

2022 Regular Session

HOUSE BILL NO. 889

BY REPRESENTATIVES MAGEE, DUBUISSON, EDMONDS, FARNUM, GAROFALO,  
GLOVER, LANDRY, 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 within the Department of Culture, Recreation  
6 and Tourism; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

11 §380.41. Establishment and location: purpose and use

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

16 B. The museum shall be a historical, cultural, scientific, and technological  
17 educational institution whose primary purpose shall be to research, collect, preserve,  
18 and present, as an educational resource, the music, recordings, pictures, documents,  
19 artifacts, objects of art, and the like that reflect the social, cultural, and economic

1 history of rock and roll music in the state of Louisiana and in the Orleans Parish area  
2 in particular.

3 §380.42. Governing board

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

8 B. The board is comprised as follows:

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

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

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

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

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

15 (6) The speaker of the House of Representatives or his designee.

16 (7) The president of the Senate or his designee.

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

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

25 (2) Members shall serve without compensation.

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

1           D. The board shall:

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

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

4           (a) The election and responsibilities of the officers of the board, including  
5 a chairman and vice chairman, who shall serve terms of two years. The member  
6 appointed pursuant to Paragraph (A)(6) of this Section shall call the first meeting of  
7 the board of directors and serve as the chairman until the election of a chairman in  
8 accordance with this Subparagraph.

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

11           (c) The appointment, duties, and functions of standing and special  
12 committees of the board, including the appointment of nonboard members to such  
13 committees and their functions.

14           (3) Establish and use an identifying seal pertaining to museum business.

15           (4) Perform such other functions as are otherwise provided by this Chapter.

16           E. The board may:

17           (1) Incur debt.

18           (2) Sue and be sued.

19           (3) Adopt, use, and alter at will a corporate seal.

20           (4) Adopt bylaws and rules and regulations.

21           (5) Receive by gift, grant, donation, or otherwise any sum of money,  
22 property, aid, or assistance from the United States, the state of Louisiana, or any  
23 political subdivision thereof, or any person, firm, or corporation.

24           (6) Enter into contracts, agreements, or cooperative endeavors with the state  
25 and its political subdivisions or political corporations and with any public or private  
26 association, corporation, business entity, or individual. Pursuant to such a contract,  
27 the department may offer technical assistance and operational support to the board.

28           (7) Elect officers and appoint agents and employees, prescribe their duties,  
29 and fix their compensation.

1           (8) Acquire property by purchase, gift, grant, donation, or lease.

2           (9) Establish monetary, bank, and investment accounts.

3           (10) Perform or have performed any other function or activity necessary or  
4 appropriate to carry out and effectuate the purposes and provisions of this Chapter.

5           §380.43. Operating funds; appropriations by the legislature

6           The department may include in its annual budget request, required by R.S.  
7 39:32, a request for funds necessary for support of the museum. The governor shall  
8 include in the executive budget submitted to the legislature sufficient funding for the  
9 support of operations and maintenance of the museum and its exhibits.

10          §380.44. Donations and loans; disposition of property

11           A. The board may individually or in cooperation with any nonprofit  
12 corporation established to support the museum and its activities solicit and accept  
13 funds, governmental grants, donations, and contributions of lands, buildings, monies,  
14 artifacts, relics, audio and video recordings, motion picture films, works of art, or  
15 other property on behalf of and as additions to the museum either in the form of  
16 loans or in the form of donations inter vivos or mortis causa, and the department may  
17 acquire them by purchase, lease, or otherwise, subject to the terms, conditions, or  
18 limitations contained in the instrument by which such property is acquired.  
19 However, the museum, through the department or a nonprofit formed to support the  
20 programs and activities of the museum, may enter into any and all contracts with any  
21 person, lender, or donor that it deems fit, proper, and necessary to accept and receive  
22 such lands, buildings, monies, artifacts, relics, audio and video recordings, motion  
23 picture films, works of art, or other property on behalf of, as additions to, or for the  
24 benefit of the museum. The museum may serve as the beneficiary of any public or  
25 private trust or insurance policy created for such purpose, pursuant to the provision  
26 of R.S. 9:2341 et seq.

27           B. The board is granted the authority of deaccession with respect to any  
28 collection of the museum, and for such purpose is exempted from laws relative to the

1 sale or disposal of surplus property. The board shall establish policies and  
2 procedures necessary to carry out this authority in an orderly manner.

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

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

12 (b) The notice shall contain:

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

15 (ii) A description of the property.

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

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

24 §380.45. Use of collections and property

25 Any collection or other property of the museum may, subject to approval of  
26 the board, be lent in part. The board shall ensure proper safeguards for its  
27 maintenance and return and shall ensure that proper records are kept. The collection  
28 or other property shall be available for use in educational projects, subject to the  
29 approval of the board.

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

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

4 \* \* \*

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

8 \* \* \*

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

11 \* \* \*

12 Section 3. This Act shall become effective upon signature by the governor or, if not  
13 signed by the governor, upon expiration of the time for bills to become law without signature  
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16 effective on the day following such approval.

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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)]

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HB 889 Reengrossed                      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 speaker of the House of Representatives or his designee.
- (7) The president of the Senate or his designee.
- (8) 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) Establish and use an identifying seal pertaining to museum business.

Proposed law specifies that the board of directors is created as a body corporate and grants it powers typical of corporate bodies including the power to acquire and possess property, enter contracts, adopt bylaws, and elect officers.

Proposed law authorizes the 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 board, individually or in cooperation with a nonprofit corporation formed to support the museum, 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.

The House Floor Amendments to the engrossed bill:

1. Add two members to the board of directors, the speaker of the House of Representatives and the president of the Senate or their designees.
2. Remove advising the lt. governor as a duty of the board.
3. Specify that the board is created as a body corporate and grant the board powers typical of a corporate body.
4. Relative to requests for state funds for the museum, authorize, rather than require, the department to include such requests in its annual budget request.
5. Relative to solicitation and acceptance of donations, authorize the board individually or in cooperation with a nonprofit corporation to take such actions rather than the department and any nonprofit corporation, acting jointly or separately.