86R13418 YDB-D

By:  Toth H.B. No. 3517

A BILL TO BE ENTITLED

AN ACT

relating to the preservation, maintenance, and restoration of the Alamo complex and surrounding area by the Texas Historical Commission and the Alamo oversight committee.

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

SECTION 1.  Subchapter I, Chapter 31, Natural Resources Code, is transferred to Chapter 442, Government Code, redesignated as Subchapter F, Chapter 442, Government Code, and amended to read as follows:

SUBCHAPTER F [~~I~~]. PRESERVATION, MAINTENANCE, AND RESTORATION OF [~~THE~~] ALAMO COMPLEX

Sec. 442.251  [~~31.450~~].  FINDINGS[~~; MEMORANDUM OF UNDERSTANDING~~]. [~~(a)~~]  The legislature finds that:

(1)  the Alamo has played an important role in the history of this state and continues to be a symbol of liberty and freedom for this state;

(2)  this state wants to honor the individuals whose lives were lost at the Alamo;

(3)  the entire history of the Alamo, from the time the Alamo was established as a mission until the present, should be recognized; and

(4)  the Alamo is a world-class destination that provides a place of remembrance and education.

[~~(b)  The land office shall enter into a memorandum of understanding with the City of San Antonio to coordinate the planning and development of improvements to the Alamo complex and the area immediately surrounding the complex.~~]

Sec. 442.252.  ALAMO OVERSIGHT COMMITTEE. (a) In this section, "oversight committee" means the Alamo oversight committee.

(b)  The Alamo oversight committee shall oversee the Alamo complex and its contents and provide general direction to the commission in the preservation, maintenance, and restoration of the Alamo complex and its contents.

(c)  The oversight committee consists of seven members as follows:

(1)  two members of the senate, appointed by the lieutenant governor;

(2)  two members of the house of representatives, appointed by the governor from a list of at least three house members provided by the speaker of the house of representatives; and

(3)  three members of the public, appointed by the governor.

(d)  A member of the oversight committee serves at the pleasure of the appointing official. Public members of the committee serve staggered six-year terms.

(e)  The governor shall appoint a member of the oversight committee to serve as presiding officer of the committee.

(f)  A member of the oversight committee may not receive compensation for serving on the committee but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the committee as provided by the General Appropriations Act.

(g)  The oversight committee shall meet at least twice annually or at the call of the presiding officer.

(h)  The oversight committee shall:

(1)  oversee the activities of and provide general direction to the commission in the preservation, maintenance, and restoration of the Alamo complex and its contents;

(2)  develop a strategic plan for the Alamo complex and its contents and update the plan biennially; and

(3)  monitor the commission's compliance with the strategic plan.

(i)  The strategic plan must include:

(1)  a comprehensive plan for preserving, maintaining, and restoring the Alamo complex and its contents;

(2)  an estimate of the funding necessary to implement the plan and the projected availability of funds; and

(3)  accountability and monitoring mechanisms to ensure the plan is implemented.

(j)  Chapter 551 applies to the oversight committee.

(k)  Not later than December 1 of each even-numbered year, the oversight committee shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report on the activities of the committee and a copy of the strategic plan or updates to the plan, as applicable.

Sec. 442.253 [~~31.451~~].  PRESERVATION, [~~AND~~] MAINTENANCE, AND RESTORATION OF ALAMO COMPLEX. (a) The Alamo complex is under the jurisdiction of the commission and the Alamo oversight committee [~~land office~~]. The commission, under the general direction of the oversight committee, [~~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 commission under the general direction of the Alamo oversight committee [~~land office~~].

Sec. 442.254.  RULES. The commission shall adopt rules necessary to implement this subchapter.

Sec. 442.255.  EXEMPTION FROM STATE PURCHASING LAW. [~~(c)~~]  Notwithstanding any other law, the commission [~~land office~~] is not required to comply with state purchasing law in carrying out [~~its~~] duties assigned under this subchapter.

Sec. 442.256.  NONPROFIT ORGANIZATION. (a) [~~(d)~~]  The executive director [~~land office~~] may establish or participate in the establishment of and partner with a qualifying nonprofit organization to raise money or provide [~~the purposes of which include raising funds for or providing~~] services or other benefits for the preservation, [~~and~~] maintenance, and restoration of the Alamo complex.

(b)  The executive director [~~land office~~] may contract with a nonprofit [~~the~~] organization described by Subsection (a) for the performance of any activity authorized by that subsection.

Sec. 442.257  [~~31.452~~].  ASSISTANCE FROM STATE PRESERVATION BOARD.  The executive director [~~land office~~] may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the executive director [~~land office~~], the State Preservation Board shall assist the commission [~~land office~~] with the commission's [~~land office's~~] duties relating to the Alamo complex.

Sec. 442.258  [~~31.453~~].  AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a)  The executive director [~~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 commission [~~land office~~] and the Daughters of the Republic of Texas, including the transfer of any state money held in trust for the Alamo by the Daughters of the Republic of Texas and the property described in Subsection (d);

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

(3)  establish management standards;

(4)  provide for oversight by the executive director [~~land office~~];

(5)  address funding and payment for costs;

(6)  address equipment;

(7)  establish insurance requirements;

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

(9)  address construction, maintenance, and repair;

(10)  establish the term of the agreement;

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

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

(13)  include a dispute resolution process;

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

(15)  include notice requirements.

