

2022 Regular Session

HOUSE BILL NO. 889

BY REPRESENTATIVES MAGEE, DUBUISSON, EDMONDS, FARNUM, GLOVER,
LYONS, MARCELLE, AND STAGNI

MUSEUMS/STATE MUSEUM: Establishes the Dew Drop-America's Rock and Roll
Museum within the Department of Culture, Recreation and Tourism

1 AN ACT

2 To enact Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 25:380.41 through 45, and R.S. 36:209(C)(5), relative to museums; to
4 establish the Dew Drop-America's Rock and Roll Museum as a facility within
5 Orleans Parish; to place the museum under the jurisdiction of the Department of
6 Culture, Recreation and Tourism; to provide for an effective date; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 5-G of Title 25 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 25:380.41 through 45, is hereby enacted to read as follows:

11 CHAPTER 5-G. DEW DROP-AMERICA'S ROCK AND ROLL MUSEUM

12 §380.41. Establishment and location: purpose and use

13 A. The Dew Drop-America's Rock and Roll Museum, referred to in this
14 Chapter as the "museum", is established as a facility in the parish of Orleans, under
15 the overall jurisdiction of the Department of Culture, Recreation and Tourism,
16 referred to in this Chapter as the department, as more specifically provided in this
17 Chapter.

18 B. The museum shall be a historical, cultural, scientific, and technological
19 educational institution whose primary purpose shall be to research, collect, preserve,

1 and present, as an educational resource, the music, recordings, pictures, documents,
2 artifacts, objects of art, and the like that reflect the social, cultural, and economic
3 history of rock and roll music in the state of Louisiana and in the Orleans Parish area
4 in particular.

5 §380.42. Governing board

6 A. The board of directors of the museum, referred to in this Chapter as the
7 "board", is hereby created within the department. The board shall have and exercise
8 all powers, duties, functions, and responsibilities authorized for it by law.

9 B. The board is comprised as follows:

10 (1) The lieutenant governor shall appoint one member.

11 (2) The LaSalle Cultural Corridor Commission shall appoint one member.

12 (3) The mayor of New Orleans shall appoint one member.

13 (4) The New Orleans city council shall appoint one member.

14 (5) The board of trustees of the Recording Academy shall appoint one
15 member.

16 (6) The members of the board appointed pursuant to Paragraphs (1) through
17 (5) of this Subsection shall appoint two members who represent cultural institutions
18 or culture-sector industries in Louisiana.

19 C.(1) Members of the board shall serve four-year terms after initial terms as
20 provided in this Paragraph. Two members shall serve an initial term of one year, one
21 shall serve an initial term of two years, one shall serve an initial term of three years,
22 and one shall serve an initial term of four years, as determined by lot at the first
23 meeting of the board.

24 (2) Members shall serve without compensation.

25 (3) A majority of the board shall constitute a quorum for the transaction of
26 official business. All official actions of the board shall require the affirmative vote
27 of a majority of the members present and voting.

28 D. The board shall:

29 (1) Meet at least three times a year at the call of the board chairman.

1 (2) Adopt bylaws, which shall include provisions for the following:

2 (a) The election and responsibilities of the officers of the board, including
3 a chairman and vice chairman, who shall serve terms of two years.

4 (b) The selection and responsibilities of advisors to the board. The board
5 may appoint not more than five advisors who shall serve without compensation.

6 (c) The appointment, duties, and functions of standing and special
7 committees of the board, including the appointment of nonboard members to such
8 committees and their functions.

9 (3) Advise the lieutenant on all matters relating to the operations of the
10 museum.

11 (4) Establish and use an identifying seal pertaining to museum business.

12 (5) Perform such other functions as are otherwise provided by this Chapter.

13 E. The board may individually, or in cooperation with any nonprofit
14 corporation established to support the museum, seek funds from any source, public
15 or private, to support programs of the museum and expend such funds for such
16 purpose.

17 §380.43. Operating funds; appropriations by the legislature

18 The department shall include in its annual budget request, required by R.S.
19 39:32, a request for funds necessary for support of the museum. The governor shall
20 include in the executive budget submitted to the legislature sufficient funding for the
21 support of operations and maintenance of the museum and its exhibits.

22 §380.44. Donations and loans; disposition of property

23 A. The department or any nonprofit corporation formed to support the
24 museum and its activities, jointly or separately, may solicit and accept funds,
25 governmental grants, donations, and contributions of lands, buildings, monies,
26 artifacts, relics, audio and video recordings, motion picture films, works of art, or
27 other property on behalf of and as additions to the museum either in the form of
28 loans or in the form of donations inter vivos or mortis causa, and the department may
29 acquire them by purchase, lease, or otherwise, subject to the terms, conditions, or

1 limitations contained in the instrument by which such property is acquired.
2 However, the museum, through the department or a nonprofit formed to support the
3 programs and activities of the museum, may enter into any and all contracts with any
4 person, lender, or donor that it deems fit, proper, and necessary to accept and receive
5 such lands, buildings, monies, artifacts, relics, audio and video recordings, motion
6 picture films, works of art, or other property on behalf of, as additions to, or for the
7 benefit of the museum. The museum may serve as the beneficiary of any public or
8 private trust or insurance policy created for such purpose, pursuant to the provision
9 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 museum, and for such purpose is exempted from laws relative to the
12 sale or disposal of surplus property. The board shall establish policies and
13 procedures necessary to carry out this authority in an orderly manner.

