

2015 Regular Session

SENATE BILL NO. 153

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MUSEUMS. Provides relative to the Louisiana State Museum. (1/12/16)

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AN ACT

To amend and reenact the introductory paragraph of R.S. 25:341(D), (1) and (2), (E), and (F)(3), 342(A)(5), (6), (7), and (8), (B)(1) and (2), 343, and R.S. 42:1111(A)(1), and to enact R.S. 25:342(A)(9), relative to the Louisiana State Museum; to provide for the board of directors; to provide for terms; to provide for powers and duties; to provide for the museum director; to provide for an exception to the Ethics Code; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 25:341(D), (1) and (2), (E), and (F)(3), 342(A)(5), (6), (7), and (8), (B)(1) and (2), and 343 are hereby amended and reenacted, and R.S. 25:342(A)(9) is hereby enacted to read as follows:

§341. Establishment and location; purpose; board of directors; appointment; compensation of members; terms; oaths

* * *

D. The Board of Directors of the Louisiana State Museum shall be composed of members as provided in this Subsection. The secretary of the Department of Culture, Recreation and Tourism shall serve as a member of the board. Each

1 additional member of the board shall have a knowledge of and interest in art, history,
 2 and cultural restoration. Further, each member nominee shall have experience
 3 in at least one of the following subject areas: marketing, law, historic
 4 preservation, museum sciences, finance, accounting, business administration,
 5 fundraising for nonprofits, facility management, community or consumer
 6 advocacy, or other pertinent disciplines. Additional members of the board shall
 7 be appointed by the lieutenant governor as follows:

8 (1) Each of the following shall submit a list of four names, and the lieutenant
 9 governor shall appoint ~~one member from each list~~ members in a manner described
 10 in this Paragraph:

- 11 (a) ~~The~~ Two members nominated by the Friends of the Cabildo.
- 12 (b) ~~The~~ One member nominated by the Louisiana Historical Society.
- 13 (c) ~~The~~ One member nominated by the Louisiana Historical Association.
- 14 (d) ~~The~~ One member nominated by the Foundation for Historical
 15 Louisiana, Inc.
- 16 (e) ~~The~~ One member nominated by the Wedell-Williams Memorial
 17 Foundation of the Wedell-Williams Aviation and Cypress Sawmill Foundation in
 18 Patterson.
- 19 (f) ~~The~~ Two members nominated by the Louisiana Museum Foundation.
- 20 (g) ~~The~~ One member nominated by the Friends of the Edward Douglass
 21 White Historic Site.
- 22 (h) ~~The~~ One member nominated by the Louisiana Sports Hall of Fame
 23 Foundation.
- 24 (i) ~~The~~ One member nominated by the Louisiana Civil Rights Museum
 25 Advisory Board.
- 26 (j) Two members nominated by the Friends of Capitol Park Museum.

27 (2) ~~Eleven~~ Seven members shall be appointed from the state at large in such
 28 manner as to provide that membership on the board will reflect the ethnic and
 29 cultural diversity of the population of the state and encourage statewide

1 representation on the board.

2 * * *

3 E.~~(1)~~ Each member appointed pursuant to Subsection D of this Section shall
4 serve a term concurrent with that of the lieutenant governor making the appointment.
5 Each member shall serve until his successor is appointed and takes office. Each
6 appointment by the lieutenant governor shall be submitted to the Senate for
7 confirmation.

8 **(2)(a) For members appointed pursuant to Subsection D of this Section,**
9 **the term of office shall be four years after initial terms as provided in**
10 **Subparagraph (b) of this Paragraph. A member shall serve no more than two**
11 **consecutive terms.**

12 **(b) Five members shall serve an initial term of one year; five members**
13 **shall serve an initial term of two years; five members shall serve an initial term**
14 **of three years; five members shall serve an initial term of four years, as**
15 **determined by lot at the first meeting of the board.**

16 F. * * *

17 (3) When a vacancy occurs among the at-large members appointed pursuant
18 to the provisions of Paragraph (D)(2) of this Section, then the lieutenant governor
19 shall appoint a person to fill the vacancy **within thirty days of the vacancy**. The
20 member appointed to fill a vacancy shall serve the remainder of the unexpired term.

