

**CONFERENCE COMMITTEE REPORT**

**HB 451**

**2015 Regular Session**

**Schexnayder**

June 8, 2015

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 451 by Representative Schexnayder, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments proposed by the Committee on Senate and Governmental Affairs and adopted by the Senate on May 21, 2015, be rejected.
2. That the set of Legislative Bureau Amendments proposed by the Legislative Bureau and adopted by the Senate on May 25, 2015, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, delete lines 2 and 3, and insert the following:

"To amend and reenact R.S. 25:380.74(B), 380.75, 380.76, 380.114(B), 380.115, and 380.116, R.S. 28:771(B)(1), and R.S. 36:744(U) and (Y) and 851(A) and to repeal R.S. 25:380.72, 380.73, 380.112, 380.113, and Chapter 34 of Title 25 of the Louisiana Revised"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "and" and after "801.14," insert "and 801.18,"

AMENDMENT NO. 3

On page 1, line 6, delete "and"

AMENDMENT NO. 4

On page 1, line 8, after "through 3087.255," insert "and Chapter 37 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2500 through 2505,"

AMENDMENT NO. 5

On page 1, line 15, after "commission," insert "the Louisiana Commission on Addictive Disorders,"

AMENDMENT NO. 6

On page 1, delete line 17 and insert the following:

"and duties of the governing board of the Jean Lafitte Marine Fisheries Museum and the governing board of the Chennault Aviation and Military Museum of Louisiana and"

AMENDMENT NO. 7

On page 2, line 1, change "museum" to "museums"

AMENDMENT NO. 8

On page 2, line 18 change "board" to "boards"

AMENDMENT NO. 9

On page 2, line 18, after "Museum" insert "and the Chennault Aviation and Military Museum of Louisiana"

AMENDMENT NO. 10

On page 2, delete lines 19 and 20 and insert the following:

"Section 3.(A) R.S. 25:380.74(B), 380.75, 380.76, 380.114(B), 380.115, and 380.116 are hereby amended and reenacted to read as follows:

§380.74. Operating funds; appropriations by the legislature

\* \* \*

B. Funds appropriated by the legislature to the Department of State for operation of the museum shall be used solely for that purpose and in accordance with the budget plan developed by the board to maintain accreditation standards. No administrative costs of any kind shall be charged by the Department of State for any services associated with placement of the museum within the jurisdiction of the department.

\* \* \*"

AMENDMENT NO. 11

On page 4, between lines 5 and 6, insert the following:

"\* \* \*

§380.114. Operating funds; appropriations by the legislature

\* \* \*

B. Funds appropriated by the legislature to the Department of State for operation of the Chennault Aviation and Military Museum of Louisiana shall be used solely for that purpose and in accordance with the budget plan developed by the board. No administrative costs of any kind shall be charged by the Department of State for any services associated with placement of the museum within the jurisdiction of the department.

\* \* \*

§380.115. Donations and loans; disposition of property

A. The Department of State and the board, jointly or separately, may solicit and accept funds, governmental grants, donations, and contributions of lands, buildings, monies, artifacts, relics, audio and video recordings, motion picture films, works of art, or other property on behalf of and as additions to the Chennault Aviation and Military Museum of Louisiana, either in the form of loans or in the form of donations inter vivos or mortis causa, and the Department of State may acquire them by purchase, lease, or otherwise, subject to the terms, conditions, or limitations contained in the instrument by which such property is acquired. However, the board may enter into any and all contracts with any person, lender, or donor that it may deem fit, proper, and necessary to accept and receive such lands, buildings, monies, artifacts, relics, audio and video recordings, motion picture films, works of art, or other property on behalf of and as additions to the Chennault Aviation and Military Museum of Louisiana. The museum may serve as the beneficiary of any public trust heretofore or hereafter created for such purpose pursuant to the provisions of R.S. 9:2341 et seq.

~~B. The board is granted the authority of deaccession with respect to any collection of the Chennault Aviation and Military Museum of Louisiana and, for such purpose, is exempted from laws relative to the sale or disposal of surplus property. The board shall establish policies and procedures necessary to carry out this authority in an orderly manner.~~

€ B.(1) Any property which has been deposited with the Chennault Aviation and Military Museum of Louisiana, by loan or otherwise, and which has been held by the museum for more than ten years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 of Title XII of Book III of the Louisiana Civil Code, shall become the property of the museum, provided that Paragraph (2) of this Subsection has been complied with.

