

Regular Session, 2011

SENATE BILL NO. 217

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MUSEUMS. Transfers the Political Museum and Hall of Fame from the Department of Culture, Recreation and Tourism to the secretary of state. (7/1/11)

AN ACT

To amend and reenact R.S. 25:342(B)(3)(c) through (i), 352(A) and (B)(2)(b), 380.141(A), 380.142(A), (C), and (E), 380.143(B)(4) and (C)(2), 380.144, 380.145(A), (B), (C)(2)(a) and (b)(iii), 380.146, and to enact R.S. 25:380.147, R.S. 36:744(DD) and 801.21, and to repeal R.S. 25:380.143(C)(3) and R.S. 36:209(W)(2) and (Y), relative to the Louisiana Political Museum and Hall of Fame; to transfer all powers, duties, employees, and responsibilities from the jurisdiction of the office of state museums in the Department of Culture, Recreation and Tourism to the Department of State; to provide relative to the governing authority of the museum, including its composition, powers, duties, responsibilities, meetings, employees, and officers; to provide for the adoption of rules, regulations and fees; to provide for receipt and use of funds, property, and self-generated revenue; to provide relative to the authority of the museum with respect to the museum; to provide relative to personnel and budgets of the museum; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:342(B)(3)(c) through (i), 352(A) and (B)(2)(b), 380.141(A),

380.142(A), (C) and (E), 380.143(B)(4) and (C)(2), 380.144, 380.145(A), (B), (C)(2)(a) and (b)(iii), and 380.146 are hereby amended and reenacted and R.S. 25:380.147 is hereby enacted to read as follows:

§342. Domicile; powers and duties of the office of the state museum and the board;
buildings and properties administered

* * *

B.

* * *

(3) The office of the state museum, subject to the provisions of R.S. 36:909, shall have custody of and shall administer, manage, operate, maintain, and preserve all of the following:

* * *

~~(c) The Louisiana Political Museum and Hall of Fame.~~

~~(d)~~**(c)** The Louisiana Forestry Museum.

~~(e)~~**(d)** The Louisiana Sports Hall of Fame.

~~(f)~~**(e)** The Winn Parish Museum.

~~(g)~~**(f)** The Edward Douglass White Historic Site.

~~(h)~~**(g)** The Natchitoches Parish Old Courthouse Museum.

~~(i)~~**(h)** Other museums hereafter established under jurisdiction of the office.

* * *

§352. Museums of local interest

A. For the purposes of this Chapter, museums of local interest shall include ~~Louisiana Political Museum and Hall of Fame~~, the Louisiana Forestry Museum, and the Winn Parish Museum under the jurisdiction of the office of the state museum of the Department of Culture, Recreation and Tourism and domiciled in Winnfield, Louisiana.

* * *

B.

* * *

(2) Friends of the Museums of Local Interest may:

* * *

(b) Retain and expend any self-generated revenues derived from the activities of the museum of local interest as specified by cooperative agreement pursuant to R.S. 25:342(A)(8), including ~~the annual Political Hall of Fame induction ceremony and~~ any gift shop on the property or in the building of the museum.

* * *

§380.141. Establishment and location: purpose and use

A. The Louisiana Political Museum and Hall of Fame, referred to in this Chapter as the "museum", is established as a facility in the town of Winnfield, parish of Winn, under the overall jurisdiction of the Department of ~~Culture, Recreation and Tourism~~ **State** as more specifically provided in this Chapter.

* * *

§380.142. Advisory board; creation; domicile; appointment and compensation of members

A. The advisory board of the Louisiana Political Museum and Hall of Fame, referred to in this Chapter as the "board", is hereby created in the Department of ~~Culture, Recreation and Tourism~~ **State**.

* * *

C. The board shall be comprised of twenty members. Nineteen members shall be appointed by the ~~lieutenant governor~~ **secretary of state** from the state of Louisiana who have knowledge of and an interest in the preservation of political history and campaign artifacts of the state of Louisiana. The ~~lieutenant governor~~ **secretary of state**, or his designee, shall be an ex officio member of the board. The members appointed to the board shall be appointed from a list submitted to the ~~lieutenant governor~~ **secretary of state** by the Friends of the Louisiana Political Museum and Hall of Fame and they shall serve terms concurrent with the appointing authority.

