

2016 Regular Session

SENATE BILL NO. 276

BY SENATOR MIZELL

HISTORIC PRESERVATION. Creates for the Louisiana Heritage Protection Commission.  
(gov sig)

1 AN ACT

2 To enact Chapter 4-C of Title 25 of the Louisiana Revised Statutes of 1950, comprised of  
3 R.S. 25:331 through 335, and R.S. 36:309(AA), relative to the creation of the  
4 Louisiana Heritage Protection Commission; to provide for the board of  
5 commissioners; to provide for definitions; to provide for certain protections and  
6 exemptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 4-C of Title 25 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 25:331 through 335 is hereby enacted to read as follows:

10 **CHAPTER 4-C. LOUISIANA HERITAGE PROTECTION COMMISSION**

11 **§331. Creation of commission**

12 **There is created a state historical commission, to be known as the**  
13 **Louisiana Heritage Protection Commission.**

14 **§332. Definitions**

15 **For the purpose of this Chapter, the following shall mean:**

16 **(1) "Commission" means the Louisiana Heritage Protection**  
17 **Commission.**

1           (2) "Historic conflict" means any war, battle, or military conflict in  
2           which citizens of the United States or any state or territory of the United States  
3           have participated in, including, but not limited to, the French and Indian War,  
4           American Revolution, War of 1812, United States-Mexican War, the War  
5           Between the States, Spanish American War, the Mexican border period, World  
6           War I, World War II, the Korean War, the Vietnam War, Operation Urgent  
7           Fury (Grenada), Operation El Dorado Canyon (Libya), Operation Just Cause  
8           (Panama), Operation Desert Shield/Desert Storm (Persian Gulf War I),  
9           Operation Enduring Freedom (Afghanistan), and Operation Iraqi Freedom  
10           (Persian Gulf War II).

11           (3) "Historic entity" means any entity recognized as having state,  
12           national, military, or historical significance.

13           (4) "Historic event" means any event recognized as having state,  
14           national, military, or historical significance.

15           (5) "Historic figure" means any individual who has been recognized as  
16           having served in any historic conflict, historic event, historic entity, public  
17           office, or in public service.

18           (6) "Historic organization" means any entity that has as one or more of  
19           its material missions as the recognition or preservation of any historic conflict,  
20           historic entity, historic event, or historic figure.

21           (7) "Memorial" means:

22           (a) Any public real property or park, preserve, or reserve located on  
23           public property that has been named or dedicated in honor of any historic  
24           conflict, historic entity, historic event, historic figure, or historic organization.

25           (b) Any statue, monument, memorial, bust, nameplate, plaque, artwork,  
26           flag, historic display, school, street, bridge, or building that has been erected  
27           for, named, or dedicated on public property in honor of any historic conflict,  
28           historic entity, historic event, historic figure, or historic organization.

29           (8) "Public property" means all property owned, leased, rented,

1 managed, or maintained by or under the authority of this state, any parish,  
2 municipality, metropolitan government, or any other public entity that is  
3 created by act of the general assembly to perform any public function.

4 §333. Membership

5 A. The Louisiana Heritage Protection Commission shall be composed of  
6 seven members, as follows:

7 (1) The secretary of the Department of Culture, Recreation and Tourism.

8 (2) One member from the first Louisiana congressional district  
9 appointed by the president of the Senate.

10 (3) One member from the second Louisiana congressional district  
11 appointed by the president of the Senate.

12 (4) One member from the third Louisiana congressional district  
13 appointed by the president of the Senate.

14 (5) One member from the fourth Louisiana congressional district  
15 appointed by the speaker of the House of Representatives.

16 (6) One member from the fifth Louisiana congressional district  
17 appointed by the speaker of the House of Representatives.

18 (7) One member from the sixth Louisiana congressional district  
19 appointed by the speaker of the House of Representatives.