21 * * *

22 §342. Domicile; powers and duties of the office of the state museum and the board;
23 buildings and properties administered

24 A. * * *

25 **(5) The board shall assist the secretary and assistant secretary in**
26 **establishing fiscal policies, including but not limited to operational budgets and**
27 **financial controls over existing and new projects.**

28 **(6)** The museum shall be open to the public. The assistant secretary of the
29 office of the state museum may establish in accordance with the Administrative

1 Procedure Act admission and tour fees and user or rental fees for any or all museum
2 buildings and exhibits to be charged by the museum. Such user or rental fees shall
3 reflect the actual cost of maintenance of the space rented and the market rates for
4 comparable space in the locality of the space rented.

5 ~~(6)~~(7) The office of the state museum, through the assistant secretary and in
6 cooperation with nonprofit corporations established to support the Louisiana State
7 Museum, may seek private funding to support the museum's programs.

8 ~~(7)~~(8) The office of the state museum, through the assistant secretary, shall
9 have authority to contract with consulting experts in the fields of museum
10 administration and conservation of paintings, books and papers, and other decorative
11 arts, and with appraisers, buying agents, designers, engineers, attorneys, accountants,
12 construction and financial experts, and other such persons as may be necessary to
13 carry out the purposes of the museum.

14 ~~(8)~~(9) Notwithstanding any provisions of law to the contrary and in particular
15 the provisions of R.S. 25:349(B)(5) and R.S. 41:1212, the office of the state
16 museum, through the assistant secretary, may enter into contracts and agreements
17 with any public agency or nonprofit corporation which has been established for the
18 primary purpose of supporting the programs and activities of the Louisiana State
19 Museum, including the Friends of the Cabildo, Friends of the Museums of Local
20 Interest, Friends of the Louisiana Sports Hall of Fame, the Wedell-Williams
21 Memorial Foundation, and the Louisiana Museum Foundation, for the establishment
22 of offices, stores, or exhibits on the property and in the buildings of the museum. The
23 office of the state museum, through the assistant secretary, may also enter into
24 contracts and agreements for joint construction, equipment, maintenance, and
25 financing of such buildings, and may enter into contracts and agreements for the joint
26 financing, supervision, and conduct of cooperative enterprises and undertakings. Any
27 public agency may enter into contracts and agreements with the office of the state
28 museum for the purposes provided in this Paragraph.

29 B.(1) The domicile of the board shall be the city of New Orleans, provided

1 that the office of the state museum may establish additional offices within such
2 museum facilities as it may deem advisable, **after consultation with the board.**

3 (2) The ~~board shall advise the~~ secretary of the Department of Culture,
4 Recreation and Tourism and the assistant secretary of the state museum **shall consult**
5 **with the board** with respect to policies for the state museum. The board shall
6 continue to exercise its powers, duties, and functions with respect to accessions,
7 deaccessions, loans, and conservation of museum properties and collections in
8 accordance with professional museum practices as established by the American
9 Association of Museums, except as otherwise provided by law; and the members
10 thereof shall continue to serve as trustees for the William Irby Trust.

