

CHAPTER 28. LOUISIANA UNIVERSITIES MARINE
CONSORTIUM FOR RESEARCH AND EDUCATION

§3451. Purpose

The purpose of this Chapter is to create the Louisiana Universities Marine Consortium for Research and Education with the primary function of conducting research and promoting 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 Louisiana Universities Marine Consortium Center on the Louisiana gulf coast.

Added by Acts 1979, No. 557, §1.

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

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

Added by Acts 1979, No. 557, §1; Acts 1995, No. 1243, §1, eff. June 29, 1995.

§3453. Executive Board of the Louisiana Universities Marine Consortium for Research and Education; creation; membership; terms of office; vacancies; compensation; organization; duties

A. There is hereby created the Executive Board of the Louisiana Universities Marine Consortium for Research and Education within the Department of Education as provided by R.S. 36:651(M) and 801.4. The executive board shall administer the affairs of the consortium. The executive board shall report to and be responsible to the Board of Regents on all fiscal and programmatic matters. The executive board shall appoint an executive director of the consortium who shall report to the board. The executive board shall meet not less often than twice annually.

B. The Executive Board of the Louisiana Universities Marine Consortium for Research and Education shall be composed of the chancellor and one vice chancellor, chosen by the chancellor, of Louisiana State University and Agricultural and Mechanical College in Baton Rouge, the president and one vice president, chosen by the president, of Nicholls State University, and the president and one vice president, chosen by the president, of the University of Southwestern Louisiana.

C. The executive board shall be domiciled in East Baton Rouge Parish.

D. Each member of the executive board shall serve without compensation except for reimbursement of all necessary travel expenses incurred in the performance of official duties of the council, such expenses to be paid in conformity with regulations governing state officials.

E.(1) The executive board shall be chaired, for a one-year term, by one of the institutional chief executive officers. The remaining two chief executive officers shall be first vice chair and second vice chair respectively. At the end of each term the first vice chair shall become the chair, the second vice chair shall become the first vice chair, and the chair shall become the second vice chair.

(2) The initial positions of the chief executive officers shall be chosen by random drawing.

F. The executive board of the consortium shall establish 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. The advisory board shall 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 Louisiana Association of Independent Colleges and Universities. The advisory board shall meet as necessary to respond to requests of the executive board for advice and information as well as to provide the executive board with the benefit of perspectives represented on the council.

Added by Acts 1979, No. 557, §1; Amended by Acts 1988, No. 434, §1; Acts 1995, No. 1243, §1, eff. June 29, 1995.

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

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

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

- (1) Sue and be sued, including the right to recover all debts owing to the consortium, and to retain legal counsel therefor.
- (2) Actively seek and accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or any other person or agency which are not in contravention of the constitution and laws of the state of Louisiana.
- (3) Determine the fees which shall be paid by students.
- (4) Purchase land and purchase or construct buildings necessary for the use of the consortium in accordance with applicable laws; provided that all valid campsite leases dated on or before April 16, 1979, including the option to extend the leases for an additional ten-year period, as provided for in R.S. 41:1211 et seq., shall remain in full force and effect.
- (5) Purchase equipment, properly maintain, and make improvements to facilities necessary for the use of the consortium in accordance with applicable state laws.
- (6)(a) Except as otherwise provided in this Chapter, approve the appointment of such administrative officers and other personnel as the executive board deems necessary and designate their titles. In making its appointments, the executive board shall give consideration to the recommendations of the executive director and, in proper cases, to the head of any college or university affected by an appointment. Appointments of classified employees shall be in conformity with applicable civil service laws, rules, and regulations.
- (b) The compensation of all officers and employees, except those classified civil service employees, shall be fixed by the executive board and the officers so appointed shall serve at the pleasure of the executive board.
- (7) Formulate curricula and programs of study.
- (8) Adopt, amend, or repeal rules and regulations necessary or proper for the business of the consortium.
- (9) Affiliate with any institution giving any special course of instruction, upon such terms as the executive board deems expedient, which terms may include the retention by such institution of the control of property, faculty, and staff.
- (10) Enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs in accordance with applicable laws.
- (11) Perform such other functions as are necessary or incidental to the supervision and management of the consortium.
- (12) Employ the proceeds of all donations, grants, subscriptions, and bequests made to the consortium so as to effect the purposes of and in accordance with the terms and conditions of such donations, grants, subscriptions, and bequests.
- (13) Establish such subcommittees as may be necessary to assist the executive board in the implementation of the provisions of this Chapter.
- (14) Adopt necessary rules and regulations regarding the hours of employment and the accrual and use of sick leave and annual leave for all personnel employed by the consortium.

