

Regular Session, 2011

HOUSE BILL NO. 56

BY REPRESENTATIVE HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HIGHER ED/BD REGENTS: Transfers the Louisiana Universities Marine Consortium for Research and Education from an executive board under the authority of the Board of Regents to Nicholls State University

1 AN ACT

2 To amend and reenact R.S. 17:3451 and to repeal R.S. 17:3452 through 3456 and R.S.
3 36:651(M) and 801.4, relative to the Louisiana Universities Marine Consortium for
4 Research and Education; to abolish the executive board that governs the consortium
5 and to transfer responsibility for consortium management and administration to
6 Nicholls State University; to provide for agreements with other universities; to
7 provide for use of consortium facilities; to provide for transfer of the consortium and
8 continuance of consortium business and operations; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:3451 is hereby amended and reenacted to read as follows:

12 §3451. ~~Purpose~~ Creation; purpose; administration

13 ~~The purpose of this Chapter is to create~~ A. There is hereby created the
14 Louisiana Universities Marine Consortium for Research and Education with the
15 primary function of conducting research and promoting education in the marine
16 sciences and marine technology, particularly where related to coastal resources and
17 the impact of energy related industries upon these coastal resources. Such functions
18 shall be performed principally at the Louisiana Universities Marine Consortium
19 Center on the Louisiana gulf coast.

1 B. The consortium is created as a program of Nicholls State University and
2 the consortium and all of its facilities, resources, activities, and operations shall be
3 governed and administered by the university, subject to the constitutional authority
4 of the Board of Supervisors for the University of Louisiana System.

5 C. Subject to the constitutional authority of the Board of Supervisors for the
6 University of Louisiana System, Nicholls State University may:

7 (1) Enter into agreements with other Louisiana universities for the use of
8 facilities and resources of the consortium by faculty, staff, and students of such
9 universities. Universities entering into such agreements are deemed members of the
10 consortium, and the agreements shall provide with respect to the privileges and
11 responsibilities of the members.

12 (2) Adopt rules and policies for use of the facilities and resources of the
13 consortium by persons and entities not associated with a member university.

14 Section 2. R.S. 17:3452 through 3456 and R.S. 36:651(M) and 801.4 are hereby
15 repealed in their entirety.

16 Section 3. On January 1, 2012, the Louisiana Universities Marine Consortium for
17 Research and Education, hereafter in this Section referred to as the "consortium", shall be
18 transferred to Nicholls State University, hereafter in this Section referred to as the
19 "university", and, on such date, the consortium shall cease to be a body corporate and shall
20 be a program of the university. On January 1, 2012, the executive board of the Louisiana
21 Universities Marine Consortium for Research and Education, hereafter in this Section
22 referred to as the "executive board", shall be abolished. On such date, all unfinished
23 business, references in laws and documents, employees, property, obligations, and books and
24 records of the consortium and the executive board shall be transferred to the university, all
25 as provided in this Section. All unfinished business of the consortium shall continue and be
26 completed by the university and any pending or unfinished business of the executive board
27 shall be taken over and be completed by the university with the same power and
28 authorization as that of the executive board; the university shall be the successor in every
29 way to the executive board for the purpose of completing such business. All polices, rules,

1 and regulations of the executive board relating to its operations, use of its facilities and
2 resources, or for any other purpose shall remain in force and effect until modified by the
3 university. Except as provided in this Section, any reference in laws and documents to the
4 consortium shall continue to refer to the consortium and any reference in laws and
5 documents to the executive board shall be deemed to refer to the university. Any legal
6 proceeding to which the consortium or the executive board is a party and which is filed,
7 initiated, or pending before any court on the effective date of this Section, and all documents
8 involved in or affected by said legal proceeding, shall retain their effectiveness and shall be
9 continued in the name of the university. All further legal proceedings and documents in the
10 continuation, disposition, and enforcement of such legal proceeding shall be in the name of
11 the university, which shall be substituted for the consortium or the executive board without
12 necessity for amendment of any document. This Act shall not be construed so as to impair
13 the contractual or other obligations of the consortium, the executive board, or of the state of
14 Louisiana. All obligations of the consortium or the executive board shall become obligations
15 of the university. All funds heretofore dedicated by or under authority of the constitution
16 and laws of this state or any of its subdivisions to the payment of any bonds issued for
17 construction or improvements for any consortium facility shall continue to be collected and
18 dedicated to the payment of those bonds, unless and until other provision is made for the
19 payment of such bonds. In like manner, all other dedications and allocations of revenues
20 and sources of revenues heretofore made shall continue in the same manner, to the same
21 extent, and for the same purposes as were provided prior to the effective date of this Section,
22 unless and until other provision is made therefor. This Act shall not be construed or applied
23 in any way which will prevent full compliance by the state, or any department, office,
24 agency, or university thereof, with the requirements of any act of the Congress of the United
25 States or any regulation made thereunder by which federal aid or other federal assistance has
26 been or hereafter is made available. All books, papers, records, money, actions, and other
27 property or equipment of every kind, movable and immovable, real and personal, heretofore
28 possessed or controlled by the consortium or the executive board are hereby transferred to
29 the university to be used to the extent practicable for the consortium. All employees engaged