11 * * *

12 §343. Museum director; appointment; powers and duties

13 ~~A. The lieutenant governor shall appoint a professional director of the~~
14 ~~Louisiana State Museum who shall have at least ten years of experience in~~
15 ~~institutional administration and curatorship in a field related to the purposes and~~
16 ~~activities of the museum. The director shall serve as the assistant secretary of the~~
17 ~~office of the state museum. The director shall serve at the pleasure of the lieutenant~~
18 ~~governor and receive such salary as fixed by the lieutenant governor. The museum~~
19 ~~director shall serve as executive and administrative officer of the board and shall~~
20 ~~discharge all operational, maintenance, administrative, and executive functions of~~
21 ~~the board, subject to the control, jurisdiction, and supervision of the secretary of the~~
22 ~~department. **The museum director shall be appointed by the lieutenant governor**~~
23 ~~**from a list of three candidates nominated by a search committee appointed by**~~
24 ~~**the board. The lieutenant governor shall make the appointment no later than**~~
25 ~~**sixty days after receiving the list of candidates from the search committee. The**~~
26 ~~**board shall establish criteria for the position of director that includes but is not**~~
27 ~~**limited to possession of a master's degree in Museum Science, or a related field,**~~
28 ~~**and shall provide clear evidence of successful performance as a skilled**~~
29 ~~**professional.**~~

1 **B. The director shall serve as the assistant secretary of the office of the**
 2 **state museum.**

3 **C. The salary of the director shall be commensurate with the other**
 4 **assistant secretary positions. The salary may be additionally supplemented**
 5 **beyond the normal amount by the board or Louisiana museum foundations as**
 6 **provided for in the Ethics Code.**

7 Section 2. R.S. 42:1111(A)(1) is hereby amended and reenacted to read as follows:

8 §1111. Payment from nonpublic sources

9 A.(1)~~(a)~~ Payments for services to the governmental entity. No public servant
 10 shall receive anything of economic value, other than compensation and benefits from
 11 the governmental entity to which he is duly entitled, for the performance of the
 12 duties and responsibilities of his office or position; ~~however,~~

13 **(b) Notwithstanding Subparagraph (a) of this Paragraph,** supplementary
 14 compensation or benefits provided to an employee of a public higher education
 15 institution, board, or system from funds or property accruing to the benefit of the
 16 institution, board, or system as approved by the appropriate policy or management
 17 board, through an alumni organization recognized by the management board of a
 18 college or university within the state or through a foundation organized by the
 19 alumni or other supportive individuals of a college or university within the state the
 20 charter of which specifically provides that the purpose of the foundation is to aid said
 21 college or university in a philanthropic manner shall be deemed for purposes of this
 22 Subsection as compensation and benefits from the government to which he is duly
 23 entitled.

24 **(c) Notwithstanding Subparagraph (a) of this Paragraph, supplementary**
 25 **compensation or benefits provided to the director of the Louisiana State**
 26 **Museum as approved by the board of directors of the Louisiana State Museum**
 27 **through the board or a foundation organized to support any particular museum**
 28 **under the jurisdiction of the Louisiana State Museum whose charter specifically**
 29 **provides that the purpose of the foundation is to aid the museum in a**

shall appoint members in a manner described below:

- (a) Two members nominated by the Friends of the Cabildo.
 - (b) One member nominated by the Louisiana Historical Society.
 - (c) One member nominated by the Louisiana Historical Association.
 - (d) One member nominated by the Foundation for Historical Louisiana.
 - (e) One member nominated by the Wedell-Williams Memorial Foundation of the Wedell-Williams Aviation and Cypress Sawmill Foundation in Patterson.
 - (f) Two members nominated by the Louisiana Museum Foundation.
 - (g) One member nominated by the Friends of the Edward Douglass White Historic Site.
 - (h) One member nominated by the Louisiana Sports Hall of Fame Foundation.
 - (i) One member nominated by the Louisiana Civil Rights Museum Advisory Board.
 - (j) Two members nominated by the Friends of Capitol Park Museum.
- (2) Seven members shall be appointed from the state at large in such manner as to provide that membership on the board will reflect the ethnic and cultural diversity of the population of the state and encourage statewide representation on the board.

Present law provides that each appointed member shall serve a term concurrent with the term of the lieutenant governor making the appointment.

Proposed law removes present law concurrent term requirement.

Present law provides that the lieutenant governor's appointment shall serve until the successor is appointed and takes office.

Proposed law removes present law provision to serve until successor is appointed.

Proposed law further provides that the appointments be staggered after the initial term. Initially, five members shall serve a term of one year; five members shall serve a term of two years; five members shall serve a term of three years; five members shall serve a term of four years, as determined by lot at the first meeting of the board.

