

ACT No. 401

2015 Regular Session

HOUSE BILL NO. 451

BY REPRESENTATIVE SCHEXNAYDER

1 AN ACT

2 To amend and reenact R.S. 25:380.74(B), 380.75, 380.76, 380.114(B), 380.115, and
3 380.116, R.S. 28:771(B)(1), and R.S. 36:744(U) and (Y) and 851(A) and to repeal
4 R.S. 25:380.72, 380.73, 380.112, 380.113, and Chapter 34 of Title 25 of the
5 Louisiana Revised Statutes of 1950, comprised of R.S. 25:1311 through 1316, R.S.
6 36:509(R) and (T), 801.14, and 801.18, Part XXV of Chapter 13 of Title 38 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.171 through
8 3087.185, Part XXIX of Chapter 13 of Title 38 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 38:3087.241 through 3087.255, and Chapter 37 of Title 46
10 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2500 through 2505,
11 relative to boards, commissions, authorities, districts, and like entities; to provide
12 relative to the functional organization of state government by abolishing certain
13 boards, commissions, councils, authorities, districts, and like entities; to transfer
14 certain powers, functions, and duties; to remove references to certain abolished
15 entities; to remove references to, provisions for, and the powers, functions, and
16 duties of the Allen Parish Reservoir District and its board of commissioners, the
17 South Louisiana Wetlands Discovery Center and its commission, the Louisiana
18 Commission on Addictive Disorders, and the West Ouachita Parish Reservoir
19 District and its board of commissioners; to remove references to, provisions for, and
20 the powers, functions, and duties of the governing board of the Jean Lafitte Marine
21 Fisheries Museum and the governing board of the Chennault Aviation and Military
22 Museum of Louisiana and transfer specific authority over the museums to the
23 secretary of state and the Department of State; and to provide for related matters.

1 Notice of intention to introduce this Act has been published
2 as provided by Article III, Section 13 of the Constitution of
3 Louisiana.

4 Be it enacted by the Legislature of Louisiana:

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

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

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

16 **Governing boards of the Jean Lafitte Marine Fisheries Museum and the Chennault
17 Aviation and Military Museum of Louisiana**

18 Section 3.(A) R.S. 25:380.74(B), 380.75, 380.76, 380.114(B), 380.115, and 380.116
19 are hereby amended and reenacted to read as follows:

20 §380.74. Operating funds; appropriations by the legislature

21 * * *

22 B. Funds appropriated by the legislature to the Department of State for
23 operation of the museum shall be used solely for that purpose and ~~in accordance with~~
24 ~~the budget plan developed by the board~~ to maintain accreditation standards. No
25 administrative costs of any kind shall be charged by the Department of State for any
26 services associated with placement of the museum within the jurisdiction of the
27 department.

28 * * *

1 §380.75. Donations and loans; disposition of property

2 A. The Department of State ~~and the board, jointly or separately,~~ may solicit
 3 and accept funds, governmental grants, donation, and contributions of lands,
 4 buildings, monies, relics, works of art, or other property on behalf of and as additions
 5 to the museum either in the form of loans or in the form of donations inter vivos or
 6 mortis causa, and the Department of State may acquire them by purchase, lease, or
 7 otherwise, subject to the terms, conditions, or limitations contained in the instrument
 8 by which such property is acquired. ~~However, the board may enter into any and all~~
 9 ~~contracts with any person, lender, or donor that it may deem fit, proper, and~~
 10 ~~necessary to accept and receive such lands, buildings, monies, relics, works of art,~~
 11 ~~or other property on behalf of and as additions to the museum.~~ The museum may
 12 serve as the beneficiary of any public trust heretofore or hereafter created for such
 13 purpose pursuant to the provisions of R.S. 9:2341 et seq.

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

18 C.(1) Any property which has been deposited with the museum, by loan or
 19 otherwise, and which has been held by the museum for more than ten years, and to
 20 which no person has made claim shall be deemed to be abandoned and,
 21 notwithstanding the provisions of Chapter 1 of Title XII of Book III of the Louisiana
 22 Civil Code, shall become the property of the museum, provided that Paragraph (2)
 23 of this Subsection has been complied with.

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

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

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

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

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

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

9 §380.76. Use of collections

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

14 * * *

15 §380.114. Operating funds; appropriations by the legislature

16 * * *

17 B. Funds appropriated by the legislature to the Department of State for
 18 operation of the Chennault Aviation and Military Museum of Louisiana shall be used
 19 solely for that purpose ~~and in accordance with the budget plan developed by the~~
 20 ~~board.~~ No administrative costs of any kind shall be charged by the Department of
 21 State for any services associated with placement of the museum within the
 22 jurisdiction of the department.

23 * * *

24 §380.115. Donations and loans; disposition of property

25 A. The Department of State ~~and the board, jointly or separately,~~ may solicit
 26 and accept funds, governmental grants, donations, and contributions of lands,
 27 buildings, monies, artifacts, relics, audio and video recordings, motion picture films,
 28 works of art, or other property on behalf of and as additions to the Chennault
 29 Aviation and Military Museum of Louisiana, either in the form of loans or in the
 30 form of donations inter vivos or mortis causa, and the Department of State may

1 acquire them by purchase, lease, or otherwise, subject to the terms, conditions, or
 2 limitations contained in the instrument by which such property is acquired. ~~However,~~
 3 ~~the board may enter into any and all contracts with any person, lender, or donor that~~
 4 ~~it may deem fit, proper, and necessary to accept and receive such lands, buildings,~~
 5 ~~monies, artifacts, relics, audio and video recordings, motion picture films, works of~~
 6 ~~art, or other property on behalf of and as additions to the Chennault Aviation and~~
 7 ~~Military Museum of Louisiana.~~ The museum may serve as the beneficiary of any
 8 public trust heretofore or hereafter created for such purpose pursuant to the
 9 provisions of R.S. 9:2341 et seq.