C. The executive board may enter into contracts and agreements with any public agency for the establishment of state or other public offices on the property and in the buildings

belonging to or under the control of the consortium. The executive board also may enter into contracts and agreements for joint construction, equipment, maintenance, and financing of such buildings, and enter into contracts and agreements for the joint financing, supervision, and conduct of cooperative enterprises and undertakings.

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

Added by Acts 1979, No. 557, §1; Acts 1987, No. 386, §1; Acts 1988, No. 993, §2; Acts 1988, No. 995, §2; Acts 1995, No. 1243, §1, eff. June 29, 1995.

{{NOTE: SEE ACTS 1988, NO. 993, §3 AND ACTS 1988, NO. 995, §3.}}

{{NOTE: SEE ACTS 1990, NO. 299, §§1 AND 2 WHICH AMENDS ACTS 1988, NO. 993, §3 AND 995, §3.}}

RS 17:3455

§3455. Executive director; appointment; functions

The executive board may appoint a chief administrative officer who shall be the executive director of the consortium. The executive director of the consortium shall serve at the pleasure of the executive board and shall, with the approval of the executive board and subject to the applicable civil service laws, rules, and regulations of the state, appoint and remove all professional, research, technical, clerical, and stenographic employees of the consortium. The compensation of the executive director shall be fixed by the executive board. The executive director shall serve as secretary to the executive board, the executive committee, and any additional committees appointed by the executive board to assist in the implementation of the provisions of this Chapter.

Added by Acts 1979, No. 557, §1; Acts 1995, No. 1243, §1, eff. June 29, 1995.

§3456. Annual report

On or before December thirty-first of each year, the executive director shall submit an annual report of the activities of the consortium to the executive board together with any additional information the executive board may require.

Added by Acts 1979, No. 557, §1. Amended by Acts 1995, No. 1243, §1, eff. June 29, 1995.

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

A. The transfers and abolitions of agencies hereinafter made in this Section shall be effective on or before December 31, 1977, as provided in Chapter 24 of this Title.

B. For purposes of this Chapter, references in Chapters 22 and 24 of this Title to the "secretary" shall refer to the superintendent of education, references to the "undersecretary" shall refer to the deputy superintendent for management and finance, references to an "assistant secretary" shall refer to an assistant superintendent, except that references in Chapters 22 and 24 of this Title to the "secretary", "the undersecretary", or an "assistant secretary" shall mean the chairman as provided in R.S. 17:3022(A), for any agency transferred under the provisions of R.S. 36:651(K).

C. The Louisiana Educational Television Authority (R.S. 17:2501-17:2506) is transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.

D. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

- (1) The Board of Supervisors for the University of Louisiana System (Article VIII, Section 6 of the 1974 Louisiana Constitution; R.S. 17:1806, 3201 et seq., and 3351 et seq.)
- (2) Board of Regents (Article VIII, Section 5 of the 1974 Constitution; R.S. 17:3121-17:3133)
- (3) Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:1453; 17:1455-1456; 17:2181-17:2193; 17:3121-17:3133)
- (4) Board of Supervisors of Southern University and Agricultural and Mechanical College (Article VIII, Section 7 of the 1974 Constitution; R.S. 17:3121-17:3133)
- (5) The Board of Supervisors of Community and Technical Colleges (Article VIII, Section 7.1 of the 1974 Louisiana Constitution; R.S. 17:1871 et seq.).
- (6) Louisiana Systemic Initiatives Program Council (R.S. 17:2757 et seq.).
- (7) Repealed by Acts 2005, No. 428, §3, eff. July 1, 2005.
- (8) The New Orleans Center for Creative Arts and its board of directors (R.S. 17:1970.21 - 1970.27).
- (9) Repealed by Acts 2010, No. 743, §5, eff. July 1, 2010.

E. The State Board of Elementary and Secondary Education (Article VIII of 1974 Louisiana Constitution; R.S. 17:1-17:14; R.S. 17:274.1; R.S. 17:341-17:347; R.S. 17:351; R.S. 17:391.1-17:391.10; R.S. 17:411; R.S. 17:416.2; R.S. 17:420.1) is hereby transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.2.

