

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 [±]. 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~~

1 ~~understanding with the City of San Antonio to coordinate the~~
2 ~~planning and development of improvements to the Alamo complex and~~
3 ~~the area immediately surrounding the complex.]~~

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

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

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

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

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

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

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

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

26 (f) A member of the oversight committee may not receive
27 compensation for serving on the committee but is entitled to

1 reimbursement for travel expenses incurred by the member while
2 conducting the business of the committee as provided by the General
3 Appropriations Act.

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

6 (h) The oversight committee shall:

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

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

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

14 (i) The strategic plan must include:

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

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

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

21 (j) Chapter 551 applies to the oversight committee.

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

27 Sec. 442.253 [31.451]. PRESERVATION, [AND] MAINTENANCE,

1 AND RESTORATION OF ALAMO COMPLEX. (a) The Alamo complex is under
2 the jurisdiction of the commission and the Alamo oversight
3 committee [~~land office~~]. The commission, under the general
4 direction of the oversight committee, [~~land office~~] is responsible
5 for the preservation, maintenance, and restoration of the Alamo
6 complex and its contents and the protection of the historical and
7 architectural integrity of the exterior, interior, and grounds of
8 the Alamo complex.

9 (b) Any power or duty related to the Alamo complex formerly
10 vested in any other state agency or entity is vested solely in the
11 commission under the general direction of the Alamo oversight
12 committee [~~land office~~].

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

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

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

26 (b) The executive director [~~land office~~] may contract with a
27 nonprofit [~~the~~] organization described by Subsection (a) for the

1 performance of any activity authorized by that subsection.

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

9 Sec. 442.258 [~~31.453~~]. AGREEMENT WITH DAUGHTERS OF THE
10 REPUBLIC OF TEXAS. (a) The executive director [~~land office~~] shall
11 enter into an agreement with the Daughters of the Republic of Texas
12 for the management, operation, and financial support of the Alamo
13 complex.

14 (b) The agreement at a minimum must:

15 (1) detail the expectations and goals of the
16 commission [~~land office~~] and the Daughters of the Republic of
17 Texas, including the transfer of any state money held in trust for
18 the Alamo by the Daughters of the Republic of Texas and the property
19 described in Subsection (d);

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

22 (3) establish management standards;

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

25 (5) address funding and payment for costs;

26 (6) address equipment;

27 (7) establish insurance requirements;

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

3 (9) address construction, maintenance, and repair;

4 (10) establish the term of the agreement;

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

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

10 (13) include a dispute resolution process;

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

13 (15) include notice requirements.

14 (c) The executive director [~~land office~~] may enter into the
15 agreement required by Subsection (a) only if the Daughters of the
16 Republic of Texas is a properly formed nonprofit corporation in
17 this state in accordance with Section 2.008, Business Organizations
18 Code, and is exempt from income taxation under Section 501(c)(3),
19 Internal Revenue Code of 1986.

20 (d) All property received by the Daughters of the Republic
21 of Texas in its capacity as custodian or trustee of the Alamo for
22 the benefit of the Alamo is subject to the requirements of this
23 subchapter and the agreement required by this section.

24 Sec. 442.259 [~~31.454~~]. [~~THE~~] ALAMO COMPLEX ACCOUNT.

25 (a) The Alamo complex account is a separate account in the general
26 revenue fund.

27 (b) The account consists of:

- 1 (1) transfers made to the account;
- 2 (2) fees and other revenue from operation of the Alamo
3 complex;
- 4 (3) grants, donations, and bequests from any source
5 designated for the benefit of the Alamo complex; and
- 6 (4) income earned on investments of money in the
7 account.

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

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

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

25 (f) Any money in the account not used in a fiscal year
26 remains in the account. The account is exempt from the application
27 of Section 403.095 [~~, Government Code~~].

1 Sec. 442.260 [~~31.455~~]. ALAMO PRESERVATION ADVISORY BOARD.

2 (a) The executive director shall [~~land office may~~] establish an
3 Alamo Preservation Advisory Board to provide advice, proposals, and
4 recommendations to:

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

9 (2) promote and support the Alamo complex;

10 (3) provide the resources and support necessary to
11 advance the understanding and education of current and future
12 generations on the historical significance and factual record of
13 the Alamo complex;

14 (4) inspire virtues of honor and Texas pride;

15 (5) preserve the memory and achievement of individuals
16 who served at the Alamo and provide a fitting tribute to the heroism
17 of the people who paid the ultimate sacrifice for freedom and of the
18 noble men and women of this state who have served in the armed
19 forces or died while serving in the armed forces to ensure the
20 freedom of the people of this state;

21 (6) provide educational and museum facilities for the
22 preservation, perpetuation, appropriate publication, and display
23 of manuscripts, books, relics, pictures, oral histories, and all
24 other items and information related to the history of the Alamo
25 complex and of this state that preserve the historical character of
26 the Alamo shrine; and

27 (7) promote, counsel, and provide support to

1 governmental and private organizations that are committed to
2 objectives similar to the objectives described in this subsection.

3 (b) The advisory board is composed of:

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

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

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

13 (4) the director of the Alamo;

14 (5) the Alamo curator;

15 (6) [~~one representative of the Texas Historical~~
16 ~~Commission,~~

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

19 (7) [~~(8)~~] a designee appointed by the mayor of the
20 City of San Antonio;

21 (8) [~~(9)~~] a designee appointed by the executive
22 director [~~commissioner~~] representing the local travel and tourism
23 industry and the businesses and landholders from the area
24 immediately surrounding the Alamo complex;

25 (9) [~~(10)~~] one member of the house of representatives
26 appointed by the speaker of the house of representatives; and

27 (10) [~~(11)~~] one senator appointed by the lieutenant

1 governor.

2 (c) Subject to approval by the advisory board, the advisory
3 board may include nonvoting members[~~7~~] who, as individuals or as
4 representatives of institutions, are interested in the purposes for
5 which the advisory board was established.

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

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

14 (1) 75 percent of the money shall be used for the
15 preservation, maintenance, and restoration of the Alamo; and

16 (2) 25 percent of the money shall be used to enhance
17 the Alamo visitor experience or to fund education programs about
18 the Alamo.

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

21 SECTION 4. As soon as practicable after the effective date
22 of this Act, the speaker of the house of representatives shall
23 provide to the governor a list of proposed appointees to the Alamo
24 oversight committee and the governor and lieutenant governor shall
25 appoint members to the oversight committee as provided by Section
26 442.252, Government Code, as added by this Act. The governor shall
27 appoint one public member to a term expiring February 1, 2021, one

1 public member to a term expiring February 1, 2023, and one public
2 member to a term expiring February 1, 2025.

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

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

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

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

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

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

1 Act.

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

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