

1 HB437
2 128574-2
3 By Representative Oden
4 RFD: State Government
5 First Read: 05-APR-11

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To create the Governor's Mansion Authority to preserve, operate, and maintain the Alabama Governor's Mansion; to provide for the duties and responsibilities of the authority; to provide for the funding and employees of the authority; to repeal Sections 41-9-530 to 41-9-532, inclusive, Code of Alabama 1975, which relates to the Governor's Mansion Advisory Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "First Lady Dianne Bentley Governor's Mansion Preservation Act."

Section 2. (a) There is created the Governor's Mansion Authority to preserve, operate, and maintain the Alabama Governor's Mansion, also known as the Ligon House, located on South Perry Street in Montgomery, Alabama, the adjacent historic property known as the John Blue-Hill House on South Perry Street, and such adjacent properties as shall be acquired from time to time, hereinafter designated the Governor's Mansion Complex. The Governor's Mansion Complex means the state-owned property within the area bounded on the

1 north by Cromwell Street, bounded on the east by South Perry
2 Street, bounded on the south by Finley Avenue, and bounded on
3 the west by South Court Street.

4 (b) The purposes of the authority shall be to
5 preserve and maintain the Governor's Mansion and to protect
6 the historical and architectural integrity of the mansion
7 exterior, interior, contents, and grounds; to develop,
8 maintain, and operate the Governor's Mansion Complex as an
9 appropriate setting for carrying on the official and
10 ceremonial functions of the state, including, but not limited
11 to, the recruitment of industry; and to provide a suitable
12 housing for the Governor and the family of the Governor in
13 comfortable, private, and physically secure quarters within
14 the Governor's Mansion Complex, including the Hill House.

15 Section 3. (a) The authority shall be composed of
16 the following members or their designees:

17 (1) The Director of the Alabama Department of
18 Archives and History.

19 (2) The Director of the Technical Staff of the
20 Alabama Building Commission.

21 (3) The Finance Director of the State of Alabama.

22 (4) The Executive Director of the Alabama Historical
23 Commission.

24 (5) The senior collections curator of the Alabama
25 Department of Archives and History.

26 (6) The chief architectural historian of the Alabama
27 Historical Commission.

1 (7) The President of the Alabama Trust for Historic
2 Preservation.

3 (8) The President of the Friends of the Alabama
4 Governor's Mansion.

5 (9) The President of the Business Council of
6 Alabama.

7 (10) The Chairman of the Black Heritage Council.

8 (11) The Executive Director of the Landmarks
9 Foundation of Montgomery.

10 (12) A history teacher to be appointed by the State
11 Superintendent of Education, having demonstrated proficiency
12 and interest in preservation of state history.

13 (13) The Director of the State Black Archives
14 Research Center and Museum.

15 (14) The Director of the Historic Mobile
16 Preservation Society.

17 (15) The President of the Alabama Historical
18 Association.

19 (16) The spouse of the Governor of Alabama.

20 (17) The Executive Director of the Eufaula Heritage
21 Association.

22 (b) At its first meeting each year, the members of
23 the authority shall elect a chair, a vice chair, and a
24 secretary, each of whom shall serve two-year terms. The vice
25 chair shall act in the place of the chair in the chair's
26 absence or disability. The vice chair and secretary shall not
27 serve more than two consecutive terms. The authority shall

1 meet at such times as designated by the authority at a place
2 as is deemed necessary or convenient, but the chair shall call
3 a meeting once a year. The chair may also call a special
4 meeting at any time the chair deems it advisable or necessary.
5 A quorum shall be a simple majority of the authority
6 membership or their designees. Members of the authority or any
7 committee thereof may participate in meetings of the authority
8 or such committees by telephone conference or similar
9 communications equipment through which all persons
10 participating in the meeting can hear each other at the same
11 time, and such participation by the members shall constitute
12 presence at a meeting for all purposes. Members and their
13 designees shall serve without compensation.

14 (c) Except as specified by subsection (a), the
15 authority shall strive, when applicable, to select designees
16 that reflect the racial, geographic, and economic diversity of
17 the state.

