

SENATE BILL NO. 153

BY SENATOR MARTINY

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

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

(1) Each of the following shall submit a list of four names, and the lieutenant

1 governor shall appoint ~~one member from each list~~ **members in a manner described**
 2 **in this Paragraph:**

3 (a) ~~The~~ **Two members nominated by the** Friends of the Cabildo.

4 (b) ~~The~~ **One member nominated by the** Louisiana Historical Society.

5 (c) ~~The~~ **One member nominated by the** Louisiana Historical Association.

6 (d) ~~The~~ **One member nominated by the** Foundation for Historical
 7 Louisiana, Inc.

8 (e) ~~The~~ **One member nominated by the** Wedell-Williams Memorial
 9 Foundation of the Wedell-Williams Aviation and Cypress Sawmill Foundation in
 10 Patterson.

11 (f) ~~The~~ **Two members nominated by the** Louisiana Museum Foundation.

12 (g) ~~The~~ **One member nominated by the** Friends of the Edward Douglass
 13 White Historic Site.

14 (h) ~~The~~ **One member nominated by the** Louisiana Sports Hall of Fame
 15 Foundation.

16 (i) ~~The~~ **One member nominated by the** Louisiana Civil Rights Museum
 17 Advisory Board.

18 **(j) Two members nominated by the Friends of Capitol Park Museum.**

19 (2) ~~Eleven~~ **Seven** members shall be appointed from the state at large in such
 20 manner as to provide that membership on the board will reflect the ethnic and
 21 cultural diversity of the population of the state and encourage statewide
 22 representation on the board.

23 * * *

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

29 **(2)(a) For members appointed pursuant to Subsection D of this Section,**
 30 **the term of office shall be four years after initial terms as provided in**

1 **Subparagraph (b) of this Paragraph. A member shall serve no more than two**
2 **consecutive terms.**

3 **(b) Five members shall serve an initial term of one year; five members**
4 **shall serve an initial term of two years; five members shall serve an initial term**
5 **of three years; five members shall serve an initial term of four years, as**
6 **determined by lot at the first meeting of the board.**

7 F. * * *

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

12 * * *

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

15 A. * * *

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

19 (6) The museum shall be open to the public. The assistant secretary of the
20 office of the state museum may establish in accordance with the Administrative
21 Procedure Act admission and tour fees and user or rental fees for any or all museum
22 buildings and exhibits to be charged by the museum. Such user or rental fees shall
23 reflect the actual cost of maintenance of the space rented and the market rates for
24 comparable space in the locality of the space rented.

25 ~~(6)~~(7) The office of the state museum, through the assistant secretary and in
26 cooperation with nonprofit corporations established to support the Louisiana State
27 Museum, may seek private funding to support the museum's programs.

28 ~~(7)~~(8) The office of the state museum, through the assistant secretary, shall
29 have authority to contract with consulting experts in the fields of museum
30 administration and conservation of paintings, books and papers, and other decorative

1 arts, and with appraisers, buying agents, designers, engineers, attorneys, accountants,
 2 construction and financial experts, and other such persons as may be necessary to
 3 carry out the purposes of the museum.

4 ~~(8)~~(9) Notwithstanding any provisions of law to the contrary and in particular
 5 the provisions of R.S. 25:349(B)(5) and R.S. 41:1212, the office of the state
 6 museum, through the assistant secretary, may enter into contracts and agreements
 7 with any public agency or nonprofit corporation which has been established for the
 8 primary purpose of supporting the programs and activities of the Louisiana State
 9 Museum, including the Friends of the Cabildo, Friends of the Museums of Local
 10 Interest, Friends of the Louisiana Sports Hall of Fame, the Wedell-Williams
 11 Memorial Foundation, and the Louisiana Museum Foundation, for the establishment
 12 of offices, stores, or exhibits on the property and in the buildings of the museum. The
 13 office of the state museum, through the assistant secretary, may also enter into
 14 contracts and agreements for joint construction, equipment, maintenance, and
 15 financing of such buildings, and may enter into contracts and agreements for the joint
 16 financing, supervision, and conduct of cooperative enterprises and undertakings. Any
 17 public agency may enter into contracts and agreements with the office of the state
 18 museum for the purposes provided in this Paragraph.

19 B.(1) The domicile of the board shall be the city of New Orleans, provided
 20 that the office of the state museum may establish additional offices within such
 21 museum facilities as it may deem advisable, **after consultation with the board.**

22 (2) The ~~board shall advise the~~ secretary of the Department of Culture,
 23 Recreation and Tourism and the assistant secretary of the state museum **shall consult**
 24 **with the board** with respect to policies for the state museum. The board shall
 25 continue to exercise its powers, duties, and functions with respect to accessions,
 26 deaccessions, loans, and conservation of museum properties and collections in
 27 accordance with professional museum practices as established by the American
 28 ~~Association~~ **Alliance** of Museums, except as otherwise provided by law; and the
 29 members thereof shall continue to serve as trustees for the William Irby Trust.

30 * * *

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

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

19 **B. The director shall serve as the assistant secretary of the office of the**
 20 **state museum.**

21 **C. The salary of the director shall be commensurate with the other**
 22 **assistant secretary positions. The salary may be additionally supplemented**
 23 **beyond the normal amount by the board or Louisiana museum foundations as**
 24 **provided for in the Code of Governmental Ethics.**

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

26 §1111. Payment from nonpublic sources

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

1 **(b) Any** supplementary compensation or benefits provided to an employee
2 of a public higher education institution, board, or system from funds or property
3 accruing to the benefit of the institution, board, or system as approved by the
4 appropriate policy or management board, through an alumni organization recognized
5 by the management board of a college or university within the state or through a
6 foundation organized by the alumni or other supportive individuals of a college or
7 university within the state the charter of which specifically provides that the purpose
8 of the foundation is to aid said college or university in a philanthropic manner shall
9 be deemed for purposes of this Subsection as compensation and benefits from the
10 government to which he is duly entitled.

11 **(c) Any supplementary compensation or benefits provided to the director**
12 **of the Louisiana State Museum as approved by the board of directors of the**
13 **Louisiana State Museum through the board or a foundation organized to**
14 **support any particular museum under the jurisdiction of the Louisiana State**
15 **Museum whose charter specifically provides that the purpose of the foundation**
16 **is to aid the museum in a philanthropic manner shall be deemed for purposes**
17 **of this Subsection as compensation and benefits from the government to which**
18 **he is duly entitled.**

* * *

20 Section 3. This Act shall become effective on January 12, 2016.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____