

BILL ANALYSIS

Senate Research Center
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S.B. 3059
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Alamo is one of the most iconic landmarks in Texas and American history, symbolizing courage, sacrifice, and the enduring struggle for liberty. As the site of the pivotal 1836 battle for Texas independence, the Alamo has drawn millions of visitors and continues to serve as a place of solemn remembrance and civic pride.

To ensure the long-term preservation, maintenance, restoration, and protection of the Alamo and its surrounding grounds, S.B. 3059 seeks to establish the Alamo Commission. The bill transfers all powers, duties, and responsibilities currently vested in the General Land Office (GLO) to the newly established Alamo Commission, diversifying the oversight to more than just one elected official.

The commission will consist of five members, including the governor, lieutenant governor, speaker of the house, and two legislative appointees (one from the lieutenant governor and one from the speaker of the house). The commission will have a two-year rotation for the presiding officer of the commission, starting with the governor, then the lieutenant governor, then the speaker of the house. It will be administratively attached to the State Preservation Board. The commission will also be subject to Sunset review (starting after the State Preservation Board's next review). Also, S.B. 3059 states that the Alamo Commission will enter into an agreement with the Department of Public Safety, for the purposes of providing security for the Alamo complex.

In addition to the transfer of the GLO's duties and responsibilities to the Alamo Commission, S.B. 3059 authorizes the state auditor to conduct an audit of any expenditures of public money by the GLO and any nonprofit organizations contracted with the GLO to ensure an accurate understanding of those expenditures and to aid in the transfer of authority as it relates to the Alamo complex.

S.B. 3059 would go into effect on September 1, 2027, with the full transfer of duties and responsibilities being completed by no later than January 1, 2028.

As proposed, S.B. 3059 amends current law relating to the preservation, maintenance, restoration, and protection of the Alamo complex and surrounding area by the Alamo Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 4, Government Code, by adding Chapter 443A and adding a heading to that chapter, to read as follows:

CHAPTER 443A. ALAMO COMMISSION

SECTION 2. Amends Chapter 443A, Government Code, as added by this Act, by adding Subchapter A and adding a heading to that subchapter, to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. Transfers Section 31.450, Natural Resources Code, to Subchapter A, Chapter 443A, Government Code, as added by this Act, redesignates it as Section 443A.002, Government Code, and amends it, as follows:

Sec. 443A.002. FINDINGS; MEMORANDUM OF UNDERSTANDING. (a) Makes no changes to this subsection.

(b) Requires the Alamo Commission (commission), rather than the General Land Office (GLO), 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 (complex) and the area immediately surrounding the complex.

SECTION 4. Amends Subchapter A, Chapter 443A, Government Code, by adding Sections 443A.001, 443A.003, and 443A.004, as follows:

Sec. 443A.001. DEFINITION. Defines "commission."

Sec. 443A.003. ADMINISTRATIVE ATTACHMENT; PROHIBITED USE OF CERTAIN FUNDS. (a) Provides that the commission is administratively attached to the State Preservation Board (SPB), and SPB is required to provide administrative support to the commission.

(b) Prohibits the commission from using money in the Texas state building preservation endowment fund created as provided by Section 443.0103 (Texas State Buildings Preservation Endowment Fund) for purposes of this chapter.

Sec. 443A.004. SUNSET REVIEW. (a) Provides that the commission is subject to Chapter 325 (Texas Sunset Act). Requires the commission to be reviewed during the period in which SPB is review under Section 443.002 (Sunset Provision).

(b) Prohibits the commission, notwithstanding Subsection (a), from being reviewed during the period SPB is reviewed before SPB is scheduled to be abolished on September 1, 2029, under Section 443.002. Provides that this subsection expires September 1, 2031.

SECTION 5. Amends Chapter 443A, Government Code, as added by this Act, by adding Subchapter B, as follows:

SUBCHAPTER B. ALAMO COMMISSION

Sec. 443A.051. ALAMO COMMISSION. Provides that the commission is established for the preservation, maintenance, restoration, and protection of the complex and its contents.

