

HOUSE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Reengrossed Senate Bill No. 104 by Senator Milligan

1 AMENDMENT NO. 1

2 On page 1, line 17, delete "380.132(C), 380.133(B) and (C),"

3 AMENDMENT NO. 2

4 On page 2, at the end of line 1, delete "380.137,"

5 AMENDMENT NO. 3

6 On page 19, delete lines 28 and 29 in their entirety and delete pages 20 and 21 in their
7 entirety

8 AMENDMENT NO. 4

9 On page 24, line 15, after "801.16," and before "and" delete "801.20,"

10 AMENDMENT NO. 5

11 On page 30, delete lines 20 through 29 in their entirety and on page 31, delete lines 1
12 through 26 in their entirety and insert

13 " * * *

14 AMENDMENT NO. 6

15 On page 33, between lines 3 and 4, insert the following:

16 "Section 3. R.S. 25:380.132(C) and 380.133(B) and (C) are hereby amended and
17 reenacted and R.S. 25:380.137 is hereby enacted to read as follows:

18 §380.132. Governing board; creation; domicile; appointment and compensation of
19 members

20 * * *

21 C. The board shall be comprised ~~as follows~~ **of the following members:**

22 (1) ~~Seven~~ **Five** members shall be appointed by the secretary of state ~~and six~~
23 ~~members shall be elected~~ **from a list of nominees submitted** by the Friends of the
24 Louisiana Military Hall of Fame and Museum. ~~The speaker of the Louisiana House~~
25 ~~of Representatives, the president of the Louisiana Senate, and the secretary of state~~
26 ~~or their designees shall serve as nonvoting members of the board.~~

27 (2) ~~All members shall serve four-year terms concurrent with the governor.~~
28 **Six members shall be appointed by the secretary of state.**

29 **(3) The secretary of state or his designee shall serve as a member.**

30 ~~(3)(4)~~ Each member shall serve until his successor is appointed and takes
31 office.

32 ~~(4)(5)~~ Each appointment **appointed member** shall be subject to
33 confirmation **confirmed** by the Senate **and shall serve a term concurrent with the**
34 **secretary of state.**

35 ~~(5)(6)~~ Members of the board shall serve without compensation.

36 §380.133. Duties and powers of the board

37 * * *

38 B. The board shall:

1 (1) Meet at least ~~quarterly~~ three times a year at a place determined by a
 2 majority of the board with at least five ~~days~~ days' notice of the time, date, and place
 3 of each meeting given to each member of the board.

4 (2) At any time, call special meetings of the board of directors if a written
 5 notice is signed by the president or by a majority of the directors or executive
 6 committee.

7 ~~(3) Establish, in accordance with the Administrative Procedure Act, policies,~~
 8 ~~rules, and regulations for the operation of the museum, including setting and~~
 9 ~~charging admission and tour fees and user or rental fees to any or all museum~~
 10 ~~buildings and exhibits. Such user or rental fees shall reflect the actual costs of~~
 11 ~~maintenance of the space rented and the market rates for comparable space in the~~
 12 ~~locality of the space rented.~~

13 ~~(4)~~ Advise the secretary of state on all matters relating to the operations of
 14 the Louisiana Military Hall of Fame and Museum.

15 ~~(5)~~(4) Establish and use an identifying seal pertaining to museum business.

16 ~~(6)~~(5) Perform such other functions as are otherwise provided by this
 17 Chapter and R.S. 36:801.20.

18 C. The board may:

19 (1) Elect or appoint any person to act in an advisory capacity or any persons
 20 to an advisory board. Persons serving in such advisory capacity shall not exercise
 21 any of the powers granted to the board of directors.

22 (2) Form an executive committee ~~and/or~~ or other additional committees,
 23 each with its own officers, powers, and duties as the board may determine.

24 (3) Individually, or in cooperation with any nonprofit corporation established
 25 to support the Louisiana Military Hall of Fame and Museum, seek and expend funds
 26 from any source, public or private, to support programs of the museum.