F. The Recovery School District (R.S. 17:1990) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802.

G. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Education as provided in Part III of Chapter 22 of this Title:

- (1) Repealed by Acts 2006, No. 223, §3, eff. June 2, 2006.
- (2) The High School Redesign Commission (R.S. 17:3951).
- (3) Repealed by Acts 2001, No. 1137, §1.

H. The State Department of Education (R.S. 17:24) is hereby abolished and its powers, duties, functions, and responsibilities are transferred to the superintendent of education of the Department of Education and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title.

- I. The public colleges and universities, the vocational-technical schools of the state and all special schools under the jurisdiction of any agency transferred to the department are hereby transferred into the Department of Education and shall be governed as provided by the constitution and laws of this state.
- J. The advisory councils to postsecondary vocational-technical schools (R.S. 17:1998) are transferred to and hereafter shall be within the Department of Education but shall retain their function of advising the Board of Supervisors of Community and Technical Colleges.
- K. The following agencies, defined by R.S. 36:3, are hereby abolished and their powers, duties, functions, and responsibilities are transferred to the Louisiana Student Financial Assistance Commission in the Department of Education as provided by R.S. 36:642(D)(2) and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title:
- (1) T. H. Harris Scholarship Foundation Board of Trustees (R.S. 17:1781-17:1783)
 - (2) Louisiana Higher Education Assistance Commission (R.S. 17:3021-17:3030)
- L. The Advisory Commission on Proprietary Schools (R.S. 17:3141.1-3141.19) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided in R.S. 36:801.5.
- M. The Council of the Louisiana Universities Marine Consortium for Research and Education (R.S. 17:3451-17:3456) shall be within the Department of Education as provided in R.S. 36:801.4.
- N. The Postsecondary Education Review Commission (R.S. 17:3138) is placed within the Department of Education under the jurisdiction of the Board of Regents and shall exercise and perform its powers, duties, functions, and responsibilities independently of the department and as provided in R.S. 17:3138.
- O. The Louisiana Hall of Fame for the Arts election board (R.S. 17:1815) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities as provided by law.
- P. The Task Force on Student Proficiency (R.S. 17:24.4) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred under the provisions of Part III of Chapter 22 of this Title.
- Q. The Louisiana School of Math, Science, and the Arts and its board of directors (R.S. 17:1961 et seq.) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.
- R. The Louisiana Higher Education Executive Advisory Committee (R.S. 17:3129.2) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred under the provisions of Part III of Chapter 22 of this Title.
- S, T. Repealed by Acts 2010, No. 861, §22.
- U.(1) The office of instructional technology (R.S. 17:3921-3921.4) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:801.
- (2) Repealed by Acts 1995, No. 1262, §1.
- V. The boards of directors of the regional service centers (R.S. 17:3781 et seq.) are placed within the Department of Education and shall exercise and perform their powers, duties, functions, and responsibilities as provided by law.
- W. Repealed by Acts 2009, No. 438, §2.

X. The State Advisory Commission on Teacher Education and Certification (R.S. 17:31-17:33) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of Part III of Chapter 22 of this Title.

Y. The Quality Science and Mathematics Council (R.S. 17:371-377) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred under the provisions of R.S. 36:801.1.

Z. The Governor's Program for Gifted Children (R.S. 17:1989.1-1989.8) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

AA.(1) The Louisiana Health Works Commission (R.S. 17:2048.51) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.5.

(2) The Nursing Supply and Demand Council (R.S. 37:1007) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.5.

(3) The Simulation Medical Training and Education Council for Louisiana (R.S. 17:2048.61) is placed within the Department of Education under the Louisiana Health Works Commission and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.5.

BB. The Louisiana Student Financial Assistance Commission (R.S. 17:3021-3048.7) is placed within the Board of Regents and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