20 B. (1) The names of the persons who are to serve on the commission shall  
21 be selected by the president of the Senate and the speaker of the House of  
22 Representatives on or before September 1, 2016.

23 (2) The president of the Senate and the speaker of the House of  
24 Representatives shall call the first meeting of the commission which shall be  
25 held on or before September 15, 2016.

26 (3) At the first meeting, the members of the commission shall elect from  
27 their membership a chairman and vice chairman and such other officers as the  
28 commission may deem advisable. The president of the Senate or his designee or  
29 the speaker of the House or his designee shall preside over the commission until

1 the chairman is elected by the commission.

2 C. The members of the commission shall be appointed as provided and  
3 shall serve a four-year term consecutive with that of the governor.

4 D. The members of the board shall serve without compensation.

5 §334. Protection of memorial

6 A. Except as otherwise provided in this Section, no memorial regarding  
7 a historic conflict, historic entity, historic event, historic figure, or historic  
8 organization that is, or is located on, public property, may be removed,  
9 renamed, relocated, altered, rededicated, or otherwise disturbed or altered.

10 B. Notwithstanding the provisions of this Section, a public entity having  
11 responsibility for maintaining a memorial, or a nonprofit entity acting with  
12 permission of the public entity, shall have the authority to take proper and  
13 appropriate measures, and exercise proper and appropriate means, for the care,  
14 preservation, protection, repair, and restoration of the memorial.

15 §335. Powers; duties

16 A. A public entity exercising control of a memorial may petition the  
17 commission for a waiver of the provisions of R.S. 25:334.

18 B. The petition for waiver shall be in writing, in a form provided by the  
19 commission. The petition for waiver shall be filed with the commission with  
20 proof of public notice.

21 C. Prior to filing the petition for waiver, the public entity seeking a  
22 waiver shall publish notice of the petition for waiver on the web site of the  
23 public entity, if any, and in the official journal serving the geographical area of  
24 the memorial and one in the official state journal. The notice shall state the  
25 basis on which the waiver is sought and shall provide that a copy of the petition  
26 and all supporting reports will be provided to any interested party at no cost  
27 upon written request submitted to the public entity filing or intending to file the  
28 petition for waiver.

29 D. The commission shall establish procedures for the hearing,

1 **consideration, and granting of a waiver.**

2 **E. The commission shall be subject to the open meetings law and shall**  
3 **maintain records for all proceedings.**

4 Section 2. R.S. 36:209(AA) is hereby enacted to read as follows:

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

7 \* \* \*

8 **(AA) The Louisiana Heritage Protection Commission is placed within the**  
9 **Department of Culture, Recreation and Tourism as provided in R.S. 25:331**  
10 **through 335.**

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Margaret M. Corley.

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DIGEST

SB 276 Original                      2016 Regular Session                      Mizell

Proposed law creates the Louisiana Heritage Protection Commission within the Dept. of Culture, Recreation and Tourism.

Proposed law provides for definitions.

Proposed law provides that the commission shall have seven members:

- (1) The secretary of the Dept. of Culture, Recreation and Tourism.
- (2) Three members appointed by the president of the Senate (1st, 2nd, and 3rd congressional district).
- (3) Three members appointed by the speaker of the House (4th, 5th, and 6th congressional district).

Proposed law provides that the appointment of the members shall be subject to confirmation by the Senate.

Proposed law provides that all members shall serve a four-year term consecutive with that of the governor.

Proposed law provides that no memorial, as defined in proposed law, may be removed, renamed, relocated, altered, rededicated, or otherwise disturbed.

Proposed law provides that a public entity exercising control of a memorial my petition the commission for a waiver in a form provided by the committee.

Proposed law provides the requirements for a petition for a waiver, including notice.

Proposed law provides that the commission shall establish procedures for the hearing, consideration, and granting of a waiver.

Proposed law provides that the commission shall be subject to the open meetings law and shall maintain records for all proceedings.

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

(Adds R.S. 25:331-335 and R.S. 36:209(AA))