27 ~~(4) Contract with consulting experts in the fields of museum administration~~
 28 ~~and conservation of artifacts, audio and video recordings, motion picture films,~~
 29 ~~books and papers, and decorative arts, and with appraisers, buying agents, designers,~~
 30 ~~engineers, attorneys, accountants, construction and financial experts, and other such~~
 31 ~~persons as may be necessary to carry out the purposes of the museum.~~

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

35 * * *

36 **§380.137. Secretary of state; rules and regulations**

37 **The secretary of state may adopt policies, rules, and regulations for the**
 38 **operation of the museum in accordance with the Administrative Procedure Act.**

39 Section 4. R.S. 36:801.20 is hereby amended and reenacted to read as follows:

40 §801.20. Governing board of the Louisiana Military Hall of Fame and Museum

41 A.(1) The Louisiana Military Hall of Fame and Museum is hereby placed
 42 within the Department of State, subject to the provisions of this Section and Chapter
 43 5-P of Title 25 of the Louisiana Revised Statutes of 1950.

44 (2) The governing board of the Louisiana Military Hall of Fame and
 45 Museum is hereby placed within the Department of State and shall exercise all
 46 powers, duties, functions, and responsibilities provided or authorized for it by law
 47 which are in the nature of ~~polycymaking, rulemaking,~~ regulation, enforcement, or
 48 adjudication. The board shall exercise all advisory powers, duties, and functions
 49 provided for it by law. The board shall administer and implement all programs
 50 provided or authorized by law for it or for the Louisiana Military Hall of Fame and
 51 Museum. ~~The board, with the approval of the secretary of state, shall employ,~~
 52 ~~appoint, fix the compensation of, remove, assign, and promote such personnel as is~~
 53 ~~necessary for the efficient administration of its powers, duties, functions, and~~
 54 ~~responsibilities for the administration of its programs, and in accordance with civil~~
 55 ~~service laws, rules, and regulations. The board shall exercise the powers, duties,~~
 56 ~~functions, and responsibilities and shall administer and implement the programs~~
 57 ~~authorized by this Section independently of the secretary, except as otherwise~~

1 ~~provided in this Section.~~ The board shall be responsible for the performance and
 2 administration of its day-to-day operations, except that the secretary of the
 3 Department of State shall be responsible for those matters which are in the nature of
 4 accounting, payroll, budget control, procurement, data processing, and personnel
 5 management and shall have the authority to transfer or implement any or all of said
 6 functions through the secretary and the department.

7 ~~B. Nothing shall authorize monies, property, or personnel budgeted or~~
 8 ~~assigned to the board or to the museum to be transferred to or to be used by the~~
 9 ~~department without prior approval of the board.~~

10 ~~C.~~ The board may solicit and accept gifts and donations for the purposes of
 11 the Louisiana Military Hall of Fame and Museum. Any funds so accepted may be
 12 expended by the board or by the Department of State as otherwise provided by law.

13 ~~D.C.~~(1) The provisions of R.S. 36:810 and 811 shall be applicable to the
 14 museum and its governing board placed within the Department of State by this
 15 Section.

16 (2) No records, books, or papers stored in the museum vault or on museum
 17 premises shall be removed or transferred from the museum without the approval of
 18 two-thirds of the members of the governing board."

19 AMENDMENT NO. 7

20 On page 33, at the beginning of line 4, change "Section 3." to "Section 5."

21 AMENDMENT NO. 8

22 On page 33, at the beginning line 5, change "Section 4." to "Section 6."

23 AMENDMENT NO. 9

24 On page 33, at the beginning of line 18, change "Section 5." to "Section 7.(A)"

25 AMENDMENT NO. 10

26 On page 33, after line 22, insert the following:

27 "(B) Notwithstanding the provisions of Subsection A of this Section, the provisions
 28 of Sections 3 and 4 of this Act shall not become effective if House Bill No. 213 of this 2020
 29 Regular Session of the Legislature is enacted and becomes effective and the reference to the
 30 Louisiana Military Hall of Fame and Museum in Section 6 of this Act is void if House Bill
 31 213 of this 2020 Regular Session of the Legislature is enacted and becomes effective."