

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/27/2011

Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3726 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
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Van de Putte

  
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EITte

  
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Uresti

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Wentworth

On the part of the Senate **Zaffirini**

  
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Guillen

  
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Kuempel

  
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Deshotel

  
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Larson

On the part of the House **Price**

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



CORRECTED

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 3726

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the preservation and maintenance of the Alamo by the  
3 General Land Office.

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

5 SECTION 1. Subchapter C, Chapter 31, Natural Resources  
6 Code, is amended by adding Section 31.0515 to read as follows:

7 Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land  
8 office shall:

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

12 (2) prepare an annual budget and work plan, including  
13 preservation, future construction, and usual maintenance for the  
14 Alamo complex, including buildings on the Alamo property, their  
15 contents, and their grounds.

16 SECTION 2. Chapter 31, Natural Resources Code, is amended  
17 by adding Subchapter I to read as follows:

18 SUBCHAPTER I. THE ALAMO COMPLEX

19 Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a)  
20 The Alamo complex is under the jurisdiction of the land office. The  
21 land office is responsible for the preservation, maintenance, and  
22 restoration of the Alamo complex and its contents and the  
23 protection of the historical and architectural integrity of the  
24 exterior, interior, and grounds of the Alamo complex.

1        (b) Any power or duty related to the Alamo complex formerly  
2 vested in any other state agency or entity is vested solely in the  
3 land office.

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

7        (d) The land office may participate in the establishment of  
8 and partner with a qualifying nonprofit organization the purposes  
9 of which include raising funds for or providing services or other  
10 benefits for the preservation and maintenance of the Alamo complex.  
11 The land office may contract with the organization for the  
12 performance of any activity.

13        Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. The  
14 land office may consult with the State Preservation Board in the  
15 performance of duties under this subchapter. On request of the land  
16 office, the State Preservation Board shall assist the land office  
17 with the land office's duties relating to the Alamo complex.

18        Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF  
19 TEXAS. (a) The land office shall enter into an agreement with the  
20 Daughters of the Republic of Texas for the management, operation,  
21 and financial support of the Alamo complex.

22        (b) The agreement at a minimum must:

23            (1) detail the expectations and goals of the land  
24 office and the Daughters of the Republic of Texas, including the  
25 transfer of any state money held in trust for the Alamo by the  
26 Daughters of the Republic of Texas and the property described in  
27 Subsection (d);

- 1           (2) outline the management and operation of the Alamo  
2 complex;
- 3           (3) establish management standards;  
4           (4) provide for oversight by the land office;  
5           (5) address funding and payment for costs;  
6           (6) address equipment;  
7           (7) establish insurance requirements;  
8           (8) address compliance with local, state, and federal  
9 building and operation laws;
- 10           (9) address construction, maintenance, and repair;  
11           (10) establish the term of the agreement;  
12           (11) require submission of financial information from  
13 the Daughters of the Republic of Texas, excluding chapters of the  
14 organization;
- 15           (12) address ownership by this state of the Alamo  
16 complex and its contents;
- 17           (13) include a dispute resolution process;  
18           (14) provide that the laws of this state govern the  
19 agreement; and
- 20           (15) include notice requirements.
- 21           (c) The land office may enter into the agreement required by  
22 Subsection (a) only if the Daughters of the Republic of Texas is a  
23 properly formed nonprofit corporation in this state in accordance  
24 with Section 2.008, Business Organizations Code, and is exempt from  
25 income taxation under Section 501(c)(3), Internal Revenue Code of  
26 1986.
- 27           (d) All property received by the Daughters of the Republic

1 of Texas in its capacity as custodian or trustee of the Alamo for  
2 the benefit of the Alamo is subject to the requirements of this  
3 subchapter and the agreement required by this section.

4 Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo  
5 complex account is a separate account in the general revenue fund.

6 (b) The account consists of:

7 (1) transfers made to the account;

8 (2) fees and other revenue from operation of the Alamo  
9 complex;

10 (3) grants, donations, and bequests from any source  
11 designated for the benefit of the Alamo complex; and

12 (4) income earned on investments of money in the  
13 account.