18 Section 4. (a) The authority shall constitute a body
19 corporate and shall have, in addition to those powers and
20 responsibilities set out in this act, all powers necessary or
21 convenient to effect the purposes for which it has been
22 established by this act, together with all powers incidental
23 thereto or necessary for the discharge of its powers and
24 duties.

25 (b) The authority shall be a state agency and shall
26 have exclusive control over the Governor's Mansion Complex,
27 all improvements located thereon, and any additions

1 constructed, created, leased, acquired, or erected in
2 connection therewith, including the contents of the Governor's
3 Mansion. Any change to the exterior, interior, and contents of
4 the Governor's Mansion and Hill House requires prior approval
5 of the authority. The private living quarters of the Governor
6 and the family of the Governor, as designated by the
7 authority, are excepted from this requirement for an interior
8 change to the contents or a nonstructural decorative change
9 other than fixtures. The authority may establish and
10 promulgate and, from time to time, alter, amend, or repeal
11 rules concerning the preservation, protection, and use of the
12 Governor's Mansion Complex. The Complex shall be subject to
13 the historic preservation ordinance of the City of Montgomery.

14 (c) The authority shall take possession under deed
15 of the land and other property within the Governor's Mansion
16 Complex. Within 30 days of the effective date of this act, the
17 Finance Director or any and all other state agencies or
18 entities owning property within the Complex shall deed in fee
19 simple such lands and appurtenances to the authority and shall
20 transfer ownership of the entire contents of the Governor's
21 Mansion, the Hill House, and any other structure as audited by
22 the State Auditor, to the authority. The Finance Director
23 shall also sell, give, or lend any personal property necessary
24 or convenient for the operation of the Complex to the
25 authority. The authority also may lease, accept as a gift or
26 loan, or otherwise acquire any property, real or personal,
27 including gifts, bequests of money, or other things of value,

1 to be used in fulfilling the purpose for which it is
2 established, or for any auxiliary purpose incidental or
3 appropriate thereto.

4 (d) Within 30 days of the effective date of this
5 act, the State Treasurer shall deposit all remaining state
6 appropriations for the current fiscal year for the Governor's
7 Mansion into the Governor's Mansion Preservation Fund in the
8 State Treasury, established pursuant to subsection (d) of
9 Section 6.

10 Section 5. In addition to any other power
11 established pursuant to this act, the authority may exercise
12 the following powers:

13 (1) To solicit and receive appropriations, gifts,
14 contributions of money, and property consistent with the
15 purpose for which the authority is created. Title to all
16 gifts, articles, and money received by the authority shall be
17 vested in the authority. The authority shall use gifts,
18 articles, and money received for the purpose specified by the
19 grantor, to the extent consistent with this act and the rules
20 of the authority.

21 (2) To solicit and accept loans of furniture and
22 other objects as it deems suitable and appropriate. The
23 authority shall use loaned furniture and objects for the
24 purpose specified by the grantor to the extent consistent with
25 this act and the rules of the authority.

26 (3) To make, enter into, and execute such contracts,
27 agreements, and other instruments as may be necessary or

1 desirable to accomplish any purpose for which it is created,
2 including entering into agreements with any civic
3 organization, nonprofit group or organization, or professional
4 or government organization relative to the day-to-day
5 operation of the Governor's Mansion Complex.

6 (4) To accept gratuitous services from individuals
7 and organizations and to appoint, employ, and contract with
8 such employees, agents, advisors, and consultants, including,
9 but not limited to, architectural historians, landscape
10 architects with experience in landscape architectural
11 preservation, conservators, historians, engineers, and
12 craftsmen as may in its judgment be necessary or desirable,
13 and to fix their compensation.

14 (5) To expend any funds it may receive under this
15 act as it deems appropriate and consistent with the purposes
16 of this act.

17 (6) To participate with other public and private
18 authorities in providing for the transportation of visitors
19 between the Complex and other historic and cultural sites. The
20 authority may set and collect a fee for such transportation.

21 (7) To construct and operate a visitor's center and
22 parking lot for the benefit of visitors to the Complex, and to
23 set and collect a fee for parking.