1 in the performance of duties of the consortium or the executive board, insofar as practicable
2 and necessary, are hereby transferred to the university and shall continue to perform the
3 duties heretofore performed, subject to applicable state civil service laws, rules, and
4 regulations and other applicable laws. Subject to such laws, positions in the unclassified
5 service shall remain in the unclassified service.

6 Section 4.(A) Sections 1 through 3 of this Act shall become effective January 1,
7 2012.

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

13 (C) Prior to January 1, 2012, the executive board, the Board of Regents, and
14 Nicholls State University shall take all actions necessary to effectuate the abolition of the
15 executive board of the Louisiana Universities Marine Consortium for Research and
16 Education and the transfer of the consortium on January 1, 2012, all as provided in this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 56

Abstract: Transfers the La. Universities Marine Consortium for Research and Education (LUMCON) to Nicholls State University and transfers management and administration of the consortium from an executive board created for that purpose to the university.

Present law creates the La. Universities Marine Consortium for Research and Education (LUMCON) as a body corporate to conduct research and promote education in the marine sciences and marine technology, particularly where related to coastal resources and the impact of energy related industries upon these coastal resources. Such functions shall be performed principally at the La. Universities Marine Consortium Center on the La. gulf coast. Proposed law retains present law.

Present law creates an executive board under the jurisdiction of the Board of Regents to govern LUMCON. The executive board is composed of the chancellor and one vice chancellor of LSU, the president and one vice president of Nicholls State University, and the president and one vice president of ULL. Provides for an advisory council composed of representatives from the three institutions with members on the executive board,

representatives from the private sector and public and private agencies that use the consortium's facilities. Requires that the advisory council include not less than one representative of each public institution of higher education offering a four-year curriculum toward a baccalaureate degree in science and engineering and one representative from the board of directors of the La. Association of Independent Colleges and Universities. Proposed law repeals present law.

Present law provides that the Board of Regents shall serve as fiscal agent for the consortium and further relative to the budget of and appropriations for LUMCON. Provides for the powers of the executive board. Authorizes the executive board to contract with any public agency for the establishment of offices on the property and in the buildings of the consortium and to contract for joint construction, equipment, maintenance, and financing of such buildings and for the joint financing, supervision, and conduct of cooperative enterprises and undertakings. Proposed law repeals present law.

Present law provides for the appointment of an executive director who is chief administrative officer and serves as secretary to the board. Requires the executive director to submit an annual report to the board. Proposed law repeals present law.

Proposed law provides that the consortium is created as a program of Nicholls State University and shall cease to be a body corporate, and that, and all of its facilities, resources, activities, and operations, shall be governed and administered by the university subject to the constitutional authority of the Board of Supervisors for the University of La. system.

Proposed law, subject to the board of supervisors' constitutional authority, authorizes Nicholls to:

- (1) Enter into agreements with other La. universities for the use of facilities and resources of the consortium by their respective faculty, staff, and students. Universities entering such agreements are deemed members of the consortium, and the agreements shall provide with respect to the privileges and responsibilities of the members.
- (2) Adopt rules and policies for use of the facilities and resources of the consortium by persons and entities not associated with a member university.

Proposed law provides for the transfer of all records, property, employees, and obligations of LUMCON and its executive board to Nicholls and for the continuation of legal matters and operations under the name and authority of the university.

Effective Jan. 1, 2012, except requires all actions necessary to effectuate the transfer of the consortium and the abolition of its executive board as provided for by proposed law to be taken prior to that date.

(Amends R.S. 17:3451; Repeals R.S. 17:3452-3456 and R.S. 36:651(M) and 801.4)