

BILL ANALYSIS

S.B. 3059
By: Campbell
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that the Alamo is one of the most iconic landmarks in Texas and American history, symbolizing courage, sacrifice, and the enduring struggle for liberty, and that, as the site of the pivotal battle for Texas independence in 1836, the Alamo has drawn millions of visitors and continues to serve as a place of solemn remembrance and civic pride. S.B. 3059 seeks to ensure the long-term preservation, maintenance, restoration, and protection of the Alamo and its surrounding grounds by establishing the Alamo Commission and to transfer all powers, duties, and responsibilities currently vested in the General Land Office to the Alamo Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 3059 transfers the responsibility of preserving, maintaining, restoring, and protecting the Alamo complex and surrounding area from the General Land Office (GLO) to the Alamo Commission, created by the bill.

S.B. 3059 amends the Government Code to establish the Alamo Commission for the preservation, maintenance, restoration, and protection of the Alamo complex and its contents. The bill sets out the commission's five-member composition as follows:

- the governor;
- the lieutenant governor;
- the speaker of the house of representatives;
- a member of the senate, appointed by the lieutenant governor; and
- a member of the house of representatives, appointed by the speaker of the house of representatives.

The bill establishes that a commission member appointed by the lieutenant governor or speaker of the house of representatives serves for a two-year term expiring on January 31 of each odd-numbered year. The bill establishes that the position of presiding officer rotates among the governor, lieutenant governor, and speaker of the house of representatives, and that a term as presiding officer is two years and expires on January 31 of each odd-numbered year. The bill requires the commission members who are eligible to serve but are not serving as the presiding officer to serve as joint assistant presiding officers for two-year terms expiring on January 31 of

each odd-numbered year. The bill requires the commission to meet twice each year and at the call of the presiding officer or joint assistant presiding officers.

S.B. 3059 sets out the following requirements with respect to commission terms:

- a requirement for the governor to serve as the first presiding officer of the commission for a term ending on January 31, 2029;
- a requirement for the lieutenant governor to serve as the second presiding officer of the commission for a term beginning on February 1, 2029, and ending on January 31, 2031;
- a requirement for the speaker of the house of representatives to serve as the third presiding officer of the commission for a term beginning on February 1, 2031, and ending on January 31, 2033; and
- a requirement for the lieutenant governor and the speaker of the house of representatives to each appoint a person, on the bill's effective date or as soon as practicable after that date, to the commission to serve a term ending on January 31, 2029.

The bill repeals provisions authorizing the GLO to establish an Alamo Preservation Advisory Board and setting out the composition of the board. The bill establishes that the term of a member serving on the board immediately before the bill's effective date whose position on the board is abolished by the bill expires on the bill's effective date.

S.B. 3059 authorizes the commission to employ an executive director and other personnel necessary for the performance of commission functions and to contract for professional services of qualified consultants. The bill requires an executive director employed by the commission to perform the duties required by the bill's provisions and any duty delegated by the commission. The bill prohibits the commission from employing an applicant for the position of executive director unless two-thirds of the presiding and joint assistant presiding officers vote in favor of employing the applicant for the position. The bill prohibits the commission and a qualifying nonprofit organization partnered with the commission or the Daughters of the Republic of Texas in an agreement with the commission from using public money to employ, as a regular full-time or part-time or contract employee, a person who is required by applicable state law to register as a lobbyist.

S.B. 3059 requires the commission to enter into an agreement with the Department of Public Safety (DPS) for DPS to provide security operations for the Alamo complex. The bill requires the commission to prepare an annual budget and work plan for the Alamo complex and the buildings in the complex, their contents, and their grounds and requires that plan to address preservation, usual maintenance, and any necessary construction for the complex.

S.B. 3059 establishes that the commission is administratively attached to the State Preservation Board (SPB) and requires SPB to provide administrative support to the commission. The bill prohibits the commission from using money in the Texas State Buildings Preservation Endowment Fund for purposes of the bill's provisions. The bill establishes that the commission is subject to the Texas Sunset Act and requires the commission to be reviewed during the period in which SPB is reviewed.

S.B. 3059 prohibits the commission from being reviewed during the period SPB is reviewed before SPB is scheduled to be abolished on September 1, 2029. This provision expires September 1, 2031. The bill repeals provisions authorizing the GLO to consult with SPB in the performance of duties related to the Alamo complex and, on request of the GLO, requiring SPB to assist the GLO with the GLO's duties relating to the Alamo complex.

