

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

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

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

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

14           (1) The Director of the Alabama Department of  
 15 Archives and History.

16           (2) The Director of the Technical Staff of the  
 17 Alabama Building Commission.

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

19           (4) The Executive Director of the Alabama Historical  
 20 Commission.

21           (5) The senior collections curator of the Alabama  
 22 Department of Archives and History.

23           (6) The chief architectural historian of the Alabama  
 24 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

1 absence or disability. The vice chair and secretary shall not  
2 serve more than two consecutive terms. The authority shall  
3 meet at such times as designated by the authority at a place  
4 as is deemed necessary or convenient, but the chair shall call  
5 a meeting once a year. The chair may also call a special  
6 meeting at any time the chair deems it advisable or necessary.  
7 A quorum shall be a simple majority of the authority  
8 membership or their designees. Members of the authority or any  
9 committee thereof may participate in meetings of the authority  
10 or such committees by telephone conference or similar  
11 communications equipment through which all persons  
12 participating in the meeting can hear each other at the same  
13 time, and such participation by the members shall constitute  
14 presence at a meeting for all purposes. Members and their  
15 designees shall serve without compensation.

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

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

1 thereto or necessary for the discharge of its powers and  
2 duties.

3 (b) The authority shall be a state agency and shall  
4 have exclusive control over the Governor's Mansion Complex,  
5 all improvements located thereon, and any additions  
6 constructed, created, leased, acquired, or erected in  
7 connection therewith, including the contents of the Governor's  
8 Mansion. Any change to the exterior, interior, and contents of  
9 the Governor's Mansion and Hill House requires prior approval  
10 of the authority. The private living quarters of the Governor  
11 and the family of the Governor, as designated by the  
12 authority, are excepted from this requirement for an interior  
13 change to the contents or a nonstructural decorative change  
14 other than fixtures. The authority may establish and  
15 promulgate and, from time to time, alter, amend, or repeal  
16 rules concerning the preservation, protection, and use of the  
17 Governor's Mansion Complex. The Complex shall be subject to  
18 the historic preservation ordinance of the City of Montgomery.

19 (c) The authority shall take possession under deed  
20 of the land and other property within the Governor's Mansion  
21 Complex. Within 30 days of the effective date of this act, the  
22 Finance Director or any and all other state agencies or  
23 entities owning property within the Complex shall deed in fee  
24 simple such lands and appurtenances to the authority and shall  
25 transfer ownership of the entire contents of the Governor's

1 Mansion, the Hill House, and any other structure as audited by  
2 the State Auditor, to the authority. The Finance Director  
3 shall also sell, give, or lend any personal property necessary  
4 or convenient for the operation of the Complex to the  
5 authority. The authority also may lease, accept as a gift or  
6 loan, or otherwise acquire any property, real or personal,  
7 including gifts, bequests of money, or other things of value,  
8 to be used in fulfilling the purpose for which it is  
9 established, or for any auxiliary purpose incidental or  
10 appropriate thereto.

11 (d) Within 30 days of the effective date of this  
12 act, the State Treasurer shall deposit all remaining state  
13 appropriations for the current fiscal year for the Governor's  
14 Mansion into the Governor's Mansion Preservation Fund in the  
15 State Treasury, established pursuant to subsection (d) of  
16 Section 6.

17 Section 5. In addition to any other power  
18 established pursuant to this act, the authority may exercise  
19 the following powers:

20 (1) To solicit and receive appropriations, gifts,  
21 contributions of money, and property consistent with the  
22 purpose for which the authority is created. Title to all  
23 gifts, articles, and money received by the authority shall be  
24 vested in the authority. The authority shall use gifts,  
25 articles, and money received for the purpose specified by the

1 grantor, to the extent consistent with this act and the rules  
2 of the authority.

3 (2) To solicit and accept loans of furniture and  
4 other objects as it deems suitable and appropriate. The  
5 authority shall use loaned furniture and objects for the  
6 purpose specified by the grantor to the extent consistent with  
7 this act and the rules of the authority.

