

2015 Regular Session

HOUSE BILL NO. 451

BY REPRESENTATIVE SCHEXNAYDER

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

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

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AN ACT

To amend and reenact R.S. 25:380.75 and 380.76 and R.S. 36:744(U) and 851(A), and to repeal R.S. 25:380.72, 380.73, 933(2), and 941, R.S. 36:209(T), 509(R) and (T), and 801.14, Part XXV of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.171 through 3087.185, and Part XXIX of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.241 through 3087.255, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the functional organization of state government by abolishing certain boards, commissions, councils, authorities, districts, and like entities; to transfer certain powers, functions, and duties; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Allen Parish Reservoir District and its board of commissioners, the Historic Cemetery Trust Advisory Board, and the West Ouachita Parish Reservoir District and its board of commissioners; to remove references to, provisions for, and the powers, functions, and duties of the governing board of the Jean Lafitte Marine Fisheries Museum and transfer specific authority over the museum to the secretary of state and the Department of State; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. The legislature finds that abolishing, transferring, and consolidating
3 certain boards, commissions, and other statutorily-created entities are in the public interest
4 when such entities no longer serve a public purpose. Pursuant to the recommendations
5 contained in the December 18, 2013, Legislative Auditor Report to the Legislature titled
6 "Boards, Commissions, and Like Entities" and other information, it is the intent of the
7 legislature to abolish, transfer, and consolidate boards, commissions, and other
8 statutorily-created entities as provided in this Act.

9 **Allen Parish Reservoir District and its board of commissioners**

10 Section 2. R.S. 36:509(R) and Part XXV of Chapter 13 of Title 38 of the Louisiana
11 Revised Statutes of 1950, comprised of R.S. 38:3087.171 through 3087.185, are hereby
12 repealed in their entirety.

13 **Historic Cemetery Trust Advisory Board**

14 Section 3. R.S. 25:933(2) and 941 and R.S. 36:209(T) are hereby repealed in their
15 entirety.

16 **Governing board of the Jean Lafitte Marine Fisheries Museum**

17 Section 4.(A) R.S. 25:380.75 and 380.76 are hereby amended and reenacted to read
18 as follows:

19 §380.75. Donations and loans; disposition of property

20 A. The Department of State ~~and the board, jointly or separately,~~ may solicit
21 and accept funds, governmental grants, donation, and contributions of lands,
22 buildings, monies, relics, works of art, or other property on behalf of and as additions
23 to the museum either in the form of loans or in the form of donations inter vivos or
24 mortis causa, and the Department of State may acquire them by purchase, lease, or
25 otherwise, subject to the terms, conditions, or limitations contained in the instrument
26 by which such property is acquired. ~~However, the board may enter into any and all~~
27 ~~contracts with any person, lender, or donor that it may deem fit, proper, and~~
28 ~~necessary to accept and receive such lands, buildings, monies, relics, works of art,~~
29 ~~or other property on behalf of and as additions to the museum.~~ The museum may

1 serve as the beneficiary of any public trust heretofore or hereafter created for such
2 purpose pursuant to the provisions of R.S. 9:2341 et seq.

3 B. ~~The board shall be granted the authority of deaccession with respect to~~
4 ~~any collection of the museum and, for such purpose, shall be exempt from laws~~
5 ~~relative to the sale or disposal of surplus property. The board shall establish policies~~
6 ~~and procedures necessary to carry out such authority in an orderly manner.~~

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

13 ~~(2)(a) At least once each week for two consecutive weeks, the board shall~~
14 ~~cause to be published in at least one newspaper of general circulation in the parish~~
15 ~~of Jefferson a notice and list of the property.~~

16 ~~(b) The notice shall contain:~~

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

19 ~~(ii) A description of the property.~~

20 ~~(iii) A statement that if proof of claim is not presented by the claimant to the~~
21 ~~board and if the claimant's right to receive such property is not established to the~~
22 ~~satisfaction of the board within sixty-five days from the date of the second published~~
23 ~~notice, the property will be deemed to be abandoned and shall become the property~~
24 ~~of the museum.~~

25 ~~(3) If no valid claim has been made to the property within sixty-five days~~
26 ~~from the date of the second published notice, title to the property shall vest in the~~
27 ~~museum free from all claims.~~

1 §380.76. Use of collections

2 Any collection of the museum may, ~~subject to approval of the board,~~ be lent
3 in part. ~~The board shall insure proper safeguards for its maintenance and return and~~
4 ~~shall insure that proper records are kept.~~ The collections shall be available for use
5 in educational projects, ~~subject to the approval of the board.~~

6 (B) R.S. 36:744(U) and 851(A) are hereby amended and reenacted to read as
7 follows:

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

9 * * *

10 U. The Jean Lafitte Marine Fisheries Museum ~~and its governing board~~ (R.S.
11 25:380.71 et seq.) ~~are~~ is placed within the Department of State as provided in ~~R.S.~~
12 ~~36:801.14~~ R.S. 36:851.

13 * * *

14 §851. Transfer; merger and consolidation of functions

15 A. The powers, duties, functions, responsibilities, programs, and operations
16 as vested by the constitution and laws of this state, of each of the agencies transferred
17 by the provisions of R.S. 36:209(B), 259(C), 409(O), ~~and 610(D), and 744(U)~~ upon
18 and after the date of each such transfer shall be exercised by and be under the
19 administration and control of the secretary of the department to which each is
20 transferred, except for those functions of each which are required to be performed
21 and administered by the undersecretary of each department, as heretofore provided
22 for each by this Title.

23 * * *

24 (C) R.S. 25:380.72 and 380.73 and R.S. 36:801.14 are hereby repealed in their
25 entirety.

26 **West Ouachita Parish Reservoir District and its board of commissioners**

27 Section 5. R.S. 36:509(T) and Part XXIX of Chapter 13 of Title 38 of the Louisiana
28 Revised Statutes of 1950, comprised of R.S. 38:3087.241 through 3087.255, are hereby
29 repealed in their entirety.

1 Section 6. The property and funds, if any, of the entities abolished by this Act whose
 2 functions are not transferred to another entity or official shall be the property of the state and
 3 the state treasurer shall provide for the deposit of such funds in the state treasury to the credit
 4 of the state general fund, after deposit in the Bond Security and Redemption Fund as
 5 otherwise provided by law.

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 451 Engrossed

2015 Regular Session

Schexnayder

Abstract: 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 a different entity is responsible for the functions and responsibilities of the abolished entity.

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.

Historic Cemetery Trust Fund Advisory Board: Present law creates the board to determine the need for an inventory of historic cemeteries and isolated graves to be regulated by the Dept. of Culture, Recreation and Tourism and to maintain any such inventory, to adopt such rules, regulations, standards, and grant application procedures necessary to implement the funding provisions of present law (La. Historic Cemetery Preservation Act), and to establish priorities and criteria to be considered for grants. Proposed law abolishes the board and its functions.

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.

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. 25:380.75 and 380.76 and R.S. 36:744(U) and 851(A); Repeals R.S. 25:380.72, 380.73, 933(2), and 941, R.S. 36:209(T), 509(R) and (T), and 801.14, R.S. 38:3087.171-3087.185, and 3087.241-3087.255)