(c)  The executive director [~~land office~~] may enter into the agreement required by Subsection (a) 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 of 1986.

(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 is subject to the requirements of this subchapter and the agreement required by this section.

Sec. 442.259  [~~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, donations, and bequests from any source designated for the benefit of the Alamo complex; and

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

(c)  The commission [~~land office~~] may accept a gift, grant, or bequest of money, securities, services, or property to carry out any purpose related to the preservation, [~~and~~] maintenance, restoration, or operation of the Alamo complex, including funds raised or services provided by a volunteer or volunteer group to promote that [~~the~~] work [~~of the land office~~].  All proceeds under this subsection shall be deposited to the credit of the account.

(d)  Appropriations to the commission [~~land office~~] for the preservation, [~~operation, or~~] maintenance, restoration, or operation of the Alamo complex shall be deposited to the credit of the account.

(e)  The commission [~~land office~~] may use money in the account only to administer this subchapter, including to support the preservation, maintenance, restoration, operation, repair, renovation, improvement, expansion, or equipping[~~, operation, or maintenance~~] of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(f)  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. 442.260  [~~31.455~~].  ALAMO PRESERVATION ADVISORY BOARD. (a)  The executive director shall [~~land office may~~] establish an Alamo Preservation Advisory Board to provide advice, proposals, and recommendations to:

(1)  promote the development of a world-class site to educate visitors on the history and importance of the Alamo in this state's fight for independence and to honor the people who lost their lives at the Alamo;

(2)  promote and support the Alamo complex;

(3)  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;

(4)  inspire virtues of honor and Texas pride;

(5)  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;

(6)  provide educational and museum facilities 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

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

(b)  The advisory board is composed of:

(1)  the executive director or another commission employee designated by the executive director [~~commissioner or the commissioner's designee~~], who serves as the presiding officer of the advisory board;

(2)  one representative of the General Land Office, appointed by the commissioner of the land office [~~a designee appointed by the governor~~];

(3)  a representative of the Alamo Endowment, appointed by the executive director [~~commissioner~~];

(4)  the director of the Alamo;

(5)  the Alamo curator;

(6)  [~~one representative of the Texas Historical Commission;~~

[~~(7)~~]  a designee appointed by the county judge of Bexar County;

(7) [~~(8)~~]  a designee appointed by the mayor of the City of San Antonio;

(8) [~~(9)~~]  a designee appointed by the executive director [~~commissioner~~] representing the local travel and tourism industry and the businesses and landholders from the area immediately surrounding the Alamo complex;

(9) [~~(10)~~]  one member of the house of representatives appointed by the speaker of the house of representatives; and

(10) [~~(11)~~]  one senator appointed by the lieutenant governor.

(c)  Subject to approval by the advisory board, the advisory board may include nonvoting members[~~,~~] who, as individuals or as representatives of institutions, are interested in the purposes for which the advisory board was established.

SECTION 2.  Section 504.665(b), Transportation Code, is amended to read as follows:

(b)  After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account created by the comptroller in the manner provided by Section 504.6012(b).  Money deposited to that account may be used only by the Texas Historical Commission [~~General Land Office~~] as follows:

(1)  75 percent of the money shall be used for the preservation, maintenance, and restoration of the Alamo; and

(2)  25 percent of the money shall be used to enhance the Alamo visitor experience or to fund education programs about the Alamo.

SECTION 3.  Section 31.0515, Natural Resources Code, is repealed.

SECTION 4.  As soon as practicable after the effective date of this Act, the speaker of the house of representatives shall provide to the governor a list of proposed appointees to the Alamo oversight committee and the governor and lieutenant governor shall appoint members to the oversight committee as provided by Section 442.252, Government Code, as added by this Act. The governor shall appoint one public member to a term expiring February 1, 2021, one public member to a term expiring February 1, 2023, and one public member to a term expiring February 1, 2025.

SECTION 5.  (a) On October 1, 2019, or as soon as practicable after that date, the General Land Office and the Texas Historical Commission shall enter into a memorandum of understanding that provides a comprehensive plan to ensure the orderly transition of the preservation, maintenance, and restoration of the Alamo complex to the commission.

(b)  This section takes effect September 1, 2019.

SECTION 6.  (a)  On the effective date of this Act, all powers, duties, obligations, rights, contracts, bonds, appropriations, records, property, and personnel of the General Land Office related to the Alamo complex are transferred to the Texas Historical Commission as provided for in the memorandum of understanding described by Section 5 of this Act.

(b)  A rule, policy, procedure, or decision of the General Land Office continues in effect as a rule, policy, procedure, or decision of the Texas Historical Commission, as appropriate, until superseded by an act of the commission.

SECTION 7.  (a) The term of a member serving on the Alamo Preservation Advisory Board immediately before the effective date of this Act whose position on the board is abolished by the changes in law made by this Act expires on the effective date of this Act.

(b)  As soon as practicable after the effective date of this Act, each appointing official shall appoint members to the Alamo Preservation Advisory Board as required by Section 442.260, Government Code, as transferred, redesignated, and amended by this Act.

(c)  As soon as practicable after the effective date of this Act, the executive director of the Texas Historical Commission shall enter into an agreement with the Daughters of the Republic of Texas as required by Section 442.258, Government Code, as transferred, redesignated, and amended by this Act.

SECTION 8.  Except as otherwise provided by this Act, this Act takes effect January 1, 2020.