

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 member nominee shall have experience in marketing,
3 law, historic preservation, museum sciences, finance, accounting, business
4 administration, fundraising for nonprofits, facility management, community or
5 consumer advocacy, or other pertinent disciplines. Additional members of the
6 board shall be appointed by the lieutenant governor as follows:

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

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

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

* * *

E.~~(1)~~ Each Except as provided for in Paragraph (2) of this Subsection regarding initial appointments, each member appointed pursuant to Subsection D of this Section shall serve a term ~~concurrent with that of the lieutenant governor making the appointment~~ of four years. Each member shall serve until his successor is appointed and takes office. Each appointment by the lieutenant governor shall be submitted to the Senate for confirmation.

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

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

F. * * *

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

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

A. * * *

(5) The board shall collaborate with the secretary and assistant secretary to establish fiscal policies, including but not limited to operational budgets and financial controls over existing and new projects.

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

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

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

14 * * *

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

16 ~~A. The lieutenant governor shall appoint a professional director of the~~
17 ~~Louisiana State Museum who shall have at least ten years of experience in~~
18 ~~institutional administration and curatorship in a field related to the purposes and~~
19 ~~activities of the museum. The director shall serve as the assistant secretary of the~~
20 ~~office of the state museum. The director shall serve at the pleasure of the lieutenant~~
21 ~~governor and receive such salary as fixed by the lieutenant governor. The museum~~
22 ~~director shall serve as executive and administrative officer of the board and shall~~
23 ~~discharge all operational, maintenance, administrative, and executive functions of~~
24 ~~the board, subject to the control, jurisdiction, and supervision of the secretary of the~~
25 ~~department. **The museum director shall be appointed by the lieutenant governor**~~
26 ~~**from a list of two candidates nominated by a search committee appointed by the**~~
27 ~~**board. The lieutenant governor shall make the appointment no later than sixty**~~
28 ~~**days after receiving the list of candidates from the search committee. The**~~
29 ~~**museum director shall have a master's degree in Museum Sciences, or a related**~~

1 field, and shall provide clear evidence of successful performance, with no fewer
2 than ten years experience as a skilled professional in the following areas:

3 (1) Strategic planning and thinking in areas of community outreach,
4 education and expansion of programs which fulfil the museum's mission.

5 (2) Performance of a leadership role for a multi-campus museum or
6 museums, and a clear understanding of how they function, including all aspects
7 of operations.

8 (3) Evidence of ability to work effectively with a board of directors and
9 museum staff, providing a bridge between the two worlds.

10 (4) Creation and implementation of successful fundraising campaigns
11 that have raised at least two and one-half million dollars from corporations and
12 private donors.

13 (5) Ability to be enthusiastic, motivated, and create an atmosphere that
14 motivates others in the fulfillment of the museum's mission and goals.

15 B. The director shall serve as the assistant secretary of the office of state
16 museum.

17 C. The department shall contract with the director to discharge all
18 operational, maintenance, administrative, and executive functions of the board
19 with accountability to the board regarding same.

20 D. The director's contract shall address the term and other conditions
21 established by the board in conjunction with the lieutenant governor.

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

26 F. The contract of the director shall be terminated only for cause.

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

28 §1111. Payment from nonpublic sources

29 A.(1) Payments for services to the governmental entity. No public servant

1 shall receive anything of economic value, other than compensation and benefits from
 2 the governmental entity to which he is duly entitled, for the performance of the
 3 duties and responsibilities of his office or position; ~~however,~~

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

15 **(b) Notwithstanding the introductory paragraph to this Subsection,**
 16 **supplementary compensation or benefits provided to the director of the**
 17 **Louisiana State Museum as approved by the board of directors of the Louisiana**
 18 **State Museum through the board or a foundation organized to support any**
 19 **particular museum under the jurisdiction of the Louisiana State Museum whose**
 20 **charter specifically provides that the purpose of the foundation is to aid said**
 21 **museum in a philanthropic manner shall be deemed for purposes of this**
 22 **Subsection as compensation and benefits from the government to which he is**
 23 **duly entitled.**

24 * * *

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 153 Original 2015 Regular Session Martiny

Present law requires that the appointed members of the Board of Directors of the La. State Museum have a knowledge of and interest in art, history, and cultural restoration.

Proposed law requires that the appointed members have experience in marketing, law, historic preservation, museum sciences, finance, accounting, business administration, fundraising for nonprofits, facility management, community or consumer advocacy, or other pertinent disciplines.

Proposed law retains present law that the secretary of Culture, Recreation and Tourism serve as a board member.

Present law provides that members be appointed by the Lt. governor as follows:

- (1) Each of the following shall submit a list of four names, and the Lt. governor shall appoint one member from each list:
 - (a) The Friends of the Cabildo.
 - (b) The Louisiana Historical Society.
 - (c) The Louisiana Historical Association.
 - (d) The Foundation for Historical Louisiana, Inc.
 - (e) The Wedell-Williams Memorial Foundation of the Wedell-Williams Aviation and Cypress Sawmill Foundation in Patterson.
 - (f) The Louisiana Museum Foundation.
 - (g) The Friends of the Edward Douglass White Historic Site.
 - (h) The Louisiana Sports Hall of Fame Foundation.
 - (i) The Louisiana Civil Rights Museum Advisory Board.
- (2) 11 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.

Proposed law provides that members be appointed by the Lt. governor as follows:

- (1) Each of the following shall submit a list of four names, and the Lt. governor 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, Inc.

- (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) One member nominated by the Friends of Capitol Park Museum.
- (2) Eight 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 Lt. governor making the appointment.

Proposed law provides that the term of each appointment member shall be for four years.

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 Lt. governor to fill a vacancy within 30 days.

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

Proposed law provides that the board establish policy for the office of state museum, in consultation with the Lt. governor.

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.

Present law provides that the Lt. 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 Lt. governor and receive such salary as fixed by the Lt. 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 Lt. governor from a list of two candidates nominated by a search committee appointed by the board. Proposed law further requires the Lt. 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 museum director have 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 in the following areas:

- (1) Strategic planning and thinking in areas of community outreach, education and expansion of programs which fulfil the museum's mission.
- (2) Performance of a leadership role for a multi-campus museum, and a clear understanding of how they function, including all aspects of operations.
- (3) Evidence of ability to work effectively with a board of directors and museum staff, providing a bridge between the two worlds.
- (4) Creation and implementation of successful fundraising campaigns that have raised at least two and one-half million dollars from corporations and private donors.
- (5) Ability to be enthusiastic, motivated, and create an atmosphere that motivates others in the fulfillment of the museum's mission and goals.

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

Proposed law provides that CRT contract with the director to discharge all operational, maintenance, administrative, and executive functions of the board with accountability to the board regarding same.

Proposed law provides that the director's contract also address term and other conditions established by the board in conjunction with the Lt. governor.

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.

Proposed law provides that the director only be terminated for cause by the board.

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 said 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))