14 (c) The land office may accept a gift, grant, or bequest of  
15 money, securities, services, or property to carry out any purpose  
16 related to the preservation and maintenance of the Alamo complex,  
17 including funds raised or services provided by a volunteer or  
18 volunteer group to promote the work of the land office. All  
19 proceeds under this subsection shall be deposited to the credit of  
20 the account.

21 (d) Appropriations to the land office for the preservation,  
22 operation, or maintenance of the Alamo complex shall be deposited  
23 to the credit of the account.

24 (e) The land office may use money in the account only to  
25 administer this subchapter, including to support the preservation,  
26 repair, renovation, improvement, expansion, equipping, operation,  
27 or maintenance of the Alamo complex or to acquire a historical item

1 appropriate to the Alamo complex.

2 (f) Any money in the account not used in a fiscal year  
3 remains in the account. The account is exempt from the application  
4 of Section 403.095, Government Code.

5 Sec. 31.455. ALAMO PRESERVATION ADVISORY BOARD. (a) The  
6 land office may establish an Alamo Preservation Advisory Board to  
7 provide advice, proposals, and recommendations to:

8 (1) promote and support the Alamo complex;

9 (2) provide the resources and support necessary to  
10 advance the understanding and education of current and future  
11 generations on the historical significance and factual record of  
12 the Alamo complex;

13 (3) inspire virtues of honor and Texas pride;

14 (4) preserve the memory and achievement of individuals  
15 who served at the Alamo and provide a fitting tribute to the heroism  
16 of the people who paid the ultimate sacrifice for freedom and of the  
17 noble men and women of this state who have served in the armed  
18 forces or died while serving in the armed forces to ensure the  
19 freedom of the people of this state;

20 (5) promote and provide for the preservation,  
21 perpetuation, appropriate publication, and display of manuscripts,  
22 books, relics, pictures, oral histories, and all other items and  
23 information related to the history of the Alamo complex and of this  
24 state that preserve the historical character of the Alamo shrine;  
25 and

26 (6) promote, counsel, and provide support to  
27 governmental and private organizations that are committed to

1 objectives similar to the objectives described in this subsection.

2 (b) The advisory board is composed of:

3 (1) the commissioner or the commissioner's designee,  
4 who serves as the presiding officer of the advisory board;

5 (2) a designee appointed by the governor;

6 (3) the president general of the Daughters of the  
7 Republic of Texas;

8 (4) the current Alamo chairperson of the Daughters of  
9 the Republic of Texas;

10 (5) the immediate past Alamo chairperson of the  
11 Daughters of the Republic of Texas;

12 (6) the Alamo curator;

13 (7) one representative of the Texas Historical  
14 Commission;

15 (8) the president of the Bexar County Historical  
16 Commission; and

17 (9) one representative who serves as a member of the  
18 City of San Antonio Office of Historic Preservation.

19 (c) Subject to approval by the advisory board, the advisory  
20 board may include nonvoting members, who as individuals or as  
21 representatives of institutions, are interested in the purposes for  
22 which the advisory board was established.

23 SECTION 3. Section 2203.003(a), Government Code, is amended  
24 to read as follows:

25 (a) The Daughters of the Confederacy, Texas Division, and  
26 the Daughters of the Republic of Texas each may charge admission to  
27 state property over which each organization has custody or control.

1 ~~[This subsection does not apply to the Alamo.]~~

2 SECTION 4. The following are repealed:

3 (1) Article 6394, Revised Civil Statutes of 1911; and

4 (2) Chapter 7, General Laws, Acts of the 29th  
5 Legislature, Regular Session, 1905.

6 SECTION 5. (a) If the General Land Office and the  
7 Daughters of the Republic of Texas have not entered into the  
8 agreement required by Section 31.453, Natural Resources Code, as  
9 added by this Act, before January 1, 2012, on that date the  
10 following are transferred to the land office:

11 (1) all powers and duties of the Daughters of the  
12 Republic of Texas relating to the Alamo complex;

13 (2) all unobligated and unexpended funds granted to  
14 the Daughters of the Republic of Texas and designated for the  
15 benefit of the Alamo complex;

16 (3) all equipment and property acquired with state  
17 money by the Daughters of the Republic of Texas and used for the  
18 administration of or related to the Alamo complex; and

19 (4) all files and other records of the Daughters of the  
20 Republic of Texas kept by the organization regarding the Alamo  
21 complex.

