

2016 Regular Session

SENATE BILL NO. 249

BY SENATOR LAFLEUR

MUSEUMS. Transfers jurisdiction of the Louisiana State Exhibit Museum from the Dept. of State to the Dept. of Culture, Recreation and Tourism. (gov sig)

AN ACT

To amend and reenact R.S. 25:379, 379.1, 379.2(B)(5), 379.3(B), 379.4 and 379.5(A), and R.S. 36:801.6, to enact R.S. 36:209(B)(4), and to repeal R.S. 36:744(I) and (J), relative to the Louisiana State Exhibit Museum; to provide for the transfer of jurisdiction over the museum from the Department of State to the Department of Culture, Recreation and Tourism; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:379, 379.1, 379.2(B)(5), 379.3(B), 379.4, and 379.5(A) are hereby amended and reenacted to read as follows:

§379. Establishment and location; purpose and use

A. The facility known prior to June 6, 1991, as the Louisiana State Museum-Shreveport is hereby renamed the Louisiana State Exhibit Museum. The Louisiana State Exhibit Museum is established as a facility in the city of Shreveport under the overall jurisdiction of the Department of ~~State~~ **Culture, Recreation and Tourism**, as more specifically provided in this Chapter and in R.S. 36:801.6.

B. The Louisiana State Exhibit Museum shall be a pre-historical, historical, cultural, scientific, and technological educational institution whose primary purpose

1 shall be to research, collect, preserve, and present, as an educational resource,  
2 documents, artifacts, objects of art, and the like that reflect the social history, cultural  
3 history, natural history, and culture of Louisiana emphasizing the northwest region  
4 of Louisiana.

5 §379.1. Regional museum governing board; creation; domicile; appointment and  
6 compensation of members

7 A. The Regional Museum Governing Board of the Louisiana State Exhibit  
8 Museum is hereby created in the Department of State **Culture, Recreation and**  
9 **Tourism.**

10 B. The domicile of the board shall be the city of Shreveport.

11 C.(1) The board shall be composed of members who all have a knowledge  
12 of, and an interest in, art, history, including political history, and cultural restoration.

13 (2) The board shall be composed and the members selected as follows:

14 (a) Ten members shall be appointed by the ~~secretary of state~~ **lieutenant**  
15 **governor** to serve two-year terms from an area composed of the following parishes:  
16 Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River,  
17 Sabine, and Webster.

18 (b) One member shall be appointed by the ~~secretary of state~~ **lieutenant**  
19 **governor** to serve a two-year term from among the members of the Louisiana State  
20 Fair Board.

21 (c) Ten members shall be appointed by the ~~secretary of state~~ **lieutenant**  
22 **governor** to serve four-year terms from a list of fifteen names submitted by the  
23 Friends of the Louisiana State Exhibit Museum and Discovery Center.

24 (d) The museum chief administrative officer and the museum director, if any,  
25 shall each be an ex officio member of the board.

26 D. Each appointed member shall be confirmed by the Senate and those  
27 members serving four-year terms shall serve terms concurrent with the governor.  
28 Each member shall serve until his successor is appointed and takes office.

29 E. Members of the board shall serve without compensation.

§379.2. Duties and powers of the board

\* \* \*

B. The board shall:

\* \* \*

(5) Advise the ~~secretary of state~~ **lieutenant governor** on all matters relating to the operations of the Louisiana State Exhibit Museum and shall have such other functions as are otherwise provided in this Chapter and R.S. 36:801.6.

\* \* \*

§379.3. The Louisiana State Exhibit Museum, administration; Department of ~~State~~ **Culture, Recreation and Tourism**, powers and functions

\* \* \*

B. The board shall have custody of, and, together with the Department of ~~State~~ **Culture, Recreation and Tourism**, shall administer, manage, operate, maintain, and preserve the buildings, collections, and exhibitions of the Louisiana State Exhibit Museum located in the city of Shreveport including, but not limited to, the museum.

\* \* \*

§379.4. Operating funds; appropriations by the legislature

A. The Department of ~~State~~ **Culture, Recreation and Tourism** shall include in its annual budget request submission, as required by R.S. 39:32, a request for funds necessary for support of the Louisiana State Exhibit Museum. The governor shall include in the executive budget submitted to the legislature sufficient funding for the support of operations of the museum.