(2)(a) At least once each week for two consecutive weeks, the ~~board~~ Department of State shall cause to be published in at least one newspaper of general circulation in the parish of Ouachita a notice and listing of the property.

(b) The notice shall contain:

(i) The name and last known address, if any, of the last known owner or depositor of the property.

(ii) A description of the property.

(iii) A statement that if proof of claim is not presented by the claimant to the ~~board~~ Department of State and if the claimant's right to receive such property is not established to the satisfaction of the ~~board~~ Department of State within sixty-five days from the date of the second published notice, the property will be deemed to be abandoned and shall become the property of the Chennault Aviation and Military Museum of Louisiana.

(3) If no valid claim has been made to the property within sixty-five days from the date of the second published notice, title to the property shall vest in the Chennault Aviation and Military Museum of Louisiana free from all claims.

\* \* \*

§380.116. Use of collections

Any collection of the Chennault Aviation and Military Museum of Louisiana may, subject to approval of the ~~board~~ Department of State, be lent in part. The ~~board~~ Department of State shall ensure proper safeguards for its maintenance and return and shall ensure that proper records are kept. The collections shall be available for use in educational projects, subject to the approval of the ~~board~~ Department of State."

AMENDMENT NO. 12

On page 4, line 6, after "R.S. 36:744(U)" insert "and (Y)"

AMENDMENT NO. 13

On page 4, between lines 13 and 14, insert the following:

"Y. The Chennault Aviation and Military Museum of Louisiana (R.S. 25:380.111 et seq.) ~~and its governing board are~~ is placed within the Department of State as provided in ~~R.S. 36:801.18~~ R.S. 36:851.

\* \* \*

AMENDMENT NO. 14

On page 4, line 17, after ", and 744(U)" insert "and (Y)"

AMENDMENT NO. 15

On page 4, delete lines 24 and 25, and insert the following:

"(C) R.S. 25:380.72, 380.73, 380.112, and 380.113 and R.S. 36:801.14 and 801.18 are hereby repealed in their entirety."

AMENDMENT NO. 16

On page 5, between lines 3 and 4, insert the following:

**"Louisiana Commission on Addictive Disorders**

Section 6.(A) R.S. 28:771(B)(1) is hereby amended and reenacted to read as follows:

§771. Office of behavioral health; functions related to addictive disorders

\* \* \*

B. The office shall additionally perform the following duties and responsibilities:

(1) Formulation and implementation of policies relating to the treatment and prevention of addictive disorders in accordance with applicable state law; however, the provisions of this Section ~~and the provisions of Chapter 37 of Title 46 of the Louisiana Revised Statutes of 1950~~ shall not apply to the Substance Abuse Prevention Program of the Department of Education and the Highway Safety Act of 1966 (P.L. 89-564) administered by the Highway Safety Commission of the Department of Public Safety and Corrections.

\* \* \*

(B) Chapter 37 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2500 through 2505, is hereby repealed in its entirety."

AMENDMENT NO. 17

On page 5, line 4, change "Section 6." to "Section 7."

Respectfully submitted,

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Representative Clay Schexnayder

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Senator "Jody" Amedee

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Representative Timothy G. Burns

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Senator Edwin R. Murray

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Representative John "Johnny" Berthelot

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Senator Troy E. Brown

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 451**

**2015 Regular Session**

**Schexnayder**

**Keyword and oneliner of the instrument as it left the House**

BOARDS/COMMISSIONS: Provides relative to boards, commissions, authorities, districts, and like entities

**Report adopts with technical changes Senate amendments to:**

1. Abolish the La. Commission on Addictive Disorders.
2. Abolish the governing board of directors of the Chennault Aviation and Military Museum and transfer authority over the museum to the secretary of state and the Dept. of State.

**Report amends the bill to:**

1. Remove additional references to the La. Commission on Addictive Disorders.
2. Remove additional reference to the governing board of directors of the Chennault Aviation and Military Museum.
3. Remove additional reference to the governing board of the Jean Lafitte Marine Fisheries Museum Governing Board.