* * *

1 E. Each appointment made by the ~~lieutenant governor~~ **secretary of state**
2 shall be subject to confirmation by the Senate.

3 * * *

4 §380.143. Duties and powers of the board

5 * * *

6 B. The board shall:

7 * * *

8 (4) Advise the ~~lieutenant governor~~ **secretary of state** on all matters relating
9 to the operations of the Louisiana Political Museum and Hall of Fame.

10 * * *

11 C. The board may:

12 * * *

13 (2) With approval of the ~~office of the state museum~~ **secretary of state**,
14 contract with consulting experts in the fields of museum administration and
15 conservation of artifacts, audio and video recordings, media, motion picture films,
16 books and papers, and decorative arts and with appraisers, buying agents, designers,
17 engineers, attorneys, accountants, construction and financial experts, and other such
18 persons as may be necessary to carry out the purposes of the museum.

19 * * *

20 §380.144. Operating funds; appropriations by the legislature

21 **A.** The Department of ~~Culture, Recreation and Tourism~~ **State may**
22 include in its annual budget request, required by R.S. 39:32, a request for funds
23 necessary for support of the Louisiana Political Museum and Hall of Fame. The
24 governor ~~shall~~ **may** include in the executive budget submitted to the legislature
25 sufficient funding for the support of operations and maintenance of the museum and
26 its exhibits.

27 **B. Funds appropriated by the legislature to the Department of State for**
28 **the operation of the Louisiana Political Museum and Hall of Fame shall be used**
29 **solely for that purpose and in accordance with the budget plan developed by the**

Department of State. 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.

§380.145. Donations and loans; disposition of property

A. The Department of ~~Culture, Recreation and Tourism~~ **State**, the board, or any nonprofit corporation formed to support the museum and its activities, 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 and as additions to the museum either in the form of loans or in the form of donations inter vivos or mortis causa, and the Department of ~~Culture, Recreation and Tourism~~ **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 museum, through the Department of ~~Culture, Recreation and Tourism~~ **State**, or a nonprofit formed to support the programs and activities of the museum 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, as additions to, or for the benefit of the museum. The museum may serve as the beneficiary of any public or private trust or insurance policy heretofore or hereafter created for such purpose, pursuant to the provision of R.S. 9:2341 et seq.

B. The ~~Board of Directors of the Louisiana State Museum~~ **secretary of state** is granted the authority of deaccession with respect to any collection of the Louisiana Political Museum and Hall of Fame, and for such purpose is exempted from laws relative to the sale or disposal of surplus property. The ~~Board of Directors of the Louisiana State Museum~~ **secretary of state** shall establish policies and procedures necessary to carry out this authority in an orderly manner.

C. * * *

(2)(a) At least once each week for two consecutive weeks, the ~~Board of Directors of the Louisiana State Museum~~ **board of the Louisiana Political Museum and Hall of Fame** shall cause to be published in at least one newspaper of general circulation in the parish of Winn a notice and listing of the property.

(b) The notice shall contain:

* * *

(iii) A statement that if proof of claim is not presented by the claimant to the ~~Board of Directors of the Louisiana State Museum~~ **board of the Louisiana Political Museum and Hall of Fame** and if the claimant's right to receive such property is not established to the satisfaction of the ~~Board of Directors of the Louisiana State Museum~~ **board** 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 Louisiana Political Museum and Hall of Fame.

* * *

§380.146. Use of collections and property

Any collection or other property of the Louisiana Political Museum and Hall of Fame may, subject to approval of the ~~Board of Directors of the Louisiana State Museum~~ **secretary of state**, be lent in part. The ~~Board of Directors of the Louisiana State Museum~~ **secretary of state** shall ensure proper safeguards for its maintenance and return and shall ensure that proper records are kept. The collection or other property shall be available for use in educational projects, subject to the approval of the ~~Board of Directors of the Louisiana State Museum~~ **secretary of state**.

§380.147. Museum administration; secretary of state; powers and duties

The secretary of state may:

(1) Establish, in accordance with the Administrative Procedure Act, policies, rules, and regulations for the operation of the museum.

(2) Authorize reports and recommendations which include the issuance, publication, or distribution of general information documents or pamphlets which are published on a regular basis and are generally known as newsletters.

1 (3) Employ, appoint, remove, and fix the term, compensation, and
2 responsibilities of employees, including, but not limited to, a museum director
3 and a curator.

