

2020 Regular Session

HOUSE BILL NO. 155

BY REPRESENTATIVE JENKINS

SECY OF STATE/ARCHIVES: Provides for disposition of abandoned property at the Louisiana State Archives

1 AN ACT

2 To enact R.S. 44:417(D), relative to the disposition of abandoned property at the state
3 archives; to provide procedures for taking ownership of such property; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:417(D) is hereby enacted to read as follows:

7 §417. Deposit of records of historical value; transfer of deposited records to public
8 or educational institutions; disposition of abandoned property

9 * * *

10 D.(1) Notwithstanding the provisions of Chapter 1 of Title XII of Book III
11 of the Louisiana Civil Code, any property, other than agency storage collections, that
12 has been deposited with the state archives, by loan or otherwise, and held by the state
13 archives for more than ten years and to which no person has made claim shall be
14 deemed abandoned and shall become property of the state archives as provided by
15 this Subsection.

16 (2) The state archivist shall publish, at least once a week for two consecutive
17 weeks, a notice and listing of the property in at least one newspaper of general
18 circulation in the parish. The notice shall contain:

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

1 (b) A description of the property.

2 (c) A statement that if proof of claim is not presented by the owner to the
3 state archivist and if the owner's right to receive such property is not established to
4 the satisfaction of the state archivist within sixty-five days after the date of the
5 second published notice, the property shall be deemed abandoned and shall become
6 property of the state archives.

7 (3) If no valid claim is made to the property within sixty-five days after the
8 date of the second published notice, title to the property shall vest in the state
9 archives free from all claims of the owner and those of all persons claiming through
10 or under him.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

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)]

HB 155 Original

2020 Regular Session

Jenkins

Abstract: Establishes procedures for the state archives to take ownership of property deposited with the archives and unclaimed for more than 10 years.

Present law authorizes the state archivist to accept for deposit into the state archives any records or materials of historical value of any La. governor or state official once the governor or official leaves office. Present law also authorizes the deposit of historically significant records of any state or local agency or of the legislature. Present law authorizes the state archivist to oversee the transfer of records deposited with the state archives to public or educational institutions for research or exhibit purposes.

Proposed law authorizes the state archives to claim ownership of any property deposited with the agency for more than 10 years without claim. Proposed law requires the state archivist to publish a notice related to such property for two consecutive weeks. Proposed law provides that if no one claims such property within 65 days after the publication of the second notice, it becomes property of the state archives.

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

(Enacts R.S. 44:417(D))