8 (3) To make, enter into, and execute such contracts,  
9 agreements, and other instruments as may be necessary or  
10 desirable to accomplish any purpose for which it is created,  
11 including entering into agreements with any civic  
12 organization, nonprofit group or organization, or professional  
13 or government organization relative to the day-to-day  
14 operation of the Governor's Mansion Complex.

15 (4) To accept gratuitous services from individuals  
16 and organizations and to appoint, employ, and contract with  
17 such employees, agents, advisors, and consultants, including,  
18 but not limited to, architectural historians, landscape  
19 architects with experience in landscape architectural  
20 preservation, conservators, historians, engineers, and  
21 craftsmen as may in its judgment be necessary or desirable,  
22 and to fix their compensation.

23 (5) To expend any funds it may receive under this  
24 act as it deems appropriate and consistent with the purposes  
25 of this act.

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

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

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

10          (9) To publish or contract for the publication of  
11 brochures, books, and periodicals intended for the general  
12 public that are promotional, informational, or educational  
13 about the buildings, contents, and grounds of the Complex, and  
14 to sell same at prices set by the authority.

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

20          Section 6. (a) The authority shall keep an account  
21 of all receipts and expenditures. Books of the authority shall  
22 be open to regular inspection and audit by the Department of  
23 Examiners of Public Accounts.

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

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

11           (d) There is established in the State Treasury a  
12 fund to be known as the "Governor's Mansion Preservation Fund"  
13 into which shall be deposited all moneys received by the  
14 authority from fees, gifts, donations, grants, bequests,  
15 loans, governmental appropriations, or any other sources,  
16 either public or private. The funds shall be used for any  
17 purposes for which the authority is created. Money deposited  
18 in this fund from any source other than state appropriations  
19 for operations shall not revert to the State General Fund, but  
20 shall remain in the preservation fund until expended by the  
21 authority.

22           Section 7. All remaining unspent appropriations to  
23 the current Governor's Mansion for the fiscal year ending  
24 September 30, 2011, and all appropriations to the Governor's  
25 Mansion for the fiscal year ending September 30, 2012, are

1 hereby appropriated to the Governor's Mansion Preservation  
2 Fund. In addition there is hereby appropriated all grants,  
3 contributions, gifts, and other monies received by the  
4 Governor's Mansion Preservation Fund for the fiscal years  
5 ending September 30, 2011, and September 30, 2012.

6 Section 8. The authority shall make the Governor's  
7 Mansion Complex, most notably the Governor's Mansion,  
8 available to the public for tours and other such events on a  
9 regular basis, creating a schedule with the advice of the  
10 Governor and First Family that accommodates and conforms to  
11 the sitting First Family's schedule and needs. The private  
12 living quarters of the Governor and First Family shall not be  
13 available for tours and events except on the consent of and  
14 terms of the Governor.

15 Section 9. The authority shall be tax exempt and the  
16 properties of the authority and any income therefrom, all  
17 lease agreements and all contracts made by the authority and  
18 all income therefrom, and all indentures executed with respect  
19 thereto shall be forever exempt from any and all taxation by  
20 the State of Alabama and any political subdivision thereof,  
21 including, but not limited to, income taxes, admission taxes,  
22 amusement taxes, sales and use taxes, and ad valorem taxes.

23 Section 10. (a) All full-time employees of the  
24 authority shall be treated as state employees for the purposes

1 of participating in any insurance programs provided for the  
2 state employees.

3 (b) The authority shall pay the employer's  
4 contributions to any insurance programs out of funds  
5 appropriated to it or otherwise available to it for any  
6 purpose whatsoever. The authority may deduct the employees'  
7 contributions for such programs by means of payroll deductions  
8 or otherwise from the compensation paid to the employees.

9 Section 11. The authority shall be entitled to the  
10 services of the state Attorney General in connection with the  
11 affairs of the authority.

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

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 05-MAY-11, as amended.

Greg Pappas  
Clerk

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Senate

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02-JUN-11

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Passed