

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

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8 SYNOPSIS: This bill would create the Governor's
9 Mansion Authority to preserve, operate, and
10 maintain the Alabama Governor's Mansion and
11 promulgate rules for such purposes; provide for the
12 appointment of members of the authority; provide
13 for the duties and responsibilities of the
14 authority; and provide for the funding and
15 employees of the authority.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

5 Section 2. (a) There is created the Governor's
6 Mansion Authority to preserve, operate, and maintain the
7 Alabama Governor's Mansion, also known as the Ligon House,
8 located on South Perry Street in Montgomery, Alabama, the
9 adjacent historic property known as the John Blue-Hill House
10 on South Perry Street, and such adjacent properties as shall
11 be acquired from time to time, hereinafter designated the
12 Governor's Mansion Complex. The Governor's Mansion Complex
13 means the state-owned property within the area bounded on the
14 north by Cromwell Street, bounded on the east by South Perry
15 Street, bounded on the south by Finley Avenue, and bounded on
16 the west by South Court Street.

17 (b) The purposes of the authority shall be to
18 preserve and maintain the Governor's Mansion and to protect
19 the historical and architectural integrity of the mansion
20 exterior, interior, contents, and grounds; to develop,
21 maintain, and operate the Governor's Mansion Complex as an
22 appropriate setting for carrying on the official and
23 ceremonial functions of the state, including, but not limited
24 to, the recruitment of industry; and to provide a suitable
25 housing for the Governor and the family of the Governor in
26 comfortable, private, and physically secure quarters within
27 the Governor's Mansion Complex, including the Hill House.

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

3 (1) The Director of the Alabama Department of
4 Archives and History.

5 (2) The Director of the Technical Staff of the
6 Alabama Building Commission.

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

8 (4) The Executive Director of the Alabama Historical
9 Commission.

10 (5) The senior collections curator of the Alabama
11 Department of Archives and History.

12 (6) The chief architectural historian of the Alabama
13 Historical Commission.

14 (7) The President of the Alabama Trust for Historic
15 Preservation.

16 (8) The President of the Friends of the Alabama
17 Governor's Mansion.

18 (9) The President of the Business Council of
19 Alabama.

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

21 (11) The Executive Director of the Landmarks
22 Foundation of Montgomery.

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

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

1 (14) The Director of the Historic Mobile
2 Preservation Society.

3 (15) The President of the Alabama Historical
4 Association.

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

6 (17) The Executive Director of the Eufaula Heritage
7 Association.

8 (b) At its first meeting each year, the members of
9 the authority shall elect a chair, a vice chair, and a
10 secretary, each of whom shall serve two-year terms. The vice
11 chair shall act in the place of the chair in the chair's
12 absence or disability. The vice chair and secretary shall not
13 serve more than two consecutive terms. The authority shall
14 meet at such times as designated by the authority at a place
15 as is deemed necessary or convenient, but the chair shall call
16 a meeting once a year. The chair may also call a special
17 meeting at any time the chair deems it advisable or necessary.
18 A quorum shall be a simple majority of the authority
19 membership or their designees. Members of the authority or any
20 committee thereof may participate in meetings of the authority
21 or such committees by telephone conference or similar
22 communications equipment through which all persons
23 participating in the meeting can hear each other at the same
24 time, and such participation by the members shall constitute
25 presence at a meeting for all purposes. Members and their
26 designees shall serve without compensation.

1 (c) Except as specified by subsection (a), the
2 authority shall strive, when applicable, to select designees
3 that reflect the racial, geographic, and economic diversity of
4 the state.

5 Section 4. (a) The authority shall constitute a body
6 corporate and shall have, in addition to those powers and
7 responsibilities set out in this act, all powers necessary or
8 convenient to effect the purposes for which it has been
9 established by this act, together with all powers incidental
10 thereto or necessary for the discharge of its powers and
11 duties.