22 (b) The Daughters of the Republic of Texas may agree with  
23 the General Land Office to transfer any property of the Daughters of  
24 the Republic of Texas to the General Land Office before January 1,  
25 2012, to implement the transfer required by this Act.

26 (c) Notwithstanding any other law, unless otherwise  
27 provided pursuant to a contract entered into under Section 31.453,

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1 Natural Resources Code, as added by this Act, the Daughters of the  
2 Republic of Texas shall continue to perform functions and  
3 activities related to the Alamo and granted by Chapter 7, General  
4 Laws, Acts of the 29th Legislature, Regular Session, 1905, until  
5 January 1, 2012, and the former law is continued in effect for that  
6 purpose.

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

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Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 450, CUSTODIAN OF ALAMO, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 450.001. DEFINITIONS. Defines, in this chapter, "advisory board" as the Alamo Preservation Advisory Board and "custodian" as the private entity in whose care the state has placed the Alamo and on whom the state has imposed a duty to repair the Alamo and to maintain the Alamo in good order.

No equivalent provision.

No equivalent provision.

SENATE VERSION (CS)

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.0515, DUTIES RELATED TO THE ALAMO COMPLEX, as follows:  
Sec. 31.0515. Requires the commissioner of the General Land Office to employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants and prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Chapter 31, Natural Resources Code, is amended by adding Subchapter I, THE ALAMO COMPLEX, as follows:

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) Places the Alamo complex under the jurisdiction of the General Land Office. Makes the land office 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) Vests any power or duty related to the Alamo complex formerly vested in any other state agency or entity solely in the land office.

(c) Exempts the land office from being required to comply with state purchasing law *related to requests for proposals* in carrying out its duties under this subchapter.

CONFERENCE

SECTION 1. Same as Senate version except requires the General Land Office to undertake the specified activity and also includes preservation and future construction for the Alamo complex in the annual budget and work plan.

SECTION 2. Same as Senate version except as follows:

Sec. 31.451. (a) Same as Senate version.

(b) Same as Senate version.

(c) Exempts the land office from being required to comply with state purchasing law in carrying out its duties under this subchapter.

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CONFERENCE

No equivalent provision.

No equivalent provision.

(d) Authorizes the land office to 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. Authorizes the land office to contract with the organization for the performance of any activity.

Sec. 450.002. APPLICABILITY. Sets out applicability of the chapter.

No equivalent provision.

Same as Senate version.

SUBCHAPTER B. DUTIES OF CUSTODIAN

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

No equivalent provision.

Same as Senate version.

- (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, the governor, and the Texas Historical Commission.

Sec. 450.052. CONTENT OF ANNUAL REPORT. Sets out the minimum content of the annual report required under Section 450.051.

No equivalent provision.

Same as Senate version.

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 certain documents required in the annual report.

No equivalent provision.

Same as Senate version.

(b) Requires such information on request to be made available

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to the comptroller, governor, and Texas Historical Commission.

No equivalent provision.

Sec. 31.452. ASSISTANCE FROM STATE PRESERVATION BOARD. Authorizes the land office to consult with the State Preservation Board in the performance of duties under this subchapter. Requires the State Preservation Board, on request of the land office, to assist the land office with the land office's duties relating to the Alamo complex.

Sec. 31.452. Same as Senate version.

No equivalent provision.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) Requires the land office to enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex.

Sec. 31.453. (a) Same as Senate version.

No equivalent provision.

(b) Requires the agreement at a minimum to:

- (1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas;
- (2) outline the management and operation of the Alamo complex;
- (3) establish management standards;
- (4) provide for oversight by the land office;
- (5) address funding and payment for costs;
- (6) require some Alamo complex employees to be land office employees;**
- (7) address equipment;
- (8) establish insurance requirements;

(b) Requires the agreement at a minimum to:

- (1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas, ***including the transfer of any state money held in trust for the Alamo by the Daughters of the Republic of Texas and the property described in Subsection (d)***;
- (2) outline the management and operation of the Alamo complex;
- (3) establish management standards;
- (4) provide for oversight by the land office;
- (5) address funding and payment for costs;
- (6) address equipment;
- (7) establish insurance requirements;

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- (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, *which may not be less than 10 years*;
- (12) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;
- (13) address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement;**
- (14) address ownership by this state of the Alamo complex 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.

