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S.B. No. 3059

A BILL TO BE ENTITLED

AN ACT

relating to the preservation, maintenance, restoration, and protection of the Alamo complex and surrounding area by the Alamo Commission.

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

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

CHAPTER 443A. ALAMO COMMISSION

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

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 3. Section 31.450, Natural Resources Code, is transferred to Subchapter A, Chapter 443A, Government Code, as added by this Act, redesignated as Section 443A.002, Government Code, and amended to read as follows:

Sec. 443A.002 [~~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;

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

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

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

10 SECTION 4. Subchapter A, Chapter 443A, Government Code, as
11 added by this Act, is amended by adding Sections 443A.001,
12 443A.003, and 443A.004 to read as follows:

13 Sec. 443A.001. DEFINITION. In this chapter, "commission"
14 means the Alamo Commission.

15 Sec. 443A.003. ADMINISTRATIVE ATTACHMENT; PROHIBITED USE
16 OF CERTAIN FUNDS. (a) The commission is administratively attached
17 to the State Preservation Board, and the State Preservation Board
18 shall provide administrative support to the commission.

19 (b) The commission may not use money in the Texas state
20 buildings preservation endowment fund created as provided by
21 Section 443.0103 for purposes of this chapter.

22 Sec. 443A.004. SUNSET REVIEW. (a) The Alamo Commission is
23 subject to Chapter 325 (Texas Sunset Act). The commission shall be
24 reviewed during the period in which the State Preservation Board is
25 reviewed under Section 443.002.

26 (b) Notwithstanding Subsection (a), the commission may not
27 be reviewed during the period the State Preservation Board is

1 reviewed before the board is scheduled to be abolished on September
2 1, 2029, under Section 443.002. This subsection expires September
3 1, 2031.

4 SECTION 5. Chapter 443A, Government Code, as added by this
5 Act, is amended by adding Subchapter B to read as follows:

6 SUBCHAPTER B. ALAMO COMMISSION

7 Sec. 443A.051. ALAMO COMMISSION. The Alamo Commission is
8 established for the preservation, maintenance, restoration, and
9 protection of the Alamo complex and its contents.

10 Sec. 443A.052. COMPOSITION OF COMMISSION. (a) The
11 commission is composed of five members, as follows:

12 (1) the governor;

13 (2) the lieutenant governor;

14 (3) the speaker of the house of representatives;

15 (4) a member of the senate, appointed by the
16 lieutenant governor; and

17 (5) a member of the house of representatives,
18 appointed by the speaker of the house of representatives.

19 (b) A commission member appointed by the lieutenant
20 governor or speaker of the house of representatives serves for a
21 two-year term expiring on January 31 of each odd-numbered year.

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

27 (b) The commission members who are eligible to serve but are

1 not serving as the presiding officer under Subsection (a) shall
2 serve as joint assistant presiding officers for two-year terms
3 expiring on January 31 of each odd-numbered year.

4 Sec. 443A.054. MEETINGS. The commission shall meet twice
5 each year and at the call of the presiding officer or joint
6 assistant presiding officers.

7 Sec. 443A.055. EXECUTIVE DIRECTOR; COMMISSION PERSONNEL.

8 (a) The commission may:

9 (1) employ an executive director and other personnel
10 necessary for the performance of commission functions; and

11 (2) contract for professional services of qualified
12 consultants.

13 (b) An executive director employed by the commission shall
14 perform the duties required by this chapter and any duty delegated
15 by the commission.

16 (c) The commission may not employ an applicant for the
17 position of executive director unless two-thirds of the presiding
18 and joint assistant presiding officers vote in favor of employing
19 the applicant for the position.

20 Sec. 443A.056. EMPLOYMENT OF LOBBYIST. The commission and
21 an organization described by Section 443A.101(d) or 443A.102 may
22 not use public money to employ, as a regular full-time or part-time
23 or contract employee, a person who is required by Chapter 305 to
24 register as a lobbyist.

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

SUBCHAPTER C. POWERS AND DUTIES

SECTION 7. Sections 31.451 and 31.453, Natural Resources Code, are transferred to Subchapter C, Chapter 443A, Government Code, as added by this Act, redesignated as Sections 443A.101 and 443A.102, Government Code, respectively, and amended to read as follows:

Sec. 443A.101 [31.451]. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo complex is under the jurisdiction of the commission [~~land office~~]. The commission [~~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 [~~land office~~].

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

(d) The commission [~~land office~~] may 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. The commission [~~land office~~] may contract with the organization for the performance of any activity.

Sec. 443A.102 [31.453]. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) The commission may [~~land office shall~~]

1 enter into an agreement with the Daughters of the Republic of Texas
2 for the management, operation, and financial support of the Alamo
3 complex.

4 (b) ~~[The agreement at a minimum must:~~

5 ~~[(1) detail the expectations and goals of the land~~
6 ~~office and the Daughters of the Republic of Texas, including the~~
7 ~~transfer of any state money held in trust for the Alamo by the~~
8 ~~Daughters of the Republic of Texas and the property described in~~
9 ~~Subsection (d),~~

10 ~~[(2) outline the management and operation of the Alamo~~
11 ~~complex,~~

12 ~~[(3) establish management standards,~~

13 ~~[(4) provide for oversight by the land office,~~

14 ~~[(5) address funding and payment for costs,~~

15 ~~[(6) address equipment,~~

16 ~~[(7) establish insurance requirements,~~

17 ~~[(8) address compliance with local, state, and federal~~
18 ~~building and operation laws,~~

19 ~~[(9) address construction, maintenance, and repair,~~

20 ~~[(10) establish the term of the agreement,~~

21 ~~[(11) require submission of financial information~~
22 ~~from the Daughters of the Republic of Texas, excluding chapters of~~
23 ~~the organization,~~

24 ~~[(12) address ownership by this state of the Alamo~~
25 ~~complex and its contents,~~

26 ~~[(13) include a dispute resolution process,~~

27 ~~[(14) provide that the laws of this state govern the~~

~~agreement, and~~

~~[(15) include notice requirements.]~~

~~[(c)]~~ The commission ~~[land office]~~ may enter into the agreement described ~~[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.

