

## **BILL ANALYSIS**

Senate Research Center  
82R12613 YDB-D

S.B. 1841  
By: Van de Putte  
Administration  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to initiate a nonprofit agreement between the Daughters of the Republic of Texas (DRT) and the Texas Historical Commission (THC) that would closely mirror the relationship between the Admiral Nimitz Foundation and THC at the National Museum of the Pacific in Fredericksburg, Texas.

The relationship between DRT and the Alamo was established by an Act of the Texas Legislature in 1905. This legislation delineates the beneficiary-trustee relationship between the State of Texas, which owns the Alamo, and its designated custodian of the Alamo.

The DRT has failed to properly maintain the structural integrity of the Alamo, in addition to entering a highly questionable marketing contract with William Morris Entertainment Agency that has since been cancelled.

S.B. 1841 provides that the Alamo is under the jurisdiction of THC and that THC is responsible for the preservation, maintenance, and restoration of the Alamo. Any power formerly vested in any other state agency or entity is vested solely in THC.

This legislation requires THC to enter into an agreement with a nonprofit corporation for the management, operation, and financial support of the Alamo. The bill sets forth the required content of the agreement.

This legislation creates a separate account in the general revenue fund called the Alamo account, which consists of transfers made to the account, fees and other revenue from operation of the Alamo, grants and donations from any source, and income earned on investments of money in the account. Appropriations to THC for the preservation, maintenance, and operation of the Alamo shall be deposited to the credit of the account.

This legislation repeals the Acts of the 29th Legislature (1905) that placed the Alamo in the custody of DRT, thereby making DRT the state's trustee. This legislation transfers all powers and duties of DRT relating to the Alamo to THC on August 1, 2012. This legislation makes it clear that unless DRT has entered into a nonprofit agreement with THC, it may not exercise any organizational custody or control over the Alamo, its grounds, or its contents, and may not have an organizational presence at the Alamo or its grounds.

As proposed, S.B. 1841 amends current law relating to the preservation and maintenance of the Alamo by the Texas Historical 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 Section 442.004, Government Code, by adding Subsection (c-1), as follows:

(c-1) Requires the executive director of the Texas Historical Commission (THC) to:

(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. Amends Chapter 442, Government Code, by adding Subchapter D, as follows:

#### SUBCHAPTER D. THE ALAMO

Sec. 442.101. PRESERVATION AND MAINTENANCE OF ALAMO. (a) Provides that the Alamo is under the jurisdiction of THC. Provides that THC 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) Provides that any power or duty related to the Alamo formerly vested in any other state agency or entity is vested solely in THC.

(c) Provides that, notwithstanding any other law, THC is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 442.102. ASSISTANCE FROM OTHER AGENCIES. Authorizes THC to consult with the State Preservation Board in the performance of its duties under this chapter. Requires the State Preservation Board, on request of THC, to assist THC with THC's duties relating to the Alamo.

Sec. 442.103. AGREEMENT WITH NONPROFIT CORPORATION. (a) Requires THC to enter into an agreement with a nonprofit corporation for the management, operation, and financial support of the Alamo.

(b) Requires that the agreement at a minimum:

(1) detail the expectations and goals of THC and the nonprofit corporation;

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

(3) establish management standards;

(4) provide for oversight by THC;

(5) address funding and payment for costs;

(6) require some Alamo employees to be THC employees;

(7) address equipment;

(8) establish insurance requirements;

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

(10) address construction, maintenance, and repair;

(11) establish the term of the agreement;

- (12) require submission of financial information from the nonprofit corporation;
- (13) address other activities of the nonprofit corporation that might undermine the financial condition of the nonprofit corporation or its duties under the agreement;
- (14) address ownership by this state of the Alamo and its contents;
- (15) include a dispute resolution process;
- (16) provide that the laws of this state govern the agreement; and
- (17) include notice requirements.

Sec. 442.104. THE ALAMO ACCOUNT. (a) Provides that the Alamo account is a separate account in the general revenue fund.

(b) Provides that the account consists of:

- (1) transfers made to the account;
- (2) fees and other revenue from operation of the Alamo;
- (3) grants and donations from any source; and
- (4) income earned on investments of money in the account.

(c) Requires appropriations to THC for the preservation, operation, or maintenance of the Alamo to be deposited to the credit of the account.

(d) Authorizes THC to use money in the account to administer this chapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo or to acquire a historical item appropriate to the Alamo.

(e) Provides that any money in the account not used in a fiscal year remains in the account. Provides that the account is exempt from the application of Section 403.095 (Use of Dedicated Revenue).

Sec. 442.105. GRANTS; DONATIONS. Authorizes THC to accept a grant or donation for any program or purpose of the Alamo.

SECTION 3. Amends Section 2203.003, Government Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Deletes existing text providing that this subsection does not apply to the Alamo.

(e) Prohibits the Daughters of the Republic of Texas (DRT), unless DRT has entered into an agreement with this state under Section 442.103, from exercising any custody or control over the Alamo, its grounds, or its contents and from having an organizational presence at the Alamo or on its grounds.

SECTION 4. Repealers: (1) Article 6394 (The Alamo), Revised Civil Statutes of 1911; and

(2) Chapter 7 (Alamo—Providing For The Purchase, Care, and Preservation Of), Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) Provides that on January 1, 2012, the following are transferred to THC:

- (1) all powers and duties of DRT relating to the Alamo;
- (2) all unobligated and unexpended funds granted to DRT and designated for the administration of the Alamo;
- (3) all equipment and property acquired with state money by DRT and used for the administration of or related to the Alamo; and
- (4) all files and other records of DRT kept by DRT regarding the Alamo.

(b) Authorizes DRT to agree with THC to transfer any property of DRT to THC before January 1, 2012, to implement the transfer required by this Act.

(c) Requires DRT, notwithstanding any other law, to continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, until January 1, 2012, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2011.