B.(1) If sufficient funds necessary for the operation of the Louisiana State Exhibit Museum are not appropriated by the legislature, and funds from other local, public, or private sources are not available for this purpose, the Department of ~~State~~ **Culture, Recreation and Tourism** is authorized to temporarily close the museum to the public until such time as sufficient funds necessary for the operation of the museum are appropriated by the legislature. The Department of ~~State~~ **Culture,**

**Recreation and Tourism** shall maintain the museum during any period of temporary closure.

(2) The Department of State **Culture, Recreation and Tourism** may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum.

### §379.5. Donations and loans; disposition of property

A. The Department of State **Culture, Recreation and Tourism** and the board, jointly or separately, may solicit and accept funds, governmental grants, donations, and contributions of lands, buildings, monies, relics, works of art, or other property on behalf of and as additions to the Louisiana State Exhibit Museum either in the form of loans or in the form of donations inter vivos or mortis causa, and the Department of State **Culture, Recreation and Tourism** 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, relics, works of art, or other property on behalf of and as additions to the Louisiana State Exhibit Museum. 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.

\* \* \*

Section 2. R.S. 36:801.6 is hereby amended and reenacted and R.S. 36:209(B)(4) is hereby enacted to read as follows:

§209. Transfer of boards, commissions, departments, and agencies to Department of  
Culture, Recreation and Tourism

\* \* \*

B. \* \* \*

**(4) The Louisiana State Exhibit Museum (R.S. 25:379 et seq.) and the**  
**Regional Museum Governing Board of the Louisiana State Exhibit Museum are**

**placed within the Department of Culture, Recreation and Tourism.**

\* \* \*

§801.6. Transfer; Regional Museum Governing Board of the Louisiana State  
Exhibit Museum

A. The Regional Museum Governing Board of the Louisiana State Exhibit Museum placed within the Department of State **Culture, Recreation and Tourism** shall exercise all powers, duties, functions, and responsibilities provided or authorized by law which are in the nature of policymaking, rulemaking, regulation, enforcement, or adjudication. The board shall exercise all advisory powers, duties, and functions provided by law. The board shall administer and implement all programs provided or authorized by law. The board, with the approval of the **lieutenant governor or** secretary of the department, shall employ, appoint, fix the compensation of, remove, assign, and promote such personnel as is necessary for the efficient administration of its powers, duties, functions, and responsibilities and for the administration of its programs, in accordance with civil service laws, rules, and regulations. The board shall exercise the powers, duties, functions, and responsibilities and shall administer and implement the programs authorized in this Section independently of the **lieutenant governor or** secretary, except as otherwise provided herein. The board shall be responsible for the performance and administration of its day-to-day operations, except that the **lieutenant governor or** secretary of the department shall be responsible for those matters which are in the nature of accounting, payroll, budget control, procurement, data processing, and personnel management, and shall have the authority to transfer or implement any or all of said functions through the **lieutenant governor or** secretary and the department.

B. Nothing shall authorize monies, property, or personnel budgeted or assigned to the board to be transferred to or to be used by the department without prior approval of the board.

C. The board may solicit and accept gifts and donations for the purposes of

1           the Louisiana State Exhibit Museum. Any funds so accepted may be expended by the  
2           board or by the Department of State **Culture, Recreation and Tourism** as otherwise  
3           provided by law.

4           Section 3. R.S. 36:744(I) and (J) are hereby repealed.

5           Section 4. This Act shall become effective upon signature by the governor or, if not  
6           signed by the governor, upon expiration of the time for bills to become law without signature  
7           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Margaret M. Corley.

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|                 | DIGEST               |         |
| SB 249 Original | 2016 Regular Session | LaFleur |

Present law provides for the establishment of the Louisiana State Exhibit Museum under the jurisdiction of the Department of State.

Proposed law transfers the jurisdiction of the museum from the Department of State to the Department of Culture, Recreation and Tourism.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 25:379, 379.1, 379.2(B)(5), 379.3(B), 379.4 and 379.5(A), and R.S. 36:801.6; adds R.S. 36:209(B)(4); repeals R.S. 36:744(I) and (J))