

SENATE, No. 549

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

SYNOPSIS

Establishes the Department of Higher Education.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 **AN ACT** establishing a Department of Higher Education as a
2 principal department in the executive branch of State government
3 and revising parts of the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) As used in this act:

9 "Board" means the Board of Higher Education.

10 "Chancellor" means the chancellor of the Department of Higher
11 Education.

12 "Department" means the Department of Higher Education.

13

14 2. (New section) There is hereby established in the Executive
15 Branch of the State government a principal department which shall
16 be known as the Department of Higher Education. The department
17 shall consist of a board of higher education, a chancellor, and such
18 divisions, bureaus, branches, committees, officers and employees as
19 are specifically referred to in this act and as may be constituted or
20 employed by virtue of the authority conferred by this act or by any
21 other law.

22

23 3. (New section) Suitable quarters to be known as the
24 "Department of Higher Education" shall be provided.

25

26 4. (New section) The department shall, in addition to other
27 powers and duties vested in it by this act or by any other law:

28 a. Assist in the coordination of State and federal activities
29 relating to higher education;

30 b. Advise and inform the Governor on the affairs and problems
31 of higher education and make recommendations to the Governor for
32 proposed legislation pertaining thereto;

33 c. Stimulate programs relating to higher education through
34 publicity, education, guidance and technical assistance concerning
35 federal and State programs;

36 d. Encourage cooperative programs by institutions of higher
37 education;

38 e. Maintain an inventory of data and information and act as a
39 clearinghouse and referral agency for information on State and
40 federal services and programs; and

41 f. Exercise all the functions, powers and duties formerly
42 exercised by the Commission on Higher Education pertaining to
43 higher education and the jurisdiction, supervision and control of
44 institutions of higher education and transferred to the commission
45 as of July 1, 1994 by P.L.1994, c.48 (C.18A:3B-1 et seq.), except

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

 Matter underlined thus is new matter.

1 those functions, powers and duties which are inconsistent with the
2 specific provisions of this act.

3
4 5. (New section) The department, or any of the divisions
5 established therein, may, subject to the approval of the Governor
6 and the board, apply for and accept grants from the federal
7 government or any agency thereof, or from any foundation,
8 corporation, association or individual, and may comply with the
9 terms, conditions and limitations thereof, for any of the purposes of
10 the department. Any money so received may be expended by the
11 department, subject to any limitations imposed in the grants to
12 effect any of the purposes of the department upon warrant of the
13 director of the Division of Budget and Accounting of the
14 Department of the Treasury on vouchers certified and approved by
15 the chancellor.

16
17 6. (New section) The Board of Higher Education shall be
18 composed of 16 members as follows: the Chairman of the Board of
19 Governors of Rutgers, The State University; the Chairman of the
20 Board of Trustees of The New Jersey Institute of Technology; the
21 Chairman of the New Jersey Association of State Colleges and
22 Universities; the Chairman of the Board of Trustees of the
23 University of Medicine and Dentistry of New Jersey; a
24 representative trustee member of the Council of County Colleges;
25 the President of the State Board of Education; a representative of
26 the independent colleges and universities of New Jersey, to be
27 designated by the Association of Independent Colleges and
28 Universities in New Jersey, with the approval of the Governor; and
29 nine citizens, residents of the State, of whom at least two shall be
30 women. The chancellor and the Commissioner of Education shall
31 be ex officio members, but without vote.

32
33 7. (New section) The Chairman of the Board of Governors of
34 Rutgers, The State University; the Chairman of the Board of
35 Trustees of The New Jersey Institute of Technology; the Chairman
36 of the New Jersey Association of State Colleges and Universities;
37 the Chairman of the Board of Trustees of the University of
38 Medicine and Dentistry of New Jersey; the representative trustee
39 member of the Council of County Colleges; the President of the
40 State Board of Education and the representative of the independent
41 colleges and universities in New Jersey may each designate in
42 writing another member of the person's board, council or
43 association as an alternate to attend in the person's absence and vote
44 at the meetings of the board; provided that the alternate shall be
45 selected from among the membership of the group from which the
46 member's status on the board arises, and further that when the
47 member is a lay member of such a group, the alternate must
48 likewise be a lay member of the group.

