

By: Biedermann

H.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

relating to the preservation, maintenance, and restoration of the Alamo Cenotaph; granting the power of eminent domain.

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

SECTION 1. Subchapter I, Chapter 31, Natural Resources Code, is amended by adding Section 31.4515 to read as follows:

Sec. 31.4515. PRESERVATION, MAINTENANCE, AND RESTORATION OF ALAMO CENOTAPH. (a) The legislature finds that:

(1) as part of the Texas Centennial celebration, the 44th Legislature:

(A) appropriated money to create and conduct celebrations commemorating the heroic period of early Texas history and celebrating a century of independence and progress for Texas as a republic and state; and

(B) created a Commission of Control for Texas Centennial celebrations to approve allocations of state appropriated money and to apply for federal money for the centennial celebrations to be spent under the direction and control of the commission;

(2) from federal money granted to the state, the Commission of Control commissioned construction of the Alamo Cenotaph for the benefit of the state and the public to honor heroes of the Alamo and other patriotic Texans; and

(3) on completion of the Alamo Cenotaph and its

1 placement on the north plot of the Alamo Plaza, title to the
2 cenotaph passed to the City of San Antonio conditioned on the city
3 using the cenotaph as a memorial in honor of the heroes of the Alamo
4 and only for that purpose.

5 (b) The land office has the power of eminent domain to
6 acquire in the manner provided by Chapter 21, Property Code, any
7 property necessary to preserve, maintain, and restore the Alamo
8 Cenotaph and to carry out the purposes of this section, including
9 the acquisition of the cenotaph and the land immediately underneath
10 and adjacent to the cenotaph.

11 (c) Subject to Subsection (e), the land office is
12 responsible for the preservation, maintenance, and restoration of
13 the Alamo Cenotaph and has jurisdiction over the land immediately
14 underneath and adjacent to the cenotaph. The land office shall
15 determine and officially designate a reasonable amount of land as
16 the land immediately underneath and adjacent to the cenotaph for
17 purposes of this section.

18 (d) Any power or duty related to the Alamo Cenotaph formerly
19 vested in another state agency or local governmental entity,
20 including the City of San Antonio, is vested solely in the land
21 office in accordance with this section.

22 (e) The governor, lieutenant governor, speaker of the house
23 of representatives, and land commissioner must unanimously approve
24 all major projects related to the preservation, maintenance, and
25 restoration of the Alamo Cenotaph, including any project that
26 requires movement of the cenotaph from its original location. The
27 cenotaph may not be moved to a location outside of the area that

1 comprised the original Alamo Plaza.

2 (f) A local governmental entity may not exercise any control
3 over the Alamo Cenotaph and the land immediately underneath and
4 adjacent to the cenotaph or move the cenotaph from its original
5 location in the Alamo Plaza.

6 (g) The land office shall allow the descendants of the
7 heroes of the Alamo access to the Alamo Cenotaph each year on March
8 6.

9 (h) A writ of mandamus and any other legal and equitable
10 remedy is available to a party in interest to require the land
11 office, a local governmental entity, and any other party to comply
12 with this section.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2019.