Sec. 443A.052. COMPOSITION OF COMMISSION. (a) Provides that the commission is composed of five members: 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.

(b) Provides that a board 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.

Sec. 443A.053. PRESIDING OFFICERS. (a) Provides that the position of presiding officer rotates among the governor, lieutenant governor, and speaker of the house of representatives. Provides that a term as presiding officer is two years and expires on January 31 of each odd-numbered year.

(b) Requires the commission members who are eligible to serve but are not serving as the presiding officer under Subsection (a) to serve as joint assistant presiding officers for two-year terms expiring on January 31 of each odd-numbered year.

Sec. 443A.054. MEETINGS. Requires the commission to meet twice each year and at the call of the presiding officer or joint assistant presiding officers.

Sec. 443A.055. EXECUTIVE DIRECTOR; COMMISSION PERSONNEL. (a) Authorizes the commission to employ an executive director and other personnel necessary for the performance of commission functions and contract for professional services of qualified consultants.

(b) Requires an executive director employed by the commission to perform the duties required by this chapter and any duty delegated by the commission.

(c) 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.

Sec. 443A.056. EMPLOYMENT OF LOBBYIST. Prohibits the commission and an organization described by Section 443A.101(d) or 443A.102 from using public money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist.

SECTION 6. Amends Chapter 443A, Government Code, as added by this Act, by adding Subchapter C and adding a heading to that subchapter, to read as follows:

SUBCHAPTER C. POWERS AND DUTIES.

SECTION 7. Transfers Sections 31.451 and 31.453, Natural Resources Code, to Subchapter C, Government Code, as added by this Act, redesignates them as Sections 443A.101 and 443A.102, Government Code, respectively, and amends them, as follows:

Sec. 443A.101. PRESERVATION AND MAINTENANCE OF ALAMO. Makes conforming changes to this section.

Sec. 443A.102. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) Authorizes the commission, rather than requires GLO, to enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the complex.

(b) Redesignates existing Subsection (c) as Subsection (b). Provides that the commission is authorized to enter into the agreement described, rather than 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 (Nonprofit Corporations), Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code of 1986. Deletes existing text requiring that the agreement at a minimum include certain provisions.

(c) Redesignates existing Subsection (d) as Subsection (c). Provides that 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 any agreement entered into under this section, rather than the agreement required by this section.

SECTION 8. Amends Subchapter C, Chapter 443A, Government Code, as added by this Act, by adding Sections 443A.103 and 443A.104, as follows:

Sec. 443A.103. AGREEMENT FOR SECURITY OPERATIONS. Requires the commission to enter into an agreement with the Department of Public Safety of the State of Texas (DPS) for DPS to provide security operations for the complex.

Sec. 443A.104. ANNUAL BUDGET AND WORK PLAN. Requires the commission to prepare an annual budget and work plan for the complex and the buildings in the complex, their contents, and their grounds. Requires that the plan address preservation, usual maintenance, and any necessary construction for the complex.

SECTION 9. Amends Chapter 443A, Government Code, as added by this Act, by adding Subchapter D and adding a heading to that subchapter, to read as follows:

SUBCHAPTER D. ALAMO COMPLEX FUND; AUDIT

SECTION 10. Transfers Section 31.454, Natural Resources Code, to Subchapter D, Chapter 443A, Government Code, as added by this Act, redesignates it as Section 443A.151, Government Code, and amends it, as follows:

Sec. 443A.151. New heading: ALAMO COMPLEX ACCOUNT. (a)-(b) Makes no changes to these subsections.

(c) Authorizes the commission 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 complex, including funds raised or services provided by a volunteer or volunteer group to promote the commission's duties under this chapter, rather than the work of GLO. Makes a conforming change.

(d) Makes a conforming change to this subsection.

(e) Provides that the commission is authorized to use money in the account only to administer this chapter, rather than subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the complex or to acquire a historical item appropriate to the complex. Makes a conforming change.

