) provided when it proposed that the THC be given jurisdiction over the Alamo. It is assumed that the GLO would operate the site in a similar arrangement as the National Museum of the Pacific War (NMPW), a site that is operated by the THC and a nonprofit organization. For the NMPW, during the 2010-11 biennium, it is anticipated that 78 percent of costs for the site would be managed by the nonprofit organization and the remaining 22 percent would include management and program functions provided by THC. This ratio of operational expenses is assumed for operation of the Alamo by the GLO. It is anticipated that the contract costs of \$2,063,171 in fiscal year 2012 and \$3,094,756 each fiscal year thereafter would include the operating expenses of the DRT which would enter into an agreement with the GLO to operate the Alamo.

In addition, there are indeterminate costs for restoration of the Alamo. The agency has indicated that evaluations of the Alamo would need to be conducted to determine the costs.

This analysis also assumes collections of admissions fees at the Alamo at \$8,000,000 in fiscal year 2012 and \$12,000,000 each fiscal year thereafter to be deposited to the new Alamo Complex Account. The estimate is based on reported visitation by DRT on the Alamo's website of 2,500,000 visitors each year. It is assumed that 80 percent of visitors would pay the admissions charge, based on paid visitation figures at NMPW, and an average fee of \$6 per visitor.

This analysis also assumes additional revenue of \$743,087 in fiscal year 2012 and \$1,114,630 each fiscal year thereafter from appropriated receipts generated from sales at gift shops. Costs of operating the gift shop of approximately \$225,000 to \$350,000 per fiscal year are also included in the table above.

This estimate assumes that the GLO would receive appropriations out of the Alamo Complex Account sufficient to cover agency expenses plus the cost of the contract with the DRT. This estimate also assumes that if the Preservation Board would incur any costs in assisting the GLO with the agency's duties with respect to the Alamo, the GLO would reimburse the Preservation Board for such expenses through an Interagency Contract from proceeds of the agency's appropriations out of the Alamo Complex Account.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office and Veterans' Land Board, 808 Historical Commission, 304 Comptroller of Public Accounts

LBB Staff: JOB, KM, ZS, TL, LCO, MS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 2, 2011

TO: Honorable Kevin Eltife, Chair, Senate Committee on Administration

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3726 by Guillen (Relating to the private entity granted care and custody of the Alamo.),
As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would require the custodian of the Alamo to submit a financial accountability and general transparency report to the Comptroller, Governor and Texas Historical Commission (THC) by December 1 of each year. The content of the report is identified in the bill. The bill would require the custodian to keep in its permanent records certain financial records relating to documents included in the report and make such records available to the Comptroller, Governor, and THC upon request. The bill would require the custodian to establish an Alamo Preservation Advisory Board (Board) composed of at least 10 members, including one representative of the THC and one representative of the Texas Facilities Commission (TFC), and authorize the inclusion of other nonvoting members interested. The president of the custodian would serve as the presiding officer of the Board. The bill would designate the duties of the Board relating to promotion and support for the Alamo complex.

It is anticipated that any additional costs for the THC and TFC associated with implementation of the legislation could be absorbed within existing resources.

Local Government Impact

The bill would require the custodian of the Alamo to appoint a representative of the City of San Antonio Office of Historic Preservation to the Alamo Preservation Advisory Board. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: JOB, KM, LCO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3726 by Guillen (Relating to the private entity granted care and custody of the Alamo.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would require the custodian of the Alamo to submit a financial accountability and general transparency report to the Comptroller, Governor and Texas Historical Commission (THC) by December 1 of each year. The content of the report is identified in the bill. The bill would require the custodian to keep in its permanent records certain financial records relating to documents included in the report and make such records available to the Comptroller, Governor, and THC upon request. The bill would require the custodian to establish an Alamo Preservation Advisory Board (Board) composed of at least 10 members, including one representative of the THC and one representative of the Texas Facilities Commission (TFC), and authorize the inclusion of other nonvoting members interested. The president of the custodian would serve as the presiding officer of the Board. The bill would designate the duties of the Board relating to promotion and support for the Alamo complex.

It is anticipated that any additional costs for the THC and TFC associated with implementation of the legislation could be absorbed within existing resources.

Local Government Impact

The bill would require the custodian of the Alamo to appoint a representative of the City of San Antonio Office of Historic Preservation to the Alamo Preservation Advisory Board. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: JOB, KM, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 6, 2011

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3726 by Guillen (Relating to an annual report of the private entity granted care and custody of the Alamo.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor, 304 Comptroller of Public Accounts, 808 Historical Commission

LBB Staff: JOB, KM, LCO