

By: Biedermann

H.B. No. 2866

A BILL TO BE ENTITLED

AN ACT

relating to the preservation, maintenance, and restoration of the Alamo Cenotaph; granting the power of eminent domain.

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

SECTION 1. Subchapter I, Chapter 31, Natural Resources Code, is amended by adding Section 31.4515 to read as follows:

Sec. 31.4515. PRESERVATION, MAINTENANCE, AND RESTORATION OF ALAMO CENOTAPH. (a) The land office has the power of eminent domain to acquire in the manner provided by Chapter 21, Property Code, any property necessary to preserve, maintain, and restore the Alamo Cenotaph and to carry out the purposes of this section, including the acquisition of the cenotaph and the land immediately underneath and adjacent to the cenotaph.

(b) Subject to Subsection (d), the land office is responsible for the preservation, maintenance, and restoration of the Alamo Cenotaph and has jurisdiction over the land immediately underneath and adjacent to the cenotaph. The land office shall determine and officially designate a reasonable amount of land as the land immediately underneath and adjacent to the cenotaph for purposes of this section.

(c) Any power or duty related to the Alamo Cenotaph formerly vested in another state agency or local governmental entity, including the City of San Antonio, is vested solely in the land office in accordance with this section.

1 (d) All major projects related to the preservation,
2 maintenance, and restoration of the Alamo Cenotaph, including any
3 project that requires movement of the cenotaph from its original
4 location, must be approved:

5 (1) unanimously by the governor, lieutenant governor,
6 and speaker of the house of representatives; and

7 (2) by a majority of the members of the Texas
8 Historical Commission.

9 (e) The cenotaph may not be moved to a location outside of
10 the area that constituted the original Alamo Plaza.

11 (f) A local governmental entity may not exercise any control
12 over the Alamo Cenotaph and the land immediately underneath and
13 adjacent to the cenotaph or move the cenotaph from its original
14 location in the Alamo Plaza.

15 (g) A writ of mandamus and any other legal and equitable
16 remedy is available to a party in interest to require the land
17 office, a local governmental entity, and any other party to comply
18 with this section.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.