

2022 Regular Session

HOUSE BILL NO. 889

BY REPRESENTATIVES MAGEE, DUBUISSON, EDMONDS, FARNUM, GAROFALO, GLOVER, LANDRY, LYONS, MARCELLE, AND STAGNI AND SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CONNICK, CORTEZ, FESI, HENSGENS, HEWITT, JACKSON, FRED MILLS, MIZELL, PRICE, REESE, SMITH, STINE, AND WOMACK

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 serving pursuant to Paragraphs (1) through (7)  
 18 of this Subsection shall appoint two additional members who represent cultural  
 19 institutions or culture-sector industries in Louisiana.

20 C.(1) Appointed members of the board shall serve four-year terms except  
 21 that members appointed pursuant to Paragraphs (B)(1) through (5) of this Section  
 22 shall serve initial terms as provided in this Paragraph. Two members shall serve an  
 23 initial term of one year, one shall serve an initial term of two years, one shall serve  
 24 an initial term of three years, and one shall serve an initial term of four years, as  
 25 determined by lot at the first meeting of the board.

26 (2) Members shall serve without compensation except per diem or expenses  
 27 reimbursement to which they may be individually entitled as members of the  
 28 constituent organizations.

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

4                   D. The board shall:

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

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

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

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

14                   (c) The appointment, duties, and functions of standing and special  
 15                   committees of the board, including the appointment of nonboard members to such  
 16                   committees and their functions.

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

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

19                   E. The board may:

20                   (1) Incur debt.

21                   (2) Sue and be sued.

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

23                   (4) Adopt bylaws and rules and regulations.

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

27                   (6) Enter into contracts, agreements, or cooperative endeavors with the state  
 28                   and its political subdivisions or political corporations and with any public or private

1 association, corporation, business entity, or individual. Pursuant to such a contract,  
2 the department may offer technical assistance and operational support to the board.

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

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

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

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

9 §380.43. Operating funds; appropriations by the legislature

10 The department may include in its annual budget request, required by R.S.  
11 39:32, a request for funds necessary for support of the museum. The governor shall  
12 include in the executive budget submitted to the legislature sufficient funding for the  
13 support of operations and maintenance of the museum and its exhibits.

14 §380.44. Donations and loans; disposition of property

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

1           ~~private trust or insurance policy created for such purpose, pursuant to the provision~~  
2           ~~of R.S. 9:2341 et seq.~~

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

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

13          (2)(a) For property deposited with the museum on loan, the museum shall  
14          contact the lender of the property by written notice sent by certified mail to the last  
15          known address of the lender. If the written notice by certified mail is returned for any  
16          reason, the museum shall make a reasonable and diligent effort to provide actual  
17          notice to the lender of the property by:

18          (i) Contacting the lender of the property by first class mail at the last known  
19          address of the lender.

20          (ii) At least once each week for two consecutive weeks, the board shall cause  
21          to be published in the official journal of the parish of the last known address of the  
22          lender of the property, and, if the last known address is in a parish other than  
23          Orleans, in at least one newspaper of general circulation in the parish of Orleans, a  
24          notice and listing of the property as provided in Subparagraph (c) of this Paragraph.

25          (b) For property held by the museum that was not deposited on loan, at least  
26          once each week for two consecutive weeks, the board shall cause to be published in  
27          at least one newspaper of general circulation in the parish of Orleans a notice and  
28          listing of the property.

29          (c) Notices mailed or published pursuant to this Subsection shall contain:

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

3                   (ii) A description of the property.

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

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

12                   §380.45. Use of collections and property

13                   Any collection or other property of the museum may, subject to approval of  
 14                   the board, be lent in part. The board shall ensure proper safeguards for its  
 15                   maintenance and return and shall ensure that proper records are kept. The collection  
 16                   or other property shall be available for use in educational projects, subject to the  
 17                   approval of the board.

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

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

21   \*           \*           \*

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

25   \*           \*           \*

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

28   \*           \*           \*

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_