AN ACT

RELATING TO MUSEUMS; ENACTING THE VETERANS MUSEUM ACT; CREATING THE VETERANS MUSEUM DIVISION WITHIN THE CULTURAL AFFAIRS DEPARTMENT; PROVIDING POWERS AND DUTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

        Section 1. SHORT TITLE.--This act may be cited as the "Veterans Museum Act".

        Section 2. DEFINITIONS.--As used in the Veterans Museum Act:

                A. "board" means the board of directors of the museum;

                B. "director" means the director of the division;

                C. "division" means the veterans museum division of the cultural affairs department;

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1   D.   "museum" means the New Mexico veterans museum;

2   and

3   E.   "secretary" means the secretary of cultural

4   affairs.

5   Section 3.   VETERANS MUSEUM DIVISION CREATED--LOCATION--

6   PROPERTY.--

7   A.   The "veterans museum division" is created within

8   the cultural affairs department. The principal facility of

9   this division is the "New Mexico veterans museum" located in

10   Dona Ana county. The site shall be held in the name of the

11   state.

12   B.   All property, real or personal, now held or

13   subsequently acquired for the operation of the museum shall be

14   under the control and authority of the board.

15   C.   Funds or other property received by gift,

16   endowment or legacy shall remain under the control of the board

17   and shall, upon acceptance, be employed for the purpose

18   specified.

19   Section 4.   BOARD OF DIRECTORS CREATED--APPOINTMENTS--

20   TERMS--OFFICERS.--

21   A.   The "board of directors of the New Mexico

22   veterans museum" is created. The board shall consist of the

23   following thirteen voting members:

24   (1) the adjutant general or the adjutant

25   general's designee;

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1   (2)   the secretary of cultural affairs or the

2   secretary's designee;

3   (3) the secretary of veterans' services or the

4   secretary's designee; and

5   (4)   ten members who are residents of New

6   Mexico appointed by the governor with the advice and consent of

7   the senate. In making the appointments, the governor shall

8   appoint three members from each congressional district and give

9   due consideration to the ethnic and geographic diversity of the

10   state. No more than five of the ten appointed members shall be

11   from the same political party. At least five of the members

12   shall be veterans appointed to represent each of the following

13   entities of the armed forces:

14   (a)   the New Mexico national guard;

15   (b)   the United States army;

16   (c)   the United States navy;

17   (d)   the United States air force; and

18   (e)   the United States marine corps.

19   B.   Of the initial appointees, four members shall be

20   appointed for four-year terms, three members shall be appointed

21   for three-year terms and three members shall be appointed for

22   two-year terms. All subsequent members shall be appointed for

23   four-year terms.

24   C.   A majority of the board members currently

25   serving shall constitute a quorum at any meeting or hearing.

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1   D. Any appointed member failing to attend three
2   consecutive meetings after receiving proper notice shall be
3   recommended for removal by the governor. The governor may also
4   remove any member of the board for neglect of any duty required
5   by law, for incompetency, for unprofessional conduct or for
6   violating any provisions of the Veterans Museum Act. If a
7   vacancy occurs on the board, the governor shall appoint another
8   member to complete the unexpired term.

9   E. The director shall be an ex-officio nonvoting
10 member of the board.

11 F. The governor shall designate the president of
12 the board, who shall serve in that capacity at the pleasure of
13 the governor.

14 Section 5. BOARD--POWERS--DUTIES.--The board shall:

15 A. exercise trusteeship over the collections of the
16 museum;

17 B. accept and hold title to all property for the
18 museum's use;

19 C. review annually the performance of the director
20 and report its findings to the secretary;

21 D. enter into agreements or contracts with private
22 or public organizations, agencies or individuals for the
23 purpose of obtaining real or personal property for the museum's
24 use;

25 E. authorize the director to solicit and receive

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1 funds or property of any nature for the development of the

2 museum, its collections and its programs;

3 F. adopt such rules as may be necessary to carry

4 out the provisions of the Veterans Museum Act; and

5 G. establish policy, determine the mission and

6 direct the development of the museum.

7 Section 6. DIRECTOR--APPOINTMENT--QUALIFICATIONS.--

8 A. Subject to the authority of the secretary, the

9 administrative and executive officer of the division and the

10 museum is the "director" of the division.

11 B. The secretary shall appoint the director with

12 the approval of the governor from a list of qualified finalists

13 provided by the board of directors.

14 C. The position of director shall require previous

15 experience in an administrative capacity in a museum of related

16 character.

17 Section 7. DIRECTOR--POWERS--DUTIES.--Subject to the

18 policies agreed to by the board, the director:

19 A. shall be responsible for the operation of the

20 museum in accordance with all appropriate statutes and rules;

21 B. shall develop exhibits and programs displaying

22 New Mexico veterans history for the benefit of the public and

23 with particular concern for the interests of the schools of the

24 state;

25 C. shall acquire by donation or other means of

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1   acquisition any collections and related materials appropriate

2   to a veterans museum and shall direct research as is

3   appropriate to render the collections of benefit to the public;

4   D.   shall employ such professional staff and other

5   employees as are necessary to the operation of the museum in

6   accordance with the provisions of the Personnel Act;

7   E.   may solicit and receive funds or property of any

8   nature for the development of the museum;

9   F.   may enter into contracts with public or private

10   organizations, individuals or agencies for the performance of

11   services related to the location, preservation, development,

12   study or salvage of historical New Mexico veterans materials;

13   G.   shall cooperate with institutions of higher

14   education and other agencies and political subdivisions of

15   municipal, state and federal governments to establish, maintain

16   and extend the programs of the museum;

17   H.   may, as authorized by the board, lend collection

18   materials to qualified institutions and agencies for purposes

19   of exhibition and study and borrow collection materials from

20   other institutions and agencies for the same purpose;

21   I.   shall impose and collect admission fees and

22   conduct retail sales as are normal for the operation of the

23   museum;

24   J.   may publish journals, books, reports and other

25   materials as are appropriate to the operation of the museum;

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and

K.   shall perform other appropriate duties as may be delegated by the governor, the secretary or the board or as may be provided by law.

Section 8.   APPROPRIATION.--Two hundred fifty thousand dollars ($250,000) is appropriated from the general fund to the cultural affairs department for expenditure in fiscal year 2009 to carry out the purposes of the Veterans Museum Act.   Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

Section 9.   EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2008.

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