4 Section 2. R.S. 36:744(DD) and 801.21 are hereby enacted to read as follows:

5 §744. Transfer of boards, commissions, and agencies to the Department of State

6 * * *

7 DD. The Louisiana Political Museum and Hall of Fame (R.S. 25:380.141
8 et seq.) and its advisory board are placed within the Department of State as
9 provided in R.S. 36:801.21.

10 * * *

11 §801.21. Advisory board of the Louisiana Political Museum and Hall of Fame

12 A.(1) The Louisiana Political Museum and Hall of Fame is hereby
13 placed within the Department of State, subject to the provisions of this Section
14 and Chapter 5-Q of Title 25 of the Louisiana Revised Statutes of 1950.

15 (2) The advisory board of the Louisiana Political Museum and Hall of
16 Fame is hereby placed within the Department of State and shall exercise all
17 advisory powers, duties, and functions provided for it by law. The board shall
18 administer and implement all programs provided or authorized by law for it or
19 for the Louisiana Political Museum and Hall of Fame. The board shall exercise
20 the powers, duties, functions, and responsibilities authorized by this Section
21 independently of the secretary of state, except as otherwise provided in this
22 Section. The secretary of state shall be responsible for the performance and
23 administration of the day-to-day operations of the museum, and those museum
24 matters which are in the nature of accounting, payroll, budget control,
25 procurement, data processing, and personnel management. The secretary of
26 state shall employ, appoint, fix the compensation of, remove, assign, and
27 promote such personnel as is necessary for the efficient administration of the
28 museum in accordance with civil service laws, rules, and regulations.

29 B. The board, in cooperation with any nonprofit corporation established

1 to support the Louisiana Political Museum and Hall of Fame, may solicit and
2 accept gifts and donations for the purposes of the Political Museum and Hall of
3 Fame. Any funds so accepted may be expended by the board, the nonprofit
4 corporation, or the Department of State as otherwise provided by law.

5 C.(1) The provisions of R.S. 36:810 and 811 shall be applicable to the
6 museum and its advisory board placed within the Department of State by this
7 Section.

8 (2) No records, books, or papers stored in the museum or on museum
9 premises shall be removed or transferred from the museum vault without the
10 approval of the secretary of state.

11 Section 3. R.S. 25:380.143(C)(3) and R.S. 36:209(W)(2) and (Y) are hereby
12 repealed.

13 Section 4.A. The provisions of this Act shall become effective on July 1, 2011, if
14 vetoed by the governor and subsequently approved by the legislature, the provisions of this
15 Act shall become effective on July 1, 2011, or on the day following such approval by the
16 legislature, whichever is later, except as provided in this Section.

17 B. The secretary of state, the Department of State, the Department of Culture,
18 Recreation and Tourism, and the Friends of the Louisiana Political Museum and Hall of
19 Fame shall take actions prior to July 1, 2011, necessary to implement this Act on July 1,
20 2011, including but not limited to the submission of the initial list of nominees to the
21 secretary of state by the Friends of the Louisiana Political Museum and Hall of Fame before
22 July 1, 2011, for appointment to the governing board of the Louisiana Political Museum and
23 Hall of Fame effective on the effective date of this Act.

24 C. This Section shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

29 Section 5.A. No action shall be taken under the provisions of this Act until all debts

1 or other obligations are secured by or otherwise encumber any property to be transferred to
2 the Department of State have been paid or otherwise removed from such property.

3 B. If the transfer provided for in this Act is not made within four years of July 1,
4 2011, this Act shall be null and void and of no effect.

5 Section 6. This Act shall become effective on the effective date of an appropriation
6 of funds by the legislature to fund the provisions of this Act.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Nancy Vicknair.

DIGEST

Present law provides for the establishment of the La. Political Museum and Hall of Fame ("museum") in the town of Winnfield of Winn parish and places it under the overall jurisdiction of the Dept. of Culture, Recreation, and Tourism.

Present law provides that the office of state museum in the Dept. of Culture, Recreation and Tourism is responsible for the custody, administration, management, operation, maintenance, and preservation of the museum. Proposed law transfers the overall jurisdiction of the museum from the office of state museum in the Dept. of Culture, Recreation, and Tourism to the secretary of state within the Dept. of State.

