
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)]

Long

SB No. 217

Present law provides for the establishment of the La. Political Museum and Hall of Fame ("museum") in the town of Winnfield in 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 museums 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 museums in the Dept. of Culture, Recreation, and Tourism to the secretary of state.

Present law creates the advisory board ("board") of the museum within the Dept. of Culture, Recreation, and Tourism. Present law further 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. Present law further 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 relative 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. Proposed law provides for the secretary of state to appoint the members of the board and requires that, to the extent possible, there be at least one member from each congressional district. Provides that upon the effective date of the Act, the members in office shall be replaced by members appointed as provided in the Act.

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 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.

Present law grants the Board of Directors of the Louisiana State Museum authority of deaccession with respect to museum collections. Also provides procedures by which property deposited with the museum by loan or otherwise, 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 escheat to and become the property of the museum. Includes provisions for advertisement by the state museum board and for the state museum board to determine if any claimant's right is satisfactorily established.

Proposed law transfers this authority and responsibilities to the secretary of state.

Proposed law 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. Proposed law 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 that are in the nature of accounting, payroll, budget control, procurement, data processing, and personnel management. Proposed law 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 that no records, books, or papers stored in the museum or on museum premises are to be removed or transferred from the museum without the approval of the board.

Proposed law provides that no action be taken under the provisions of proposed law until all debts or other obligations that 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, then proposed law is null and void and of no effect.

Effective upon the effective date of a legislative appropriation of funds to finance the provisions of proposed law.

(Amends R.S. 25:342(B)(3)(c) through (h), 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. 342(B)(3)(i) and 380.143(C)(3) and R.S. 36:209(W)(2) and (Y))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Deletes provision of proposed law that the board of the La. Political Museum and Hall of Fame is to exercise its powers, duties, and functions independently of the secretary of state.

2. Deletes provision of proposed law requiring 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 proposed law on July 1, 2011.
3. Deletes provision that proposed law is effective upon signature of the governor.

Senate Floor Amendments to engrossed bill.

1. Requires secretary of state, to the greatest extent possible, to appoint at least one member who resides in each congressional district to the advisory board.
2. Legislative Bureau technical amendments.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the reengrossed bill.

1. Provides that upon the effective date of the Act, the members in office shall be replaced by members appointed as provided in the Act.
2. Relative to procedures by which property deposited with the museum to which no person has made claim escheats to the museum, changes proposed law that the museum advisory board shall publish advertisements and determine if claimant's right is established and provides instead that this shall be the responsibility of the secretary of state.