

By: Guillen

H.B. No. 3725

A BILL TO BE ENTITLED

AN ACT

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

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

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

(c-1) The executive director shall:

(1) employ staff necessary to preserve and maintain the Alamo and contract for professional services of qualified consultants; and

(2) prepare an annual budget and work plan, including usual maintenance for the Alamo and other buildings on the Alamo property, their contents, and their grounds.

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

SUBCHAPTER D. THE ALAMO

Sec. 442.101. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo is under the jurisdiction of the commission. The commission is responsible for the preservation, maintenance, and restoration of the Alamo and its contents and the protection of the historical and architectural integrity of the Alamo's exterior, interior, and grounds.

(b) Any power or duty related to the Alamo formerly vested 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;

1 (2) all unobligated and unexpended funds granted to
2 the Daughters of the Republic of Texas and designated for the
3 administration of the Alamo;

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.

9 (b) The Daughters of the Republic of Texas may agree with
10 the Texas Historical Commission to transfer any property of the
11 Daughters of the Republic of Texas to the Texas Historical
12 Commission before January 1, 2012, to implement the transfer
13 required by this Act.

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.