(f) Makes a nonsubstantive change to this subsection.

SECTION 11. Amends Subchapter D, Chapter 443A, Government Code, as added by this Act, by adding Section 443A.152, as follows:

Sec. 443A.152. ANNUAL AUDIT. Requires the commission to have an annual audit conducted by an independent auditor of any expenditures of public money for purposes of this chapter by a nonprofit organization with which the commission contracts under Section 443A.101(d).

SECTION 12. Repealer: Section 31.0515 (Duties Related to the Alamo Complex), Natural Resources Code.

Repealer: the heading to Subchapter I (The Alamo Complex), Chapter 31 (General Land Office), Natural Resources Code.

Repealers: Sections 31.452 (Assistance From State Preservation Board) and 31.455 (Alamo Preservation Advisory Board), Natural Resources Code.

Repealer: Section 1 (relating to amending former Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure), Chapter 984 (S.B. 2612), Acts of the 88th Legislature, Regular Session, 2023.

SECTION 13. (a) Requires the state auditor, as soon as practicable after the effective date of this Act, to conduct an audit of any expenditures of public money by GLO with respect to the complex and any expenditures of public money by a nonprofit organization with which GLO contracted before the effective date of this Act under Section 31.451(d), Natural Resources Code, to ensure an accurate understanding of those expenditures and to aid in the transfer of authority relating to the Alamo complex to the Alamo Commission, as established by this Act.

(b) Requires the state auditor, not later than January 1, 2028, to prepare and submit to the commission, as established by this Act, a report on the findings of the audit conducted under Subsection (a) of this section.

SECTION 14. Provides that 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.

SECTION 15. (a) Defines "commission."

(b) Requires 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 GLO to the commission as provided by this Act. Requires that the memorandum of understanding:

(1) include a comprehensive plan to ensure the orderly transition of the preservation, maintenance, and restoration of the complex to the commission; and

(2) provide for the completion of the transfer by January 1, 2028.

(c) Provides that, not later than January 1, 2028, all powers, duties, obligations, rights, contracts, bonds, appropriations, records, property, and personnel of GLO related to the complex are transferred to the commission as provided for in the memorandum of understanding entered into under Subsection (b) of this section.

(d) Provides that a rule, policy, procedure, or decision of the General Land Office continues in effect as a rule, policy, procedure, or decision of the commission, as appropriate, until superseded by an act of the commission.

(e) Requires GLO, notwithstanding the transfer, redesignation, and repeal of provisions of Subchapter I, Chapter 31, Natural Resources Code, and Section 1, Chapter 984 (S.B. 2612), Acts of the 88th Legislature, Regular Session, 2023, by this Act, to continue to perform duties and exercise powers under those laws as they existed immediately before the effective date of this Act until the date provided by the memorandum of understanding entered into under Subsection (b) of this section.

SECTION 16. (a) Requires the governor to serve as the first presiding officer of the Alamo Commission as provided by Section 443A.053, Government Code, as added by this Act, for a term ending on January 31, 2029.

(b) Requires the lieutenant governor to serve as the second presiding officer of the commission as provided by Section 443A.053, Government Code, as added by this Act, for a term beginning on February 1, 2029, and ending on January 31, 2031.

(c) Requires the speaker of the house of representatives to serve as the third presiding officer of the commission as provided by Section 443A.053, Government Code, as added by this Act, for a term beginning on February 1, 2031, and ending on January 31, 2033.

(d) Requires the lieutenant governor and the speaker of the house of representatives, on the effective date of this Act or as soon as practicable after that date, to each appoint a person, as required by Section 443A.052, Government Code, as added by this Act, to the Alamo Commission to serve a term ending on January 31, 2029.

SECTION 17. Provides that it is the intent of the 89th Legislature, Regular Session, 2025, that the amendments made by this Act be harmonized with another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 18. Effective date: September 1, 2027.