10 ~~B. The board is granted the authority of deaccession with respect to any~~
 11 ~~collection of the Chennault Aviation and Military Museum of Louisiana and, for~~
 12 ~~such purpose, is exempted from laws relative to the sale or disposal of surplus~~
 13 ~~property. The board shall establish policies and procedures necessary to carry out~~
 14 ~~this authority in an orderly manner.~~

15 € B.(1) Any property which has been deposited with the Chennault Aviation
 16 and Military Museum of Louisiana, by loan or otherwise, and which has been held
 17 by the museum for more than ten years, and to which no person has made claim shall
 18 be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 of Title
 19 XII of Book III of the Louisiana Civil Code, shall become the property of the
 20 museum, provided that Paragraph (2) of this Subsection has been complied with.

21 (2)(a) At least once each week for two consecutive weeks, the ~~board~~
 22 Department of State shall cause to be published in at least one newspaper of general
 23 circulation in the parish of Ouachita a notice and listing of the property.

- 24 (b) The notice shall contain:
- 25 (i) The name and last known address, if any, of the last known owner or
 - 26 depositor of the property.
 - 27 (ii) A description of the property.
 - 28 (iii) A statement that if proof of claim is not presented by the claimant to the
 - 29 ~~board~~ Department of State and if the claimant's right to receive such property is not
 - 30 established to the satisfaction of the ~~board~~ Department of State within sixty-five days

1 from the date of the second published notice, the property will be deemed to be
2 abandoned and shall become the property of the Chennault Aviation and Military
3 Museum of Louisiana.

4 (3) If no valid claim has been made to the property within sixty-five days
5 from the date of the second published notice, title to the property shall vest in the
6 Chennault Aviation and Military Museum of Louisiana free from all claims.

7 * * *

8 §380.116. Use of collections

9 Any collection of the Chennault Aviation and Military Museum of Louisiana
10 may, subject to approval of the ~~board~~ Department of State, be lent in part. The ~~board~~
11 Department of State shall ensure proper safeguards for its maintenance and return
12 and shall ensure that proper records are kept. The collections shall be available for
13 use in educational projects, subject to the approval of the ~~board~~ Department of State.

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

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

17 * * *

18 U. The Jean Lafitte Marine Fisheries Museum ~~and its governing board~~ (R.S.
19 25:380.71 et seq.) ~~are~~ is placed within the Department of State as provided in ~~R.S.~~
20 ~~36:801.14~~ R.S. 36:851.

21 * * *

22 Y. The Chennault Aviation and Military Museum of Louisiana (R.S. 25:380.111 et
23 seq.) ~~and its governing board~~ are is placed within the Department of State as
24 provided in ~~R.S. 36:801.18~~ R.S. 36:851.

25 * * *

26 §851. Transfer; merger and consolidation of functions

27 A. The powers, duties, functions, responsibilities, programs, and operations
28 as vested by the constitution and laws of this state, of each of the agencies transferred
29 by the provisions of R.S. 36:209(B), 259(C), 409(O), ~~and 610(D)~~, and 744(U) and
30 (Y) upon and after the date of each such transfer shall be exercised by and be under

1 the administration and control of the secretary of the department to which each is
2 transferred, except for those functions of each which are required to be performed
3 and administered by the undersecretary of each department, as heretofore provided
4 for each by this Title.

5 * * *

6 (C) R.S. 25:380.72, 380.73, 380.112, and 380.113 and R.S. 36:801.14 and
7 801.18 are hereby repealed in their entirety.

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

9 Section 4. R.S. 36:509(T) and Part XXIX of Chapter 13 of Title 38 of the Louisiana
10 Revised Statutes of 1950, comprised of R.S. 38:3087.241 through 3087.255, are hereby
11 repealed in their entirety.

12 **South Louisiana Wetlands Discovery Center and its commission**

13 Section 5. Chapter 34 of Title 25 of the Louisiana Revised Statutes of 1950,
14 comprised of R.S. 25:1311 through 1316, is hereby repealed in its entirety.

15 **Louisiana Commission on Addictive Disorders**

16 Section 6.(A) R.S. 28:771(B)(1) is hereby amended and reenacted to read as follows:

17 §771. Office of behavioral health; functions related to addictive disorders

18 * * *

19 B. The office shall additionally perform the following duties and
20 responsibilities:

21 (1) Formulation and implementation of policies relating to the treatment and
22 prevention of addictive disorders in accordance with applicable state law; however,
23 the provisions of this Section ~~and the provisions of Chapter 37 of Title 46 of the~~
24 ~~Louisiana Revised Statutes of 1950~~ shall not apply to the Substance Abuse
25 Prevention Program of the Department of Education and the Highway Safety Act of
26 1966 (P.L. 89-564) administered by the Highway Safety Commission of the
27 Department of Public Safety and Corrections.

28 * * *

29 (B) Chapter 37 of Title 46 of the Louisiana Revised Statutes of 1950,
30 comprised of R.S. 46:2500 through 2505, is hereby repealed in its entirety.

1 ~~Section 6.~~ Section 7. The property and funds, if any, of the entities abolished by this
2 Act whose functions are not transferred to another entity or official shall be the property of
3 the state and the state treasurer shall provide for the deposit of such funds in the state
4 treasury to the credit of the state general fund, after deposit in the Bond Security and
5 Redemption Fund as otherwise provided by law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____