

House Bill 3726
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

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 than December 1 of each year the custodian shall:

(1) prepare a financial accountability and general

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

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

Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. The land office may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the land office, the State

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transparency report that covers the custodian's previous fiscal year unless otherwise provided by this chapter; and

(2) submit a copy of the report to:

(A) the comptroller;

(B) the governor; and

(C) the Texas Historical Commission.

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

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

(A) financial activities related to the Alamo; and

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

(2) copies of the annual operating budget for:

(A) the custodian; and

(B) the Alamo;

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

(4) documents that identify all accounts into which income from operation of the Alamo, including income from gift shop and vending machine sales and donations, are deposited;

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

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

(7) copies of all contracts and agreements between the

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Preservation Board shall assist the land office with the land office's duties relating to the Alamo complex.

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

(b) The agreement at a minimum must:

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

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

(3) establish management standards;

(4) provide for oversight by the land office;

(5) address funding and payment for costs;

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

(7) address equipment;

(8) establish insurance requirements;

(9) address compliance with local, state, and federal building and operation laws;

(10) address construction, maintenance, and repair;

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

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

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

(14) address ownership by this state of the Alamo complex

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custodian and any person relating to the operations, management, maintenance, and preservation of the Alamo complex and all other state-owned property managed by the custodian;

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

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

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

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

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

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

[Sections 450.054-450.100 reserved for expansion]

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and its contents;

(15) include a dispute resolution process;

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

(17) include notice requirements.

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

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

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

(b) The account consists of:

(1) transfers made to the account;

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

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

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

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

(d) The land office may use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex

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SUBCHAPTER C. ALAMO PRESERVATION ADVISORY BOARD

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

- (1) the president of the custodian;
- (2) the Alamo chairman of the custodian;
- (3) the immediately preceding president of the custodian;
- (4) the immediately preceding Alamo chairman of the custodian;
- (5) the custodian's Alamo curator;
- (6) the custodian's Alamo conservator;
- (7) one representative of the Texas Historical Commission;
- (8) one representative of the Texas Facilities Commission;
- (9) the president of the Bexar County Historical Society; and
- (10) one representative of the City of San Antonio Office of Historic Preservation.

(b) Subject to approval by the custodian, the advisory board may include nonvoting members composed of individuals or

or to acquire a historical item appropriate to the Alamo complex.

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

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

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD.

(b) The advisory board is composed of:

- (1) a designee appointed by the governor;
- (2) the president of the Daughters of the Republic of Texas;
- (3) the current Alamo chairman of the Daughters of the Republic of Texas;
- (4) the immediate past Alamo chairman of the Daughters of the Republic of Texas;
- (5) the Alamo curator;

(6) one representative of the Texas Historical Commission;

(7) one representative of the land office;

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

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

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

(e) Subject to approval by the advisory board, membership may be open to individuals and institutions interested in the

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representatives of institutions interested in the purposes and duties of the advisory board.

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

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

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

- (1) promote, operate, and support the Alamo complex;
- (2) provide the resources and support to advance the understanding and education of current and future generations about the historical significance and factual record of the Alamo complex;
- (3) seek to inspire virtues of honor and pride in this state;
- (4) preserve the memory and achievement of those at the Alamo who paid the ultimate sacrifice for freedom and all the men and women of this state who have served in the armed forces;

(5) promote and provide for the preservation, perpetuation, and appropriate publication and display of manuscripts, books, relics, pictures, oral histories, and all other items and information pertaining to the history of the Alamo complex and related history of this state; and

(6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives

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purposes for which the advisory board was formed.

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

(a) The land office may create an Alamo Preservation Advisory Board to:

- (1) promote and support the Alamo complex;
- (2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;
- (3) inspire virtues of honor and Texas pride;
- (4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces to ensure the freedom of the people of this state;
- (5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and
- (6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives

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similar to the objectives described by this section.

No equivalent provision.

No equivalent provision.

No equivalent provision.

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similar to the objectives described in this subsection.

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

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

SECTION 4. The following are repealed:

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

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

- (1) all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex;
- (2) all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the administration of the Alamo complex;
- (3) all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and
- (4) all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

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

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

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

SECTION 6. Same as House version.