- (8) address compliance with local, state, and federal building and operation laws;
- (9) address construction, maintenance, and repair;
- (10) establish the term of the agreement;
  
- (11) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;
  
- (12) address ownership by this state of the Alamo complex and its contents;
- (13) include a dispute resolution process;
- (14) provide that the laws of this state govern the agreement; and
- (15) include notice requirements.

No equivalent provision.

(c) Authorizes the land office to enter into the agreement required by *this section* 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.

(c) Authorizes the land office to enter into the agreement 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*.

No equivalent provision.

(d) Subjects 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 and listed on the organization's balance sheet to the requirements of this *chapter* and the agreement required by this section.

(d) Same as Senate version except subjects the property to the requirements of this *subchapter* and omits the reference to property listed on the organization's balance sheet.

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No equivalent provision.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) Establishes the Alamo complex account as a separate account in the general revenue fund.

Sec. 31.454. (a) Same as Senate version.

No equivalent provision.

(b) Establishes that the account consists of:  
(1) transfers made to the account;  
(2) fees and other revenue from operation of the Alamo complex;  
(3) grants and donations from any source designated for the benefit of the Alamo complex; and  
(4) income earned on investments of money in the account.

(b) Same as Senate version except, in (3), also includes bequests from any source designated for the benefit of the Alamo complex.

No equivalent provision.

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

(d) Same as Senate version.

No equivalent provision.

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

(e) Same as Senate version.

No equivalent provision.

(e) Establishes that any money in the account not used in a fiscal year remains in the account. Exempts the account from the application of Section 403.095, Government Code.

(f) Same as Senate version.

No equivalent provision.

Sec. 31.455. GRANTS; DONATIONS. Authorizes the land office to accept a grant or donation for any program or purpose of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.454. (c) Authorizes the land office to 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

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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 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 the Texas Historical Commission;
- (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.

No equivalent provision.

(b) Subject to approval by the custodian, authorizes the advisory board to include nonvoting members composed of

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD.

**[See Sec. 31.456 (a) below.]**

(b) Establishes that the advisory board is composed of:

- (1) a designee appointed by the governor;
- (2) the president of the *Daughters of the Republic of Texas*;
- (3) the current Alamo chairman of the *Daughters of the Republic of Texas*;
- (4) the immediate past Alamo chairman of the *Daughters of the Republic of Texas*;
- (5) the Alamo curator;
- (6) one representative of the Texas Historical Commission;
- (7) one representative of the *land office*;
- (8) the president of the Bexar County Historical *Commission*; and
- (9) one representative *who serves as a member of* the City of San Antonio Office of Historic Preservation.

(d) Establishes that the representative of the land office serves as a nonvoting ex officio member.

(e) Subject to approval by the advisory board, authorizes membership to be open to individuals and institutions

services provided by a volunteer or volunteer group to promote the work of the land office. Requires all proceeds under this subsection to be deposited to the credit of the account.

Sec. 31.455. (b)[part] Substantially the same as Senate version except specifies that the representative of the land office on the advisory board is the commissioner of the land office or the commissioner's designee.

Same as House version.

(c) Subject to approval by the advisory board, authorizes the advisory board to include nonvoting members, who as

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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 perform specified duties, including the duties to 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; and to 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.

No equivalent provision.

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interested in the purposes for which the advisory board was formed.

Sec. 31.456. (c) Requires the *president of the Daughters of the Republic of Texas* to serve as presiding officer of the advisory board.

No equivalent provision.

Sec. 31.456. (a) Substantially the same as House version except authorizes the land office to *create* an Alamo Preservation Advisory Board to undertake the specified duties, including the duties to preserve the memory and achievement of *individuals who served at the Alamo and provide a fitting tribute to the heroism of the people* who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces *or died while serving in the armed forces to ensure the freedom of the people of this state*; and to promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state *that preserve the historical character of the Alamo shrine*.