1 8. (New section) The citizen members of the board shall be
2 appointed by the Governor with the advice and consent of the
3 Senate and shall be selected, as far as may be practicable, on the
4 basis of their knowledge of, or interest or experience in, problems
5 of higher education and without regard to political belief or
6 affiliation. The term of office of appointed members, except for the
7 first appointments, shall be for six years. Each member shall serve
8 until a successor shall have been appointed and qualified, and
9 vacancies shall be filled in the same manner as the original
10 appointment for the remainder of the unexpired term. In the case of
11 the initial appointments of the citizen members, three members
12 shall be appointed for two-year terms; three members shall be
13 appointed for four-year terms; and three members shall be
14 appointed for six-year terms. They shall be subject to removal by
15 the Governor, for cause, upon notice and opportunity to be heard.

16

17 9. (New section) The members of the Board of Higher
18 Education shall receive no compensation for their services, but shall
19 be paid their necessary expenses in performing their duties.

20

21 10. (New section) The Board of Higher Education shall hold
22 public meetings as it deems necessary to fulfill its duties and
23 obligations at such places within the State as it shall designate no
24 less than once each month for 10 months per year.

25

26 11. (New section) The Board of Higher Education shall
27 organize annually at its regular July meeting by the election of a
28 chairman, vice-chairman and such other officers as the board shall
29 determine. The officers shall serve until the following July meeting
30 and until their successors are elected and qualified. Vacancies in
31 the offices shall be filled in the same manner for the unexpired term
32 only.

33

34 12. (New section) The chancellor shall be the secretary of the
35 board and have custody of its official seal. With the approval of the
36 board, the chancellor may designate an employee in the department
37 to perform the duties of the secretary and such other services as the
38 board shall designate.

39

40 13. (New section) It shall be the duty of the Board of Higher
41 Education to advance long-range planning for the system of higher
42 education as a whole in the State; establish general policy for the
43 governance of the separate institutions; coordinate the activities of
44 the individual institutions which, taken together, make up the
45 system of higher education in New Jersey; and maintain general
46 financial oversight of the State system of higher education. The
47 board shall not administer the individual institutions of higher
48 education, its own administration being specifically reserved unto

1 each of the institutions.

2 Within the limitations imposed by general legislation applicable
3 to all agencies of the State and the provisions of this act, the board
4 is hereby granted exclusive jurisdiction over higher education in
5 this State and its constituent parts and the requisite power to do all
6 things necessary and proper to accomplish the aims and carry out
7 the duties provided by law.

8

9 14. (New section) The Board of Higher Education shall:

10 a. Conduct research on higher educational needs;

11 b. Develop and maintain a comprehensive master plan which
12 shall be long-range in nature and be regularly revised and updated;

13 c. Establish new colleges, schools, units, divisions, institutes,
14 departments, branches, campuses, as required by the master plan,
15 provided that provision is made therefore in the annual or a
16 supplemental or special appropriation act of the Legislature or
17 otherwise;

18 d. Establish minimum admission standards for all public
19 institutions of higher education, except that nothing in this chapter
20 shall be construed to prevent individual institutions from
21 establishing higher minimum admission requirements;

22 e. Establish minimum standards for all public institutions of
23 higher education for degree granting, approve new programs and
24 degrees and approve discontinuance of degrees and educational
25 programs as required. Nothing, however, in this law shall be
26 construed to prevent individual institutions from establishing higher
27 minimum standards for degree granting. "Programs," as used in this
28 subsection, means areas or fields in which degrees or nondegree
29 certificates might be granted and shall not include individual
30 courses nor course content nor shall it include the course
31 composition of areas or fields already in existence;

32 f. Receive all budget requests from the institutions, coordinate
33 and balance the requests, and submit a combined request for
34 appropriations annually to the Governor;

35 g. Be an agency of communication with the federal government
36 on public funds available to the State for higher education, and
37 receive and recommend the disbursement of the funds by the State;

38 h. Set policy on salary and fringe benefits, and establish general
39 personnel policies for the public institutions of higher education;

40 i. Coordinate with the State Board of Education and the
41 commissioner to effectuate and advance public education at all
42 levels;

43 j. Encourage harmonious and cooperative relationships between
44 public and independent institutions of higher education;

45 k. Review periodically existing programs of instruction,
46 research, and public service in the public institutions of higher
47 education, and advise them of desirable change;

48 l. Keep the Governor, the Legislature, and the public informed

1 of the needs and accomplishments, both qualitative and
2 quantitative, of public higher education in New Jersey through
3 published reports, releases, conferences, and other means;

4 m. License institutions of higher education pursuant to the
5 authority of N.J.S.18A:68-3 to N.J.S.18A:68-5 inclusive;

6 n. Approve the basis or conditions for conferring degrees
7 pursuant to the authority of N.J.S.18A:68-6 to N.J.S.18A:68-8
8 inclusive;

