

BILL ANALYSIS

Senate Research Center
82R20327 YDB-F

H.B. 3726
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3726 establishes the Alamo Preservation Advisory Board (advisory board), and requires the custodian of the Alamo—the Daughters of the Republic of Texas (DRT)—to submit an annual financial accountability and general transparency report to the comptroller of public accounts, the governor, and the Texas Historical Commission.

The advisory board will be comprised of 10 members, seven of whom are members of the DRT (the president of the Bexar County Historical Society is a Daughter). The president of the DRT will serve as the presiding officer. The advisory board will be responsible for promoting, operating, and supporting the Alamo complex.

H.B. 3726 amends current law relating to the private entity granted care and custody of the Alamo.

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 450, as follows:

CHAPTER 450. CUSTODIAN OF ALAMO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 450.001. DEFINITIONS. Defines, in this chapter, "advisory board" and "custodian."

Sec. 450.002. APPLICABILITY. Provides that this chapter does not apply to a chapter or subsidiary of the custodian that is not involved in the daily operations of the Alamo complex or other state-owned property.

[Reserves Sections 450.003-450.050 for expansion.]

SUBCHAPTER B. DUTIES OF CUSTODIAN

Sec. 450.051. ANNUAL REPORT REQUIRED. Requires the custodian, to provide transparency in the performance of duties as custodian, not later than December 1 of each year, to:

- (1) prepare a financial accountability and general transparency report that covers the custodian's previous fiscal year unless otherwise provided by this chapter; and
- (2) submit a copy of the report to the comptroller of public accounts (comptroller), the governor, and the Texas Historical Commission (THC).

Sec. 450.052. CONTENT OF ANNUAL REPORT. Requires that the annual report required under Section 450.051 at a minimum contain:

- (1) copies of each independent audit or review of the financial activities of the custodian, including financial activities related to the Alamo; and any recommendation, management letter, or report of the governing board of the custodian related to the audit or review;
- (2) copies of the annual operating budget for the custodian, and the Alamo;
- (3) documents that identify all financial institution accounts held in the name of the custodian or in which funds from the Alamo complex and all other state-owned property managed by the custodian, including museums and other general operations of the custodian, are or have been held;
- (4) documents that identify all accounts into which income from operation of the Alamo, including income from gift shop and vending machine sales and donations, are deposited;
- (5) copies of the annual general ledgers for the custodian, the Alamo complex, and all other state-owned property managed by the custodian;
- (6) copies of documents that describe the money spent on inspections of the Alamo, including inspections by engineers, architects, planners, and consultants;
- (7) copies of all contracts and agreements between the custodian and any person relating to the operations, management, maintenance, and preservation of the Alamo complex and all other state-owned property managed by the custodian;
- (8) copies of all documents relating to permits sought by the custodian from THC, including applications for permits, permits issued, amendments or revisions to existing permits, and purchase orders and invoices for work performed on the Alamo;
- (9) copies of all documents relating to any repair of \$2,000 or more made to the Alamo complex or other state-owned property managed by the custodian, for which a permit from THC was not obtained, including purchase orders and invoices for work performed;
- (10) copies of all contracts by and between the custodian and professional fund-raisers, public relations companies, and marketing companies; and
- (11) a copy of the custodian's master plan for the Alamo complex and any revisions to the plan, including an explanation of the reason for the revision.

Sec. 450.053. RECORDS. (a) Requires the custodian to keep in its permanent records all receipts, purchase orders, invoices, expense reports, or other documents that support, describe, or explain the documents required under Sections 450.052(2) and (3).

(b) Requires that the information required under Subsection (a) on request be made available to the comptroller, governor, and THC.

[Reserves Sections 450.054-450.100 for expansion.]

SUBCHAPTER C. ALAMO PRESERVATION ADVISORY BOARD

Sec. 450.101. ESTABLISHMENT AND COMPOSITION OF BOARD. (a) Requires the custodian to establish the Alamo Preservation Advisory Board (advisory board) composed of the following members:

- (1) the president of the custodian;
- (2) the Alamo chairman of the custodian;
- (3) the immediately preceding president of the custodian;
- (4) the immediately preceding Alamo chairman of the custodian;
- (5) the custodian's Alamo curator;
- (6) the custodian's Alamo conservator;
- (7) one representative of THC;
- (8) one representative of the Texas Facilities Commission;
- (9) the president of the Bexar County Historical Society; and
- (10) one representative of the City of San Antonio Office of Historic Preservation.

(b) Authorizes the advisory board, subject to approval by the custodian, to include nonvoting members composed of individuals or representatives of institutions interested in the purposes and duties of the advisory board.

Sec. 450.102. **PRESIDING OFFICER.** Requires the president of the custodian to serve as presiding officer of the advisory board.

Sec. 450.103. **ADVISORY BOARD PROCEDURES.** Authorizes the advisory board to adopt procedures the advisory board considers advisable for the management, administration, and regulation of the business and affairs of the advisory board. Prohibits the procedures from being inconsistent with the custodian's articles of incorporation or bylaws or the laws of this state.

Sec. 450.104. **DUTIES OF ADVISORY BOARD.** Requires the advisory board to:

- (1) promote, operate, and support the Alamo complex;
- (2) provide the resources and support to advance the understanding and education of current and future generations about the historical significance and factual record of the Alamo complex;
- (3) seek to inspire virtues of honor and pride in this state;
- (4) preserve the memory and achievement of those at the Alamo who paid the ultimate sacrifice for freedom and all the men and women of this state who have served in the armed forces;
- (5) promote and provide for the preservation, perpetuation, and appropriate publication and display of manuscripts, books, relics, pictures, oral histories, and all other items and information pertaining to the history of the Alamo complex and related history of this state; and
- (6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described by this section.

SECTION 2. Effective date: September 1, 2011.