

AN ACT

RELATING TO MUSEUMS; ENACTING THE VETERANS MUSEUM ACT;
CREATING THE VETERANS MUSEUM DIVISION IN THE CULTURAL AFFAIRS
DEPARTMENT; PROVIDING POWERS AND DUTIES.

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

Section 1. SHORT TITLE.--Sections 1 through 8 of 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 trustees of the museum;
- B. "director" means the director of the division;
- C. "division" means the veterans museum division of the cultural affairs department;
- D. "museum" means the New Mexico veterans museum; and
- E. "secretary" means the secretary of cultural affairs.

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

- A. The "veterans museum division" is created in the cultural affairs department. The principal facility of the division is the "New Mexico veterans museum" located in Las Cruces. The site shall be held in the name of the state.

B. All property, real or personal, now held or subsequently acquired for the operation of the museum shall be under the control and authority of the board.

C. Funds or other property received by gift, endowment or legacy shall remain under the control of the board and shall, upon acceptance, be employed for the purpose specified.

Section 4. BOARD OF TRUSTEES CREATED--APPOINTMENTS--TERMS--OFFICERS.--

A. The "board of trustees of the New Mexico veterans museum" is created. The board shall consist of eleven voting members who are residents of New Mexico. One of the voting members shall be the secretary of veterans' services or that secretary's designated representative. Ten voting members shall be appointed by the governor with the advice and consent of the senate. In making the appointments, the governor shall appoint at least three members from each congressional district and give due consideration to the ethnic and geographic diversity of the state. No more than five of the ten appointed members shall be from the same political party. At least five of the members shall be armed forces veterans, one each from:

- (1) the New Mexico national guard;
- (2) the United States army;
- (3) the United States navy;

(4) the United States air force; and

(5) the United States marine corps.

B. Of the initial appointees, four members shall be appointed for four-year terms, four members shall be appointed for three-year terms and two members shall be appointed for two-year terms. All subsequent appointed members shall be appointed for four-year terms.

C. A majority of the board members currently serving shall constitute a quorum at any meeting or hearing.

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

E. The secretary of cultural affairs shall be an ex-officio nonvoting member of the board.

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

G. Appointed members of the board are entitled to per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or

allowance.

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

- A. exercise trusteeship over the collections of the museum;
- B. accept and hold title to all property for the museum's use;
- C. review annually the performance of the director and report its findings to the secretary;
- D. enter into agreements or contracts with private or public organizations, agencies or individuals for the purpose of obtaining real or personal property for the museum's use;
- E. authorize the director to solicit and receive funds or property of any nature for the development of the museum, its collections and its programs;
- F. adopt such rules as may be necessary to carry out the provisions of the Veterans Museum Act; and
- G. establish policy, determine the mission and direct the development of the museum.

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

A. Subject to the authority of the secretary, the administrative and executive officer of the division and the museum is the "director" of the division.

B. The secretary shall appoint the director with the approval of the governor from a list of qualified

finalists provided by the board of trustees.

C. The position of director shall require previous experience in museum administration.

Section 7. DIRECTOR--POWERS--DUTIES.--Subject to the policies agreed to by the board, the director:

A. shall be responsible for the operation of the museum in accordance with all appropriate statutes and rules;

B. shall develop exhibits and programs displaying New Mexico veterans history for the benefit of the public and with particular concern for the interests of the schools of the state;

C. shall acquire by donation or other means of acquisition any collections and related materials appropriate to a veterans museum and shall direct research as is appropriate to render the collections of benefit to the public;

D. shall employ such professional staff and other employees as are necessary to the operation of the museum in accordance with the provisions of the Personnel Act;

E. may solicit and receive funds or property of any nature for the development of the museum;

F. may enter into contracts with public or private organizations, agencies or individuals for the performance of services related to the location, preservation, development, study or salvage of historical New Mexico veterans materials;

G. shall provide an office in the museum for use by the veterans' services department to provide services to New Mexico veterans;

H. shall cooperate with institutions of higher education and other agencies and political subdivisions of municipal, state and federal governments to establish, maintain and extend the programs of the museum;

I. may, as authorized by the board, lend collection materials to qualified institutions and agencies for purposes of exhibition and study and borrow collection materials from other institutions and agencies for the same purpose;

J. subject to the provisions of Section 8 of the Veterans Museum Act, shall impose and collect admission fees and conduct retail sales as are normal for the operation of the museum;

K. may publish journals, books, reports and other materials as are appropriate to the operation of the museum; and

L. 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. MUSEUM ADMISSION POLICY.--The board, the secretary of cultural affairs and the director shall establish and implement a policy to permit New Mexico residents age

sixty years and older to enter all publicly accessible exhibit and program areas of the museum, except special exhibits and programs where commissions or royalties are paid by contract, free of charge every Wednesday that is not a holiday that the museum is open.

Section 9. Section 9-4A-4 NMSA 1978 (being Laws 2004, Chapter 25, Section 4, as amended) is amended to read:

"9-4A-4. DEPARTMENT CREATED.--The "cultural affairs department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division;
- B. the arts division;
- C. the historic preservation division;
- D. the library division;
- E. the Hispanic cultural division;
- F. the farm and ranch heritage museum division;
- G. the natural history and science museum division;
- H. the museum of space history division;
- I. the museum resources division;
- J. the veterans museum division; and
- K. the following divisions that make up the museum of New Mexico:

(1) the palace of the governors state

history museum division;

(2) the New Mexico museum of art division;

(3) the museum of Indian arts and culture
division;

(4) the museum of international folk art
division;

(5) the archaeological services division;
and

(6) the state monuments division."

Section 10. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2009. _____