S.B. 3059 transfers from the Natural Resources Code to the Government Code provisions setting out legislative findings and requiring a memorandum of understanding with respect to the Alamo complex and redesignates and amends those provisions to replace the GLO with the commission as the entity required to 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.

S.B. 3059 transfers from the Natural Resources Code to the Government Code provisions relating to the preservation and maintenance of the Alamo and redesignates and amends those provisions to replace the GLO with the commission as the applicable entity in provisions that do the following:

- establish that the Alamo complex is under the jurisdiction of the entity;
- establish that the entity 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;
- establish that any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the entity;
- establish that the entity is not required to comply with state purchasing law in carrying out its duties relating to the Alamo complex;
- authorize the entity to participate in the establishment of and partner with a qualifying nonprofit organization the purposes of which include raising funds for or providing services or other benefits for the preservation and maintenance of the Alamo complex; and
- authorize the entity to contract with the organization for the performance of any activity.

The bill repeals provisions requiring the GLO to perform certain duties related to the Alamo complex and establishing that an Alamo complex ranger commissioned as a peace officer by the GLO has the powers, privileges, and immunities of a peace officer while carrying out duties as an Alamo complex ranger.

S.B. 3059 transfers from the Natural Resources Code to the Government Code provisions relating to an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex and redesignates and amends those provisions to do the following:

- replace the requirement for the GLO to enter into such an agreement with an authorization for the commission to enter into such an agreement;
- update subsequent references to reflect that replacement; and
- remove provisions setting out minimum requirements of the agreement.

S.B. 3059 transfers from the Natural Resources Code to the Government Code provisions relating to the Alamo complex account in the general revenue fund and redesignates and amends those provisions to replace the GLO with the commission as the applicable entity in provisions that do the following:

- authorize the entity to accept a gift, grant, or bequest of money, securities, services, or property to carry out any purpose related to the preservation and maintenance of the Alamo complex, including funds raised or services provided by a volunteer or volunteer group to promote the work of the entity;
- require that appropriations to the entity for the preservation, operation, or maintenance of the Alamo complex be deposited to the credit of the account;
- authorize the entity to use money in the account only to administer the bill's provisions, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex;
- establish that any money in the account not used in a fiscal year remains in the account; and
- establish the account is exempt from the application of statutory provisions regarding comptroller of public accounts management of funds in the treasury.

S.B. 3059 requires the commission to have an annual audit conducted by an independent auditor of any expenditures of public money with respect to the Alamo complex by a nonprofit organization with which the commission contracts. The bill requires the state auditor, as soon as practicable after the bill's effective date, to conduct an audit of any expenditures of public

money by the GLO with respect to the Alamo complex and any expenditures of public money by a nonprofit organization with which the GLO contracted before the bill's effective date to ensure an accurate understanding of those expenditures and to aid in the transfer of authority relating to the Alamo complex to the commission. The bill requires the state auditor, not later than January 1, 2028, to prepare and submit to the commission a report on the findings of the audit.

S.B. 3059 requires the GLO and the commission, on September 1, 2027, or as soon as practicable after that date, to enter into a memorandum of understanding relating to the transfer of power and duties from the GLO to the commission as provided by the bill and requires the memorandum of understanding to do the following:

- include a comprehensive plan to ensure the orderly transition of the preservation, maintenance, and restoration of the Alamo complex to the commission; and
- provide for the completion of the transfer by January 1, 2028.

S.B. 3059 establishes the following:

- not later than January 1, 2028, all powers, duties, obligations, rights, contracts, bonds, appropriations, records, property, and personnel of the GLO related to the Alamo complex are transferred to the commission as provided for in the memorandum of understanding; and
- a rule, policy, procedure, or decision of the GLO continues in effect as a rule, policy, procedure, or decision of the commission, as appropriate, until superseded by an act of the commission.

The bill requires the GLO, notwithstanding the transfer, redesignation, and repeal of Natural Resources Code provisions under the bill and Section 1, Chapter 984 (S.B. 2612), Acts of the 88th Legislature, Regular Session, 2023, to continue to perform duties and exercise powers under those provisions as they existed immediately before the bill's effective date until the date provided by the memorandum of understanding.

S.B. 3059 establishes the legislature's intent that the bill's provisions be harmonized with another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

S.B. 3059 repeals the amendment to Article 2.12, Code of Criminal Procedure, as added by Section 1, Chapter 984 (S.B. 2612), Acts of the 88th Legislature, Regular Session, 2023, and the following provisions of the Natural Resources Code:

- Section 31.0515;
- the heading to Subchapter I, Chapter 31;
- Section 31.452; and
- Section 31.455.

EFFECTIVE DATE

September 1, 2027.