Added by Acts 1977, No. 83, §1, eff. June 22, 1978. Amended by Acts 1978, No. 75, §1; Acts 1978, No. 135, §3; Acts 1979, No. 557, §2; Acts 1979, No. 559, §2; Acts 1980, No. 207, §2; Acts 1980, No. 236, §3; Acts 1981, No. 873, §1, eff. Sept. 11, 1981; Acts 1981, No. 932, §2, eff. Sept. 1, 1982; Acts 1982, No. 698, §1; Acts 1984, No. 275, §2; Acts 1984, No. 757, §2, eff. July 13, 1984; Acts 1984, No. 758, §2, eff. July 13, 1984; Acts 1984, No. 759, §2, eff. July 13, 1984; Acts 1984, No. 834, §2, eff. July 13, 1984; Acts 1985, No. 354, §1, eff. July 9, 1985; Acts 1986, No. 146, §2, eff. July 2, 1986; Acts 1986, No. 873, §2; Acts 1986, No. 1074, §2, eff. July 17, 1986; Acts 1987, No. 198, §§2, 3, eff. June 19, 1987; Acts 1987, No. 934, §§2, 3, eff. July 20, 1987; Acts 1988, No. 945, §2; Acts 1989, No. 140, §2, eff. June 22, 1989; Acts 1989, No. 190, §4, eff. Sept. 30, 1990; Acts 1989, No. 377, §2, eff. June 29, 1989; Acts 1989, No. 406, §1, §2; Acts 1989, No. 662, §8, eff. July 7, 1989, §11, eff. Aug. 1, 1989; §13, eff. June 30, 1991; Acts 1990, No. 621, §2, eff. July 19, 1990; Acts 1990, No. 1067, §2, eff. July 27, 1990; Acts 1991, No. 1036, §2, eff. July 26, 1991; Acts 1992, No. 317, §1; Acts 1992, No. 328, §2, eff. June 17, 1992; Acts 1992, No. 970, §2, eff. July 9, 1992; Acts 1992, No. 1093, §2; Acts 1993, No. 778, §2, eff. June 22, 1993; Acts 1995, No. 1228, §2, eff. June 29, 1995; Acts 1995, No. 1262, §1; Acts 1997, No. 462, §3; Acts 1997, No. 478, §2, eff. June 30, 1997; Acts 1997, No. 1116, §2; Acts 1999, No. 595, §2, eff. June 30, 1999; Acts 2000, 1st Ex. Sess., No. 60, §3, eff. July 1, 2000; Acts 2001, No. 1137, §1; Acts 2003, No. 9, §2, eff. Nov. 6, 2003; Acts 2005, No. 233, §2, eff. June 29, 2005; Acts 2005, No. 428, §3, eff. July 1, 2005; Acts 2006, No. 223, §§2,3 eff. June 2, 2006; Acts 2006, No. 462, §2, eff. June 15, 2006; Acts 2008, No. 534, §2, eff. June 30, 2008; Acts 2008, No. 760, §2, eff. July 1, 2008; Acts 2009, No. 309, §2, eff. July 1, 2009; Acts 2009, No. 409, §3, eff. July 1, 2009; Acts 2009, No. 421, §2; Acts 2009, No. 438, §§2, 4(B); Acts 2010, No. 525, §3, eff. June 24, 2010; Acts 2010, No. 743, §5, eff. July 1, 2010; Acts 2010, No. 861, §§17, 22.

NOTE: See Acts 1990, No. 4, §2.

NOTE: See Acts 2000, 1st Ex. Sess., No. 60, §4, eff. April 17, 2000, relative to transition of New Orleans Center for Creative Arts to operation as a state agency.

NOTE: See Acts 2009, No. 438, §16 relative to transfer of functions, authority, business, employees, etc. pursuant to abolitions of entities as provided in the Act. Entities affected include the Louisiana Educational Assessment Testing Commission and the Louisiana Home Instruction for Preschool Youngsters Advisory Board.

§801.4. Transfer; Council of the Louisiana Universities Marine Consortium for Research and Education

The agency placed within the Department of Education by the provisions of R.S. 36:651(M) shall exercise all powers, duties, functions, and responsibilities provided or authorized by the constitution or laws which are in the nature of policy making, rule making, licensing, regulation, enforcement, or adjudication and exercise all advisory powers, duties, and functions provided by law and shall administer and implement all programs provided or authorized by law. The executive director shall, with the approval of the council, employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of such powers, duties, functions, and responsibilities and for the administration and implementation of such programs, in accordance with applicable civil service laws, rules, and regulations. The agency shall perform and administer its functions which are in the nature of accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management and grants management subject to budgetary control and approval and review by the Board of Regents of all funds appropriated, awarded or bequested. The agency as provided in this Section shall exercise the powers, duties, functions, and responsibilities as provided by the constitution and by law and shall administer and implement the programs authorized in this Section or any other provision of law independently of the secretary, the undersecretary, and any assistant secretary.

Added by Acts 1979, No. 557, §2.