**Digest of the bill as proposed by the Conference Committee**

Proposed law provides for the abolition of certain boards, commissions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity, all as follows:

Allen Parish Reservoir District and its board of commissioners: Present law creates the district as a political subdivision of the state to develop the wealth and natural resources of the district by the conservation of soil and water for agricultural, recreational, commercial, industrial, economic development, and sanitary purposes, including the creation and maintenance of a lake and other recreational facilities. Provides that the district be governed and controlled by a board of five commissioners. Places the district as an independent agency within the Dept. of Transportation and Development. Proposed law abolishes the district and its board of commissioners.

Jean Lafitte Marine Fisheries Museum Governing Board: Present law provides that the Jean Lafitte Marine Fisheries Museum is established under the jurisdiction of the Dept. of State to be a historical, cultural, scientific, technological, and educational institution to research, collect, preserve, and present documents, artifacts, objects of art, and the like that reflect the social, cultural, and economic history of Louisiana's marine and fisheries industry. Provides that the governing board is comprised of

thirteen members who have a knowledge of and an interest in historical preservation and the history of the marine and fisheries industry and grants the governing board specific powers and duties regarding the operations of the museum. Proposed law abolishes the governing board, removes all references to the governing board, and provides that the powers, duties, functions, responsibilities, programs, and operations of the museum shall be exercised by and be under the administration and control of the secretary of state except for those required to be performed and administered by the undersecretary of the Dept. of State.

West Ouachita Parish Reservoir District and its board of commissioners: Present law creates the district as a political subdivision of the state to develop the wealth and natural resources of the district by the conservation of soil and water for agricultural, recreational, commercial, industrial, economic development, and sanitary purposes, including the creation and maintenance of a lake and other recreational facilities. Provides that the district be governed and controlled by a board of five commissioners. Places the district as an independent agency within the Dept. of Transportation and Development. Proposed law abolishes the district and its board of commissioners.

South La. Wetlands Discovery Center and its board of commissioners: Present law provides for the center to be a tourist center located in Terrebonne Parish and creates the South La. Wetlands Discovery Center Commission in the parish. Proposed law repeals provisions of present law relative to the center and its board of commissioners.

Chennault Aviation and Military Museum of La. Governing Board: Present law provides that the Chennault Aviation and Military Museum is established under the jurisdiction of the Dept. of State to be a charitable, historical, cultural, scientific, and technological educational institution whose primary purpose shall be to preserve and promote the aviation and military history of La. and the legacy of the men and women who contributed to it. Provides that the governing board is comprised of eight members appointed by the secretary of state and seven members elected by the Friends of the Aviation and Military Museum or its successor organization and grants the governing board specific powers and duties regarding the operations of the museum. Proposed law abolishes the governing board, removes all references to the governing board, and provides that the powers, duties, functions, responsibilities, programs, and operations of the museum shall be exercised by and be under the administration and control of the secretary of state except for those required to be performed and administered by the undersecretary of the Dept. of State.

La. Commission on Addictive Disorders: Present law creates the commission to provide direct attention to and foster greater awareness and understanding of addictive disorders, to advise the office of behavioral health and others concerning the policy of the state with respect to behavioral health, and to recommend an annual state plan to the office of behavioral health setting forth proposed policy, program initiatives, and goals for each fiscal year relative to the prevention and treatment of behavioral health in this state. Proposed law repeals provisions of present law providing for the commission and its duties and removes references to such provisions.

Proposed law provides that the property and funds, if any, of the entities abolished by proposed law that are not otherwise transferred by proposed law shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Funds as provided by law.

(Amends R.S. 25:380.74(B), 380.75, 380.76, 380.114(B), 380.115, and 380.116, R.S. 28:771(B)(1), and R.S. 36:744(U) and (Y) and 851(A); Repeals R.S. 25:380.72, 380.73, 380.112, and 380.113 and 1311-1316, R.S. 36:509(R) and (T), 801.14, and 801.18, R.S. 38:3087.171-3087.185, and 3087.241-3087.255, and R.S. 46:2500-2505)