As the state's lawmakers wrestled with fund-raising measures to keep state parks and museums open and some state services in place, one bill was approved that should ensure continued development of cultural resources for tourism promotion.

House Bill No. 2148 by Rep. E.J. Deano of Mandeville and many others was finally approved and sent to the governor. If it is signed into law, it will create the Economic Diversification Marketing Fund from revenues derived from cutting the percentage allowed retailers for collecting and remitting state sales taxes.

Half of the fund, an estimated $900,000 annually, will go to the Department of Culture, Recreation and Tourism (or its successor) to be used entirely for marketing promotion and research. The bill stipulates that up to $100,000 can be used for a statewide crafts program, and a third will go to the Louisiana State Arts Council.

The Department of Commerce will get funds for promotion and advertising and for community development programs, including those advised by the Louisiana Film Commission and the Louisiana Music Commission.

In short, if the governor signs this bill into law it will keep CRT alive and will take at least a major step toward developing and coordinating the major advantages of the state to develop tourism as our major industry.

This is a new approach to cultural development and may prove to be the single best thing that has happened in the 1986 Legislature.

Artists' rights

In the last-minute flurry of bill-passing in the Legislature, one measure won approval, as many do, with virtually no discussion and little comprehension of its importance to the artists of Louisiana.

Sen. Thomas Casey of New Orleans and Reps. Deano and John Hainkel of New Orleans is an Artists' Authorship Rights Act. It was finally passed and sent to the governor on Thursday.

The bill title sounds wonderful, but what does it actually mean to a visual artist working in the state?

In effect, it will provide the same kind of protection afforded writers by the copyright laws. Indeed it goes a step further, giving some guarantee for preservation of a work of art in its original form.

Deano says it is designed to let artists have control over their work and how it is displayed.

"This is just to maintain their right to see that their work is displayed in the manner in which it is supposed to be." The new law would prohibit any alteration or modification of a work of fine art without consent of the artist. It would also ban reproduction of a work if it is in any way "altered, defaced, mutilated or modified."

It is modeled after similar laws in other states but does not go as far as the California statute, which provides for royalties for artists if a work is resold for a higher price than was originally paid.

Work in either the original or reproduced form may not be shown to the public or published when it is generally "regarded by the public as that of the artist, or under circumstances in which it would be reasonably regarded as being the work of the artist, and damage to the artist's reputation is reasonably likely to result therefrom."

Translated, that means that if Whistler were alive and working in Louisiana, those ads that parody the famous "Whistler's Mother" painting would be patently against the law, unless, of course, Whistler said it was fine with him and he got residuals from the publication.

John Griffith of Griffith-Menard Gallery says he believes the idea and intent of the bill is good, particularly the copyright feature, although it is now possible for an artist to copyright his own work. The problem is that few of them do, and this law gives the artist an absolute right of legal action.

"It is good for the state to reinforce this right of the artist," said Griffith.

He cited Grant Wood's famous "American Gothic," which became so popular that it was reproduced for everything from calendars to cartoons, and "Wood never received one penny of royalties." The new law would not actually provide royalties, but it would limit re-use of art without a written contract with the artist.

Owner responsibility

The bill also protects the artist's right to retain claim to having produced his work, no matter who purchases or displays it to the public. He can also disclaim authorship of the work for "just and valid reason," which would be for any changes or modifications made without the artist's consent.

But the really tough parts of the new law concern the responsibilities of the owner of a piece of fine art to preserve it and maintain it in original condition. Owners will not be liable for alteration "resulting from the passage of time or the inherent nature of the materials," provided there is no gross negligence involved. Negligence in this case is defined as "the exercise of so slight a degree of care as to justify the belief that there was an indifference to the particular work of fine art."

In the case of art installed in buildings, the work is protected from removal if it would deface or destroy it, unless the artist specifically consents in writing to the removal.

If that law had been in effect when the State Capitol was constructed, the Conrad Albrizio murals would still be intact. That's the translation of the effect of this section.