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

1 (c) The authority shall take possession under deed
2 of the land and other property within the Governor's Mansion
3 Complex. Within 30 days of the effective date of this act, the
4 Finance Director or any and all other state agencies or
5 entities owning property within the Complex shall deed in fee
6 simple such lands and appurtenances to the authority and shall
7 transfer ownership of the entire contents of the Governor's
8 Mansion, the Hill House, and any other structure as audited by
9 the State Auditor, to the authority. The Finance Director
10 shall also sell, give, or lend any personal property necessary
11 or convenient for the operation of the Complex to the
12 authority. The authority also may lease, accept as a gift or
13 loan, or otherwise acquire any property, real or personal,
14 including gifts, bequests of money, or other things of value,
15 to be used in fulfilling the purpose for which it is
16 established, or for any auxiliary purpose incidental or
17 appropriate thereto.

18 (d) Within 30 days of the effective date of this
19 act, the State Treasurer shall deposit all remaining state
20 appropriations for the current fiscal year for the Governor's
21 Mansion into the Governor's Mansion Preservation Fund in the
22 State Treasury, established pursuant to subsection (d) of
23 Section 6.

24 Section 5. In addition to any other power
25 established pursuant to this act, the authority may exercise
26 the following powers:

1 (1) To solicit and receive appropriations, gifts,
2 contributions of money, and property consistent with the
3 purpose for which the authority is created. Title to all
4 gifts, articles, and money received by the authority shall be
5 vested in the authority. The authority shall use gifts,
6 articles, and money received for the purpose specified by the
7 grantor, to the extent consistent with this act and the rules
8 of the authority.

9 (2) To solicit and accept loans of furniture and
10 other objects as it deems suitable and appropriate. The
11 authority shall use loaned furniture and objects for the
12 purpose specified by the grantor to the extent consistent with
13 this act and the rules of the authority.

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

21 (4) To accept gratuitous services from individuals
22 and organizations and to appoint, employ, and contract with
23 such employees, agents, advisors, and consultants, including,
24 but not limited to, architectural historians, landscape
25 architects with experience in landscape architectural
26 preservation, conservators, historians, engineers, and

1 craftsmen as may in its judgment be necessary or desirable,
2 and to fix their compensation.

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

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

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

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

15 (9) To publish or contract for the publication of
16 brochures, books, and periodicals intended for the general
17 public that are promotional, informational, or educational
18 about the buildings, contents, and grounds of the Complex, and
19 to sell same at prices set by the authority.

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

25 Section 6. (a) The authority shall keep an account
26 of all receipts and expenditures. Books of the authority shall

1 be open to regular inspection and audit by the Department of
2 Examiners of Public Accounts.

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

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

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

24 Section 7. The authority shall make the Governor's
25 Mansion Complex, most notably the Governor's Mansion,
26 available to the public for tours and other such events on a
27 regular basis, creating a schedule with the advice of the

1 Governor and First Family that accommodates and conforms to
2 the sitting First Family's schedule and needs. The private
3 living quarters of the Governor and First Family shall not be
4 available for tours and events except on the consent of and
5 terms of the Governor.

6 Section 8. The authority shall be tax exempt and the
7 properties of the authority and any income therefrom, all
8 lease agreements and all contracts made by the authority and
9 all income therefrom, and all indentures executed with respect
10 thereto shall be forever exempt from any and all taxation by
11 the State of Alabama and any political subdivision thereof,
12 including, but not limited to, income taxes, admission taxes,
13 amusement taxes, sales and use taxes, and ad valorem taxes.

14 Section 9. (a) All full-time employees of the
15 authority shall be treated as state employees for the purposes
16 of participating in any insurance programs provided for the
17 state employees.

18 (b) The authority shall pay the employer's
19 contributions to any insurance programs out of funds
20 appropriated to it or otherwise available to it for any
21 purpose whatsoever. The authority may deduct the employees'
22 contributions for such programs by means of payroll deductions
23 or otherwise from the compensation paid to the employees.

24 Section 10. The authority shall be entitled to the
25 services of the state Attorney General in connection with the
26 affairs of the authority.

1 Section 11. Sections 41-9-530 to 41-9-532,
2 inclusive, Code of Alabama 1975, relating to the Governor's
3 Mansion Advisory Board, are repealed.

4 Section 12. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.