(c) ~~[(a)]~~ 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 ~~[the]~~ agreement entered into under ~~[required by]~~ this section.

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

Sec. 443A.103. AGREEMENT FOR SECURITY OPERATIONS. The commission shall enter into an agreement with the Department of Public Safety for the department to provide security operations for the Alamo complex.

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

SECTION 9. Chapter 443A, Government Code, as added by this Act, is amended by adding Subchapter D, and a heading is added to

that subchapter to read as follows:

SUBCHAPTER D. ALAMO COMPLEX FUND; AUDIT

SECTION 10. Section 31.454, Natural Resources Code, is transferred to Subchapter D, Chapter 443A, Government Code, as added by this Act, redesignated as Section 443A.151, Government Code, and amended to read as follows:

Sec. 443A.151 [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 of the Alamo complex, including funds raised or services provided by a volunteer or volunteer group to promote the commission's duties under this chapter ~~[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 of the Alamo complex shall be deposited to the credit of the account.

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

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

10 SECTION 11. Subchapter D, Chapter 443A, Government Code, as
11 added by this Act, is amended by adding Section 443A.152 to read as
12 follows:

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

18 SECTION 12. The following provisions are repealed:

- 19 (1) Section 31.0515, Natural Resources Code;
20 (2) the heading to Subchapter I, Chapter 31, Natural
21 Resources Code;
22 (3) Section 31.452, Natural Resources Code;
23 (4) Section 31.455, Natural Resources Code; and
24 (5) Section 1, Chapter 984 (S.B. 2612), Acts of the
25 88th Legislature, Regular Session, 2023, which amended former
26 Article 2.12, Code of Criminal Procedure.

27 SECTION 13. (a) As soon as practicable after the effective

1 date of this Act, the state auditor shall conduct an audit of any
2 expenditures of public money by the General Land Office with
3 respect to the Alamo complex and any expenditures of public money by
4 a nonprofit organization with which the General Land Office
5 contracted before the effective date of this Act under Section
6 31.451(d), Natural Resources Code, to ensure an accurate
7 understanding of those expenditures and to aid in the transfer of
8 authority relating to the Alamo complex to the Alamo Commission, as
9 established by this Act.

10 (b) Not later than January 1, 2028, the state auditor shall
11 prepare and submit to the Alamo Commission, as established by this
12 Act, a report on the findings of the audit conducted under
13 Subsection (a) of this section.

14 SECTION 14. The term of a member serving on the Alamo
15 Preservation Advisory Board immediately before the effective date
16 of this Act whose position on the board is abolished by the changes
17 in law made by this Act expires on the effective date of this Act.

18 SECTION 15. (a) In this section, "commission" means the
19 Alamo Commission established by Chapter 443A, Government Code, as
20 added by this Act.

21 (b) On September 1, 2027, or as soon as practicable after
22 that date, the General Land Office and the commission shall enter
23 into a memorandum of understanding relating to the transfer of
24 power and duties from the General Land Office to the commission as
25 provided by this Act. The memorandum of understanding must:

26 (1) include a comprehensive plan to ensure the orderly
27 transition of the preservation, maintenance, and restoration of the

1 Alamo complex to the commission; and

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

4 (c) Not later than January 1, 2028, all powers, duties,
5 obligations, rights, contracts, bonds, appropriations, records,
6 property, and personnel of the General Land Office related to the
7 Alamo complex are transferred to the commission as provided for in
8 the memorandum of understanding entered into under Subsection (b)
9 of this section.

10 (d) A rule, policy, procedure, or decision of the General
11 Land Office continues in effect as a rule, policy, procedure, or
12 decision of the commission, as appropriate, until superseded by an
13 act of the commission.

14 (e) Notwithstanding the transfer, redesignation, and repeal
15 of provisions of Subchapter I, Chapter 31, Natural Resources Code,
16 and Section 1, Chapter 984 (S.B. 2612), Acts of the 88th
17 Legislature, Regular Session, 2023, by this Act, the General Land
18 Office shall continue to perform duties and exercise powers under
19 those laws as they existed immediately before the effective date of
20 this Act until the date provided by the memorandum of understanding
21 entered into under Subsection (b) of this section.

22 SECTION 16. (a) The governor shall serve as the first
23 presiding officer of the Alamo Commission as provided by Section
24 443A.053, Government Code, as added by this Act, for a term ending
25 on January 31, 2029.

26 (b) The lieutenant governor shall serve as the second
27 presiding officer of the Alamo Commission as provided by Section

1 443A.053, Government Code, as added by this Act, for a term
2 beginning on February 1, 2029, and ending on January 31, 2031.

3 (c) The speaker of the house of representatives shall serve
4 as the third presiding officer of the Alamo Commission as provided
5 by Section 443A.053, Government Code, as added by this Act, for a
6 term beginning on February 1, 2031, and ending on January 31, 2033.

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

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

18 SECTION 18. This Act takes effect September 1, 2027.