24 (8) To purchase, produce, sell, and distribute
25 historical souvenir items.

26 (9) To publish or contract for the publication of
27 brochures, books, and periodicals intended for the general

1 public that are promotional, informational, or educational
2 about the buildings, contents, and grounds of the Complex, and
3 to sell same at prices set by the authority.

4 (10) To apply for and accept from any federal,
5 state, county, or municipal government or agency or any other
6 public or private source, grants, or other assistance in
7 furtherance of the authority's purposes under such conditions
8 as may be provided by the source.

9 Section 6. (a) The authority shall keep an account
10 of all receipts and expenditures. Books of the authority shall
11 be open to regular inspection and audit by the Department of
12 Examiners of Public Accounts.

13 (b) The authority shall operate or provide for the
14 operation of the Governor's Mansion Complex in such a manner
15 as to effectuate the purposes enumerated in this act.

16 (c) No furniture, equipment, art work, or other
17 items related to the function and operation of the Complex may
18 be disposed of by sale or donation except where allowed by law
19 relating to the disposal of broken or damaged state property.
20 The authority shall maintain an inventory of every item
21 associated with the Complex, its functions and operations made
22 available to the Department of Examiners of Public Accounts.

23 (d) There is established in the State Treasury a
24 fund to be known as the "Governor's Mansion Preservation Fund"
25 into which shall be deposited all moneys received by the
26 authority from fees, gifts, donations, grants, bequests,
27 loans, governmental appropriations, or any other sources,

1 either public or private. The funds shall be used for any
2 purposes for which the authority is created. Money deposited
3 in this fund from any source other than state appropriations
4 for operations shall not revert to the State General Fund, but
5 shall remain in the preservation fund until expended by the
6 authority.

7 Section 7. All remaining unspent appropriations to
8 the current Governor's Mansion for the fiscal year ending
9 September 30, 2011, and all appropriations to the Governor's
10 Mansion for the fiscal year ending September 30, 2012, are
11 hereby appropriated to the Governor's Mansion Preservation
12 Fund. In addition there is hereby appropriated all grants,
13 contributions, gifts, and other monies received by the
14 Governor's Mansion Preservation Fund for the fiscal years
15 ending September 30, 2011, and September 30, 2012.

16 Section 8. The authority shall make the Governor's
17 Mansion Complex, most notably the Governor's Mansion,
18 available to the public for tours and other such events on a
19 regular basis, creating a schedule with the advice of the
20 Governor and First Family that accommodates and conforms to
21 the sitting First Family's schedule and needs. The private
22 living quarters of the Governor and First Family shall not be
23 available for tours and events except on the consent of and
24 terms of the Governor.

25 Section 9. The authority shall be tax exempt and the
26 properties of the authority and any income therefrom, all
27 lease agreements and all contracts made by the authority and

1 all income therefrom, and all indentures executed with respect
2 thereto shall be forever exempt from any and all taxation by
3 the State of Alabama and any political subdivision thereof,
4 including, but not limited to, income taxes, admission taxes,
5 amusement taxes, sales and use taxes, and ad valorem taxes.

6 Section 10. (a) All full-time employees of the
7 authority shall be treated as state employees for the purposes
8 of participating in any insurance programs provided for the
9 state employees.

10 (b) The authority shall pay the employer's
11 contributions to any insurance programs out of funds
12 appropriated to it or otherwise available to it for any
13 purpose whatsoever. The authority may deduct the employees'
14 contributions for such programs by means of payroll deductions
15 or otherwise from the compensation paid to the employees.

16 Section 11. The authority shall be entitled to the
17 services of the state Attorney General in connection with the
18 affairs of the authority.

19 Section 12. Sections 41-9-530 to 41-9-532,
20 inclusive, Code of Alabama 1975, relating to the Governor's
21 Mansion Advisory Board, are repealed.

22 Section 13. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 05-APR-11

Read for the second time and placed
on the calendar 1 amendment 14-APR-11

Read for the third time and passed
as amended..... 05-MAY-11

Yeas 94, Nays 0, Abstains 0

Greg Pappas
Clerk