

1 SB343  
2 128574-1  
3 By Senators Scofield, Orr and Williams  
4 RFD: Governmental Affairs  
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.

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

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

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

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

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

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

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

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

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

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

(10) The Chairman of the Black Heritage Council.

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

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

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

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

(15) The President of the Alabama Historical Association.

(16) The spouse of the Governor of Alabama.

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

(b) At its first meeting each year, the members of the authority shall elect a chair, a vice chair, and a secretary, each of whom shall serve two-year terms. The vice chair shall act in the place of the chair in the chair's absence or disability. The vice chair and secretary shall not serve more than two consecutive terms. The authority shall meet at such times as designated by the authority at a place as is deemed necessary or convenient, but the chair shall call a meeting once a year. The chair may also call a special meeting at any time the chair deems it advisable or necessary.

A quorum shall be a simple majority of the authority membership or their designees. Members of the authority or any committee thereof may participate in meetings of the authority or such committees by telephone conference or similar communications equipment through which all persons participating in the meeting can hear each other at the same time, and such participation by the members shall constitute presence at a meeting for all purposes. Members and their designees shall serve without compensation.

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

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

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

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

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

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

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

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

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

(4) To accept gratuitous services from individuals and organizations and to appoint, employ, and contract with such employees, agents, advisors, and consultants, including, but not limited to, architectural historians, landscape architects with experience in landscape architectural 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

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

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

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

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

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

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

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