14 C.(1) Any property that has been deposited with the museum by loan or
15 otherwise, that has been held by the museum for more than ten years, and that no
16 person has made claim shall be deemed to be abandoned and, notwithstanding the
17 provisions of Chapter 1 of Title XII of Book III of the Louisiana Civil Code, shall
18 escheat to and become the property of the museum, if the board complies with
19 Paragraph (2) of this Subsection.

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

23 (b) The notice shall contain:

24 (i) The name and last known address, if any, of the last known owner or
25 depositor of the property.

26 (ii) A description of the property.

27 (iii) A statement that if proof of claim is not presented by the claimant to the
28 board and if the claimant's right to receive such property is not established to the
29 satisfaction of the board within sixty-five days from the date of the second published

1 notice, the property will be deemed to be abandoned and shall become the property
2 of the museum.

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

6 §380.45. Use of collections and property

7 Any collection or other property of the museum may, subject to approval of
8 the board, be lent in part. The board shall ensure proper safeguards for its
9 maintenance and return and shall ensure that proper records are kept. The collection
10 or other property shall be available for use in educational projects, subject to the
11 approval of the board.

12 Section 2. R.S. 36:209(C)(5) is hereby enacted to read as follows:

13 §209. Transfer of boards, commissions, departments, and agencies to Department
14 of Culture, Recreation and Tourism

15 * * *

16 C. The following agencies are hereby placed within the Department of
17 Culture, Recreation and Tourism and shall exercise and perform their powers, duties,
18 functions, and responsibilities in accordance with the provisions of R.S. 36:801.1:

19 * * *

20 (5) Board of directors of the Dew Drop-America's Rock and Roll Museum
21 (R.S. 25:380.41 et seq.).

22 * * *

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

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 889 Engrossed

2022 Regular Session

Magee

Abstract: Establishes the Dew Drop-America's Rock and Roll Museum as a facility in Orleans Parish.

Proposed law establishes the Dew Drop-America's Rock and Roll Museum as a facility in the parish of Orleans. Provides that the museum shall research, collect, preserve, and present, as an educational resource, the music, recordings, pictures, documents, artifacts, objects of art, and the like that reflect the social, cultural, and economic history of rock and roll music in the state and in the Orleans Parish area in particular.

Proposed law creates the board of directors of the museum to govern the museum. Provides that the board is comprised as follows:

- (1) The lieutenant governor shall appoint one member.
- (2) The LaSalle Cultural Corridor Commission shall appoint one member.
- (3) The mayor of New Orleans shall appoint one member.
- (4) The New Orleans city council shall appoint one member.
- (5) The board of trustees of the Recording Academy shall appoint one member.
- (6) The members of the board appointed as provided above shall appoint two members who represent cultural institutions or culture-sector industries in La.

Proposed law provides that members serve four-year staggered terms without compensation.

Proposed law requires the board to:

- (1) Meet at least three times a year at the call of the board chairman.
- (2) Adopt bylaws.
- (3) Advise the lieutenant on all matters relating to the operations of the museum.
- (4) Establish and use an identifying seal pertaining to museum business.

Proposed law authorizes the board, individually or in cooperation with any nonprofit corporation established to support the museum, to seek funds from any source to support programs of the museum and expend such funds for such purpose.

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

Proposed law authorizes the department and any nonprofit corporation formed to support the museum, jointly or separately, to solicit and accept funds and other property for the museum either as loans or donations and provides with respect thereto. Authorizes the museum to

serve as the beneficiary of any public or private trust or insurance policy created for such purpose. Grants the board authority of deaccession with respect to any collection of the museum and in case of such deaccessions exempts the board from present law relative to sale or disposal of surplus property. Requires board policies and procedures to carry out such authority.

Proposed law provides relative to unclaimed property loaned to or otherwise left with the museum. Provides that such property shall become property of the museum after 10 years and after notice according to specified procedures. Provides relative to loans of museum property. Provides that museum collections shall be available for use in educational projects subject to board approval.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 25:380.41-380.45 and R.S. 36:209(C)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Provide that members serve four-year staggered terms rather than terms concurrent with the lt. governor.
2. Change the relationship between the museum's board and the Dept. of Culture, Recreation and Tourism.
3. Provide for an emergency effective date.