Present law creates the advisory board ("board") of the museum within the Dept. of Culture, Recreation, and Tourism. Provides for membership and appointment of board members by the lieutenant governor and requires the board to advise the lieutenant governor on all matters relating to the operations of the museum. Authorizes the board to enter into contracts with experts in certain fields in order to carry out the purposes of the museum.

Proposed law transfers the provisions relating to the Dept. of Culture, Recreation, and Tourism to the Dept. of State, and transfers authority from the lieutenant governor to the secretary of state.

Present law provides that museums of local interest include the La. Political Museum and Hall of Fame, the La. Forestry Museum, and the Winn Parish Museum under the jurisdiction of the office of the state museum of the Dept. of Culture, Recreation. Proposed law removes the La. Political Museum and Hall of Fame.

Present law requires the Dept. of Culture, Recreation and Tourism to include a request for funds necessary to support the museum in its annual budget request, and requires the governor to include in his executive budget submitted to the legislature sufficient funding to support the operations and maintenance of the museum and its exhibits.

Proposed law replaces the Dept. of Culture, Recreation and Tourism with the Dept. of State and authorizes, rather than requires, the Dept. of State to include in its annual budget a request for funds necessary to support the museum, and further authorizes, rather than requires, the governor to include in his executive budget sufficient funding for the support of operations and maintenance of the museum and its exhibits.

Proposed law requires that funds appropriated by the legislature to the Dept. of State for operation of the La. Political Museum and Hall of Fame be used solely for the operation and maintenance of the museum and its exhibits, and requires that no administrative costs be charged by the Dept. of State for any services associated with placement of the museum

within its jurisdiction.

Proposed law (R.S. 25:380.147) provides for the administration of the museum and authorizes the secretary of state to:

- (1) Establish policies, rules, and regulations for the operation of the museum in accordance with the Administrative Procedure Act.
- (2) Authorize reports and recommendations which include the issuance, publication, or distribution of general information documents or pamphlets which are published on a regular basis and are generally known as newsletters.
- (3) Employ, appoint, remove, and fix the term, compensation, and responsibilities of employees, including, but not limited to, a museum director and a curator.

Proposed law (R.S. 36:801.21) places the La. Political Museum and Hall of Fame and its advisory board within the Dept. of State and requires the board to exercise all advisory powers, duties, and functions provided for it. Further requires the board to administer and implement all programs authorized by law.

Proposed law requires the secretary of state to be responsible for the performance and administration of the day-to-day operations of the museum, and those museum matters which are in the nature of accounting, payroll, budget control, procurement, data processing, and personnel management. Further requires the secretary of state to employ, appoint, fix the compensation of, remove, assign, and promote such personnel as is necessary for the efficient administration of the museum in accordance with civil service laws, rules, and regulations.

Proposed law authorizes the board, in cooperation with any nonprofit corporation established to support the museum and hall of fame, to solicit and accept gifts and donations for the purposes of the museum, and authorizes any funds accepted on behalf of the museum to be expended by the board, the nonprofit corporation, or the Dept. of State.

Proposed law provides for no records, books, or papers stored in the museum or on museum premises to be removed or transferred from the museum without the approval of the board.

Effective July 1, 2011. Requires the Dept. of State, the secretary of state, the Dept. of Culture, Recreation and Tourism, and the Friends of the La. Political Museum and Hall of Fame to take actions prior to July 1, 2011, necessary to implement the Act on July 1, 2011.

Proposed law provides that no action be taken under the provisions of proposed law until all debts or other obligations which are secured by or otherwise encumber any property to be transferred to the Dept. of State have been paid or otherwise removed from such property.

Proposed law further provides that if the transfer provided for in proposed law is not made within 4 years of July 1, 2011, proposed law shall be null and void and of no effect. Further provides that the Act shall become effective upon the effective date of a legislative appropriation of funds to finance the provisions of the Act.

(Amends R.S. 25:342(B)(3)(c) through (i), 352(A) and (B)(2)(b), 380.141(A), 380.142(A), (C), and (E), 380.143(B)(4) and (C)(2), 380.144, 380.145(A), (B), (C)(2)(a) and (b)(iii), 380.146; adds R.S. 25:380.147, R.S. 36:744(DD) and 801.21; repeals R.S. 25:380.143(C)(3) and R.S. 36:209(W)(2) and (Y))