Proposed law prohibits an appointed member from serving more than two consecutive terms. Requires the lieutenant governor to fill a vacancy within 30 days.

Proposed law requires the board to assist the secretary of CRT and assistant secretary in establishing fiscal policies, including but not limited to operational budgets and financial controls over existing and new projects.

Present law provides that the board advise the secretary of CRT and the assistant secretary of the office of the state museum with respect to policies for the state museum.

Proposed law requires that the secretary of CRT and the assistant secretary of the office of the state museum consult with the board with respect to policy for the office of state museum.

Present law provides that the lieutenant governor appoint a professional director of the La. State Museum who shall have at least 10 years of experience in institutional administration and curatorship in a field related to the purposes and activities of the museum. Present law further provides that the director shall serve as the assistant secretary of the office of the state museum and that he shall serve at the pleasure of the lieutenant governor and receive such salary as fixed by the lieutenant governor. Present law further provides that the museum director serve as executive and administrative officer of the board and shall discharge all operational, maintenance, administrative, and executive functions of the board, subject to the control, jurisdiction, and supervision of the secretary of the department.

Proposed law provides that the museum director be appointed by the lieutenant governor from a list of three candidates nominated by a search committee appointed by the board. Proposed law further requires the lieutenant governor to make the appointment no later than 60 days after receiving the list of candidates from the search committee. Proposed law requires that the board establish criteria for the position of museum director that includes but is not limited to a master's degree in Museum Sciences, or a related field, and provide clear evidence of successful performance, with no fewer than 10 years experience as a skilled professional.

Proposed law provides for the director to serve as assistant secretary of the office of the state museum.

Proposed law provides that the salary of the director be paid by the department commensurate with the other assistant secretary positions and that the salary may be additionally supplemented beyond the normal amount by the board or Louisiana museum foundations as provided for in the Ethics Code.

Present law prohibits any public servant from receiving anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

Present law authorizes that supplementary compensation or benefits provided to an employee of a public higher education institution, board, or system from funds or property accruing to the benefit of the institution, board, or system as approved by the appropriate policy or management board, through an alumni organization recognized by the management board of a college or university within the state or through a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner shall be deemed for purposes of present law as compensation and benefits from the government to which he is duly entitled.

Proposed law retains present law, and further authorizes that supplementary compensation or benefits provided to the director of the Louisiana State Museum as approved by the board of directors of the Louisiana State Museum through the board or a foundation organized to support any particular museum under the jurisdiction of the Louisiana State Museum whose charter specifically provides that the purpose of the foundation is to aid the museum in a philanthropic manner shall be deemed for purposes of present law as compensation and benefits from the government to which he is duly entitled.

Effective January 12, 2016.

(Amends R.S. 25:341(D)(intro para), (1) and (2), (E), and (F)(3), 342(A)(5), (6), (7), and (8), (B)(1) and (2), 343, and R.S. 42:1111(A)(1); adds R.S. 25:342(A)(9))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Education to the original bill

1. Increases the number of members to be appointed by the lieutenant governor from nominations by the Friends of the Capitol park Museum from one to two members.
2. Decreases the number of members appointed from the state at large from eight to seven.
3. Increases the number of candidates for museum director nominated by the search committee of the board and sent to the lieutenant governor for consideration and appointment from two to three.
4. Removes the requirement that directors have at least 10 years experience in any of several enumerated subject areas.
5. Deleted references to the museum director's contract.
6. Deleted the provision that the museum director shall only be terminated for cause.
7. Technical amendments.

Senate Floor Amendments to engrossed bill

1. Removes present law provision that each appointed member shall serve a term concurrent with the term of the lieutenant governor making the appointment.
2. Removes present law provision which provides that the lieutenant governor's appointed member shall serve until the successor is appointed and takes office.
3. Removes proposed law provision that each appointed member of the lieutenant governor shall serve for four years.
4. Makes technical amendments.