SECTION 3. Section 2203.003(a), Government Code, is

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individuals or as representatives of institutions, are interested in the purposes for which the advisory board was established.

Sec. 31.455. (b)[part] Specifies that the *commissioner or the commissioner's designee* serves as the presiding officer of the board.

No equivalent provision.

Sec. 31.455. (a) Same as Senate version except authorizes the land office to *establish* such a board.

SECTION 3. Same as Senate version.

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amended as follows:

(a) Removes a requirement making the authority of the Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas to charge admission to state property over which each organization has custody or control inapplicable to the Alamo.

SECTION 4. Repeals the following:

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

SECTION 5. (a) Provides that if the General Land Office and the Daughters of the Republic of Texas have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to the land office:

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

(b) Authorizes the Daughters of the Republic of Texas to agree with the General Land Office to transfer any property of the Daughters of the Republic of Texas to the General Land

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 4. Same as Senate version except makes a technical correction.

SECTION 5. Same as Senate version except, in (2), transfers all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the *benefit* of the Alamo complex.

(b) Same as Senate version.

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No equivalent provision.

Office before January 1, 2012, to implement the transfer required by the bill.

(c) Requires the Daughters of the Republic of Texas 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 continues the former law in effect for that purpose.

(c) Same as Senate version except makes a technical correction and a conforming change.

SECTION 2. Effective date.

SECTION 6. Same as House version.

SECTION 6. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**May 28, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
 Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3726** by Guillen (Relating to the preservation and maintenance of the Alamo by the General Land Office. ), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3726, Conference Committee Report: a negative impact of (\$438,366) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2012        | (\$219,183)  |
| 2013        | (\$219,183)  |
| 2014        | (\$219,183)  |
| 2015        | (\$219,183)  |
| 2016        | (\$219,183)  |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/<br>(Cost) from<br><i>General Revenue Fund</i><br>1 | Probable Revenue<br>Gain from<br><i>New General Revenue<br/>Dedicated--Alamo<br/>Complex</i> | Probable Savings/<br>(Cost) from<br><i>New General Revenue<br/>Dedicated--Alamo<br/>Complex</i> | Probable Revenue<br>Gain from<br><i>Appropriated Receipts<br/>666</i> |
|-------------|--|--|---|---|
| 2012        | (\$219,183)  | \$8,000,000  | (\$2,213,000)   | \$743,087   |
| 2013        | (\$219,183)  | \$12,000,000   | (\$3,094,756)   | \$1,114,630   |
| 2014        | (\$219,183)  | \$12,000,000   | (\$3,094,756)   | \$1,114,630   |
| 2015        | (\$219,183)  | \$12,000,000   | (\$3,094,756)   | \$1,114,630   |
| 2016        | (\$219,183)  | \$12,000,000   | (\$3,094,756)   | \$1,114,630   |

| Fiscal Year | Probable Savings/<br>(Cost) from<br><i>Appropriated Receipts<br/>666</i> | Change in Number of<br>State Employees from<br>FY 2011 |
|-------------|--|--|
| 2012        | (\$236,552)  | 2.0  |
| 2013        | (\$353,127)  | 2.0  |
| 2014        | (\$337,829)  | 2.0  |
| 2015        | (\$337,829)  | 2.0  |
| 2016        | (\$337,829)  | 2.0  |

## **Fiscal Analysis**

The bill would require the General Land Office (GLO) to employ staff necessary to preserve and maintain the Alamo and contract for professional services of qualified consultants. The bill would require the GLO to prepare an annual budget and work plan for maintenance of the Alamo and other buildings on Alamo property, their contents, and grounds, including preservation and future construction for the Alamo complex.

The bill would place the Alamo under the jurisdiction of the GLO, and the GLO would be responsible for the preservation, maintenance, restoration and protection of the Alamo and its contents. The bill would exempt the GLO from compliance with state purchasing laws in carrying out its duties related to the Alamo.

The bill would require the State Preservation Board to assist the GLO with its duties relating to the Alamo upon request by the GLO.

