

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 243

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Jeff Steinborn

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;

.170701.2

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

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 Las Cruces. The site shall be held in the name of the state.

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

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

18 Section 4. BOARD OF DIRECTORS CREATED--APPOINTMENTS--
19 TERMS--OFFICERS.--

20 A. The "board of directors of the New Mexico
21 veterans museum" is created. The board shall consist of the
22 following thirteen voting members:

23 (1) the adjutant general or the adjutant
24 general's designee;

25 (2) the secretary of cultural affairs or the

.170701.2

underscored material = new
[bracketed material] = delete

1 secretary's designee;

2 (3) the secretary of veterans' services or the
3 secretary's designee; and

4 (4) ten members who are residents of New
5 Mexico appointed by the governor with the advice and consent of
6 the senate. In making the appointments, the governor shall
7 appoint three members from each congressional district and give
8 due consideration to the ethnic and geographic diversity of the
9 state. No more than five of the ten appointed members shall be
10 from the same political party. At least five of the members
11 shall be veterans appointed to represent each of the following
12 entities of the armed forces:

13 (a) the New Mexico national guard;

14 (b) the United States army;

15 (c) the United States navy;

16 (d) the United States air force; and

17 (e) the United States marine corps.

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

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

25 D. Any appointed member failing to attend three

.170701.2

underscoring material = new
[bracketed material] = delete

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

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

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

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

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

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

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

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

24 E. authorize the director to solicit and receive
25 funds or property of any nature for the development of the

.170701.2

underscored material = new
[bracketed material] = delete

1 museum, its collections and its programs;

2 F. adopt such rules as may be necessary to carry
3 out the provisions of the Veterans Museum Act; and

4 G. establish policy, determine the mission and
5 direct the development of the museum.

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

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

10 B. The secretary shall appoint the director with
11 the approval of the governor from a list of qualified finalists
12 provided by the board of directors.

13 C. The position of director shall require previous
14 experience in an administrative capacity in a museum of related
15 character.

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

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

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

24 C. shall acquire by donation or other means of
25 acquisition any collections and related materials appropriate

.170701.2

underscoring material = new
[bracketed material] = delete

1 to a veterans museum and shall direct research as is
2 appropriate to render the collections of benefit to the public;

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

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

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

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

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

20 I. shall impose and collect admission fees and
21 conduct retail sales as are normal for the operation of the
22 museum;

23 J. may publish journals, books, reports and other
24 materials as are appropriate to the operation of the museum;
25 and

.170701.2

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

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

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

underscoring = new
~~[bracketed material]~~ = delete