

By: Guillen

H.B. No. 3725

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the preservation and maintenance of the Alamo by the  
3 Texas Historical Commission.

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

5 SECTION 1. Section 442.004, Government Code, is amended by  
6 adding Subsection (c-1) to read as follows:

7           (c-1) The executive director shall:

14 SECTION 2. Chapter 442, Government Code, is amended by  
15 adding Subchapter D to read as follows:

## SUBCHAPTER D. THE ALAMO

17                   Sec. 442.101. PRESERVATION AND MAINTENANCE OF ALAMO. (a)

18    The Alamo is under the jurisdiction of the commission. The

19   commission is responsible for the preservation, maintenance, and

20   restoration of the Alamo and its contents and the protection of the

21   historical and architectural integrity of the Alamo's exterior,

22   interior, and grounds.

23                   (b) Any power or duty related to the Alamo formerly vested  
24 in any other state agency or entity is vested solely in the

1 commission.

2       (c) Notwithstanding any other law, the commission is not  
3 required to comply with state purchasing law related to requests  
4 for proposals in carrying out its duties under this subchapter.

5       Sec. 442.102. ASSISTANCE FROM OTHER AGENCIES. The  
6 commission may consult with the State Preservation Board in the  
7 performance of duties under this chapter. On request of the  
8 commission, the State Preservation Board shall assist the  
9 commission with the commission's duties relating to the Alamo.

10       Sec. 442.103. AGREEMENT WITH NONPROFIT CORPORATION. (a)  
11 The commission shall enter into an agreement with a nonprofit  
12 corporation for the management, operation, and financial support of  
13 the Alamo.

14       (b) The agreement at a minimum must:

15           (1) detail the expectations and goals of the  
16 commission and the nonprofit corporation;

17           (2) outline the management and operation of the Alamo;

18           (3) establish management standards;

19           (4) provide for oversight by the commission;

20           (5) address funding and payment for costs;

21           (6) require some Alamo employees to be commission  
22 employees;

23           (7) address equipment;

24           (8) establish insurance requirements;

25           (9) address compliance with local, state, and federal  
26 building and operation laws;

27           (10) address construction, maintenance, and repair;

1                   (11) establish the term of the agreement;  
2                   (12) require submission of financial information from  
3                   the nonprofit corporation;  
4                   (13) address other activities of the nonprofit  
5                   corporation that might undermine the financial condition of the  
6                   nonprofit corporation or its duties under the agreement;  
7                   (14) address ownership by this state of the Alamo and  
8                   its contents;  
9                   (15) include a dispute resolution process;  
10                   (16) provide that the laws of this state govern the  
11                   agreement; and  
12                   (17) include notice requirements.

13                   Sec. 442.104. THE ALAMO ACCOUNT. (a) The Alamo account is  
14                   a separate account in the general revenue fund.

15                   (b) The account consists of:  
16                   (1) transfers made to the account;  
17                   (2) fees and other revenue from operation of the  
18                   Alamo;  
19                   (3) grants and donations from any source; and  
20                   (4) income earned on investments of money in the  
21                   account.

22                   (c) Appropriations to the commission for the preservation,  
23                   operation, or maintenance of the Alamo shall be deposited to the  
24                   credit of the account.

25                   (d) The commission may use money in the account to  
26                   administer this chapter, including to support the preservation,  
27                   repair, renovation, improvement, expansion, equipping, operation,

1 or maintenance of the Alamo or to acquire a historical item  
2 appropriate to the Alamo.

3 (e) Any money in the account not used in a fiscal year  
4 remains in the account. The account is exempt from the application  
5 of Section 403.095.

6 Sec. 442.105. GRANTS; DONATIONS. The commission may accept  
7 a grant or donation for any program or purpose of the Alamo.

8 SECTION 3. Section 2203.003, Government Code, is amended by  
9 amending Subsection (a) and adding Subsection (e) to read as  
10 follows:

11 (a) The Daughters of the Confederacy, Texas Division, and  
12 the Daughters of the Republic of Texas each may charge admission to  
13 state property over which each organization has custody or  
14 control[. ~~This subsection does not apply to the Alamo.~~].

15 (e) Unless the Daughters of the Republic of Texas has  
16 entered into an agreement with this state under Section 442.103,  
17 the organization may not exercise any custody or control over the  
18 Alamo, its grounds, or its contents and may not have an  
19 organizational presence at the Alamo or on its grounds.

20 SECTION 4. The following are repealed:

21 (1) Article 6394, Revised Civil Statutes of 1911; and  
22 (2) Chapter 7, Acts of the 29th Legislature, Regular  
23 Session, 1905.

24 SECTION 5. (a) On January 1, 2012, the following are  
25 transferred to the Texas Historical Commission:

26 (1) all powers and duties of the Daughters of the  
27 Republic of Texas relating to the Alamo;

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4 (3) all equipment and property acquired with state  
5 money by the Daughters of the Republic of Texas and used for the  
6 administration of or related to the Alamo; and

7 (4) all files and other records of the Daughters of the  
8 Republic of Texas kept by the organization regarding the Alamo.

14 (c) Notwithstanding any other law, the Daughters of the  
15 Republic of Texas shall continue to perform functions and  
16 activities related to the Alamo and granted by Chapter 7, Acts of  
17 the 29th Legislature, Regular Session, 1905, until January 1, 2012,  
18 and the former law is continued in effect for that purpose.

19 SECTION 6. This Act takes effect September 1, 2011.