The bill would require the GLO to enter into an agreement with the Daughters of the Republic of Texas (DRT) for the management, operation, and financial support of the Alamo. The bill would specify minimum requirements for the agreement. The bill would prohibit the GLO from entering into an agreement with the DRT if the DRT is not a properly formed nonprofit corporation.

The bill would create an Alamo Complex Account in the General Revenue Fund which would consist of transfers made to the account, fees and revenue from operation of the Alamo, grants, bequests, and donations, and income earned on investments of money in the account. Appropriations to the GLO for the Alamo would be deposited to the account. The GLO would be authorized to use the account on expenses related to the Alamo and to acquire historical items appropriate to the Alamo. The bill would exempt the account from application of Government Code, Section 403.095.

The bill would establish the Alamo Preservation Board.

Subject to an agreement between the GLO and the DRT provided under provisions of the bill, the bill would transfer all powers, duties, unobligated and unexpended funds granted to the DRT for the benefit of the Alamo Complex, and all equipment and files of the DRT relating to the Alamo to the GLO on January 1, 2012.

## **Methodology**

Costs for functions provided by GLO at the Alamo would include salaries, related operating costs, and benefits of \$219,183 each full fiscal year for 2.0 full-time equivalent positions. The positions would include a project manager and a maintenance supervisor. Although the GLO would not take over full responsibilities at the Alamo until January 1, 2012, this estimate assumes that the 2.0 FTEs would be needed for all of fiscal year 2012 because the agency would need staff time to prepare for the transition. This estimate assumes that these costs would be paid out of the General Revenue Fund.

GLO has determined that initially it would need to contract with a qualified external architectural firm to assess the current physical and structural conditions of the Alamo complex. It is estimated that the initial study would cost a minimum of \$150,000 and may result in additional studies to address specific areas in need of immediate or critical attention. These costs are included in fiscal year 2012 and are assumed to be paid out of the Alamo Complex Account.

Costs of the GLO to operate and maintain the Alamo are based on estimates that the Texas Historical Commission (THC) provided when it proposed that the THC be given jurisdiction over the Alamo. It is assumed that the GLO would operate the site in a similar arrangement as the National Museum of the Pacific War (NMPW), a site that is operated by the THC and a nonprofit organization. For the NMPW, during the 2010-11 biennium, it is anticipated that 78 percent of costs for the site would be managed by the nonprofit organization and the remaining 22 percent would include management and program functions provided by THC. This ratio of operational expenses is assumed for operation of the Alamo by the GLO. It is anticipated that the contract costs of \$2,063,171 in fiscal year 2012 and

\$3,094,756 each fiscal year thereafter would include the operating expenses of the DRT which would enter into an agreement with the GLO to operate the Alamo.

In addition, there are indeterminate costs for restoration of the Alamo. The agency has indicated that evaluations of the Alamo would need to be conducted to determine the costs.

This analysis also assumes collections of admissions fees at the Alamo at \$8,000,000 in fiscal year 2012 and \$12,000,000 each fiscal year thereafter to be deposited to the new Alamo Complex Account. The estimate is based on reported visitation by DRT on the Alamo's website of 2,500,000 visitors each year. It is assumed that 80 percent of visitors would pay the admissions charge, based on paid visitation figures at NMPW, and an average fee of \$6 per visitor.

This analysis also assumes additional revenue of \$743,087 in fiscal year 2012 and \$1,114,630 each fiscal year thereafter from appropriated receipts generated from sales at gift shops. Costs of operating the gift shop of approximately \$225,000 to \$350,000 per fiscal year are also included in the table above.

This estimate assumes that the GLO would receive appropriations out of the Alamo Complex Account sufficient to cover of the contract with the DRT and the cost of any needed improvements to the Alamo Complex. This estimate also assumes that if the Preservation Board would incur any costs in assisting the GLO with the agency's duties with respect to the Alamo, the GLO would reimburse the Preservation Board for such expenses through an Interagency Contract from proceeds of the agency's appropriations out of the Alamo Complex Account.

#### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 305 General Land Office and Veterans' Land Board, 808 Historical Commission, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, SD, KM, ZS, TL, LCO, MS

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

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## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 3726 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Ryan Guillen  
(name)

5-27-11  
(date)