

2016 Regular Session

SENATE BILL NO. 351

BY SENATOR MORRISH

POSTSECONDARY ED. Provides relative to the Louisiana Universities Marine Consortium for Research and Education. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3452, 3453.1(A) and (C), 3454, and 3456, and to repeal R.S.
3 17:3453 and 3455, and R.S. 36:651(M) and 801.4, relative to the Louisiana
4 Universities Marine Consortium for Research and Education; to repeal the executive
5 board and transfer all duties and functions of the executive board to the Board of
6 Regents; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3452, 3453.1(A) and (C), 3454, and 3456 are hereby amended and
9 reenacted to read as follows:

10 §3452. Louisiana Universities Marine Consortium for Research and Education;
11 creation; membership

12 The Louisiana Universities Marine Consortium for Research and Education,
13 referred to hereinafter as the consortium, is hereby created as a body corporate under
14 the authority of the Board of Regents ~~to be administered by an executive board as~~
15 ~~provided in this Chapter, hereinafter referred to as the board.~~

16 §3453.1. Science and Education Advisory Council; creation; membership; duties

17 A. The Science and Education Advisory Council is hereby created to provide

1 advice and information as requested by the ~~executive~~ board.

2 * * *

3 C. The advisory council shall meet as necessary to respond to requests from
4 the ~~executive~~ board as well as to provide the board with the benefit of perspectives
5 represented on the council.

6 §3454. Louisiana Universities Marine Consortium for Research and Education;
7 governance, funding

8 A. The Louisiana Universities Marine Consortium for Research and
9 Education shall be subject to the governance of the Board of Regents. The board
10 shall serve as fiscal agent for the consortium and shall review and approve the
11 consortium's budgetary request and operating budget and shall review and approve
12 all funds appropriately awarded or bequeathed to the consortium. ~~The executive~~
13 ~~board of the consortium shall prepare and submit all budget requests and other~~
14 ~~budgetary documents required by the Board of Regents for its approval.~~ All funds
15 appropriated to the consortium shall be appropriated as a separate line item within
16 the appropriation of the Board of Regents.

17 B. As the governing body of the Louisiana Universities Marine Consortium
18 for Research and Education, the ~~executive board of the consortium~~ shall have
19 authority to:

20 (1) Sue and be sued, including the right to recover all debts owing to the
21 consortium, and to retain legal counsel therefor.

22 (2) Actively seek and accept donations, bequests, or other forms of financial
23 assistance for educational purposes from any public or private person or agency and
24 comply with rules and regulations governing grants from the federal government or
25 any other person or agency which are not in contravention of the constitution and
26 laws of the state of Louisiana.

27 (3) Determine the fees which shall be paid by students.

28 (4) Purchase land and purchase or construct buildings necessary for the use
29 of the consortium in accordance with applicable laws; provided that all valid

1 campsites leases dated on or before April 16, 1979, including the option to extend the
2 leases for an additional ten-year period, as provided for in R.S. 41:1211 et seq., shall
3 remain in full force and effect.

4 (5) Purchase equipment, properly maintain, and make improvements to
5 facilities necessary for the use of the consortium in accordance with applicable state
6 laws.

7 ~~(6)(a) Except as otherwise provided in this Chapter, approve the appointment~~
8 ~~of such administrative officers and other personnel as the executive board deems~~
9 ~~necessary and designate their titles. In making its appointments, the executive board~~
10 ~~shall give consideration to the recommendations of the executive director and, in~~
11 ~~proper cases, to the head of any college or university affected by an appointment.~~
12 ~~Appointments of classified employees shall be in conformity with applicable civil~~
13 ~~service laws, rules, and regulations.~~

14 ~~(b) The compensation of all officers and employees, except those classified~~
15 ~~civil service employees, shall be fixed by the executive board and the officers so~~
16 ~~appointed shall serve at the pleasure of the executive board.~~

17 (7) Formulate curricula and programs of study.

18 ~~(8)~~(7) Adopt, amend, or repeal rules and regulations necessary or proper for
19 the business of the consortium.

20 ~~(9)~~(8) Affiliate with any institution giving any special course of instruction,
21 upon such terms as the executive board deems expedient, which terms may include
22 the retention by such institution of the control of property, faculty, and staff.

23 ~~(10)~~(9) Enter into contracts and agreements with other public agencies with
24 respect to cooperative enterprises and undertakings relating to or associated with
25 college or university purposes and programs in accordance with applicable laws.

26 ~~(11)~~(10) Perform such other functions as are necessary or incidental to the
27 supervision and management of the consortium.

28 ~~(12)~~(11) Employ the proceeds of all donations, grants, subscriptions, and
29 bequests made to the consortium so as to effect the purposes of and in accordance

1 with the terms and conditions of such donations, grants, subscriptions, and bequests.

2 ~~(13) Establish such subcommittees as may be necessary to assist the~~
3 ~~executive board in the implementation of the provisions of this Chapter.~~

4 ~~(14) Adopt necessary rules and regulations regarding the hours of~~
5 ~~employment and the accrual and use of sick leave and annual leave for all personnel~~
6 ~~employed by the consortium.~~

7 C. The ~~executive~~ board may enter into contracts and agreements with any
8 public agency for the establishment of state or other public offices on the property
9 and in the buildings belonging to or under the control of the consortium. The
10 ~~executive~~ board also may enter into contracts and agreements for joint construction,
11 equipment, maintenance, and financing of such buildings, and enter into contracts
12 and agreements for the joint financing, supervision, and conduct of cooperative
13 enterprises and undertakings.

14 D. The liability of any of the acts of the consortium or any of its employees,
15 or persons associated with any property of the consortium, shall be the liability of the
16 consortium as represented by the ~~executive~~ board.

17 §3456. Annual report; master plan

18 A.~~(1)~~ The ~~executive~~ board, in consultation with the Science and Education
19 Advisory Council, shall formulate a five-year master plan for the consortium's
20 marine science and education programs and initiatives and shall make timely
21 revisions to such plan as warranted and necessary.

22 ~~(2) The initial master plan required by this Subsection shall be submitted to~~
23 ~~the Board of Regents not later than February 1, 2013.~~

24 B.~~(1)~~ On or before December thirty-first of each year, ~~the executive director~~
25 ~~shall submit~~ **the commissioner of higher education shall submit** an annual report
26 of the activities of the consortium to the ~~executive~~ board together with any additional
27 information the ~~executive~~ board may require.

28 ~~(2) The chair of the executive board, the executive director of the board, and~~
29 ~~the chair of the Science and Education Advisory Council shall annually make a joint~~

1 ~~report to the Board of Regents regarding the consortium's efficacy in achieving its~~
 2 ~~overall mission through implementation of the master plan.~~

3 Section 2. R.S. 17:3453 and 3455 are hereby repealed.

4 Section 3. R.S. 36:651(M) and 801.4 are hereby repealed.

5 Section 4. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

The original instrument was prepared by Cheryl M. Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 351 Reengrossed

2016 Regular Session

Morrish

Present law creates the Louisiana Universities Marine Consortium for Research and Education (LUMCON) and provides for an executive board to administer the functions of the consortium.

Proposed law repeals the LUMCON executive board and transfers all duties and functions to the Board of Regents.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3452, 3453.1(A) and (C), 3454, and 3456; repeals R.S. 17:3453 and 3455, and R.S. 36:651(M) and 801.4)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes who shall submit the annual report to the board from the executive director to the commissioner of higher education.