9 o. Exercise enforcement powers as provided by N.J.S.18A:68-9
10 to N.J.S.18A:68-11 inclusive;

11 p. Require from institutions of higher education such reports as
12 may be necessary to enable the board to perform the duties imposed
13 upon it by statute;

14 q. Make to the Governor and the Legislature such
15 recommendations as the board deems necessary with regard to
16 appropriations that may be required for services, lands, buildings,
17 and equipment to be furnished by institutions of higher education
18 other than the Rutgers, State University of New Jersey and make
19 contracts on behalf of the State with the institutions in accordance
20 with legislative appropriations; provided that no disbursement of
21 moneys so appropriated shall be made to any institution utilized by
22 the State for the purpose of public higher education, except on
23 recommendation of the board; and the board shall see to the
24 application of the money for these purposes;

25 r. Exercise visitorial general powers of supervision and control
26 over such institutions of higher education as may be utilized by the
27 State. Its visitorial general powers of supervision and control are
28 hereby defined as visiting the institutions of higher education to
29 examine into their manner of conducting their affairs and to enforce
30 an observance of the laws of the State;

31 s. Establish guidelines within which the board of trustees of
32 each respective State college shall establish tuition rates and all
33 other fees to be paid by students at each respective State college;

34 t. Review and approve institutional plans of each State college
35 consistent with the provisions of chapter 64 of this Title.

36
37 15. (New section) The Board of Higher Education shall adopt
38 bylaws and may make and enforce, alter and repeal rules for its own
39 government and for implementing and carrying out this act.

40
41 16. (New section) The Board of Higher Education shall have all
42 powers, in addition to those specifically provided by law, requisite
43 to the performance of its duties.

44
45 17. (New section) The Board of Higher Education by its
46 presiding officer and each of its committees by its chairman, may
47 administer oaths and examine witnesses under oath in any part of
48 the State in regard to any matter pertaining to higher education and

1 may cause the examination to be reduced in writing. Any person
2 willfully giving false testimony upon being sworn or affirmed to tell
3 the truth by the presiding officer of the Board of Higher Education
4 or by the chairman of any of its committees, shall be guilty of a
5 misdemeanor.

6
7 18. (New section) The Board of Higher Education may issue
8 subpoenas signed by its chairman and secretary compelling the
9 attendance of witnesses and the production of books and papers in
10 any part of the State before it or before any of its committees or
11 before the chancellor or one of the chancellor's assistants. Any
12 person who neglects or refuses to obey the command of the
13 subpoena or who, after appearing, refuses to be sworn and testify,
14 unless the refusal is on grounds recognized by law, shall in either
15 event be liable to a penalty of \$100 for each offense to be recovered
16 by the Board of Higher Education in a civil action. Any penalty
17 when recovered shall be paid into the treasury of the State.

18
19 19. (New section) The Board of Higher Education shall report
20 annually to the Legislature in regard to all matters committed to its
21 care.

22
23 20. (New section) The chief executive officer and administrator
24 of the department shall be known as the chancellor and shall be a
25 person qualified by training and experience to perform the duties of
26 the office. The first chancellor shall be appointed by the Governor
27 with the advice and consent of the Senate and shall serve for a term
28 of five years and until the chancellor's successor has been appointed
29 and has qualified. Thereafter the chancellor shall be appointed by
30 the Board of Higher Education, subject to the approval of the
31 Governor, and shall serve for a term of five years and until the
32 chancellor's successor has been appointed and has qualified. The
33 chancellor shall receive such salary as shall be provided by law.
34 The chancellor may be removed from office by the Governor, for
35 cause, upon notice and opportunity to be heard.

36
37 21. (New section) The chancellor, as chief executive officer of
38 the department, subject to the approval of the board, shall:

39 a. Enforce all rules and regulations prescribed by the board and
40 administer the work of the department;

41 b. Appoint and remove officers and other personnel employed
42 within the department, subject to the provisions of Title 11A of the
43 New Jersey Statutes, and other applicable statutes, except as herein
44 otherwise specifically provided;

45 c. Perform, exercise and discharge the functions, powers and
46 duties of the department through such divisions as may be
47 established by this act or otherwise by law;

48 d. Organize the work of the department in such divisions, not

- 1 inconsistent with the provisions of this chapter, and in such bureaus
- 2 and other organizational units as may be necessary for efficient and
- 3 effective operation;
- 4 e. Adopt, issue and promulgate, in the name of the department,
- 5 such rules and regulations as may be authorized by law;
- 6 f. Formulate and adopt rules and regulations for the efficient
- 7 conduct of the work and general administration of the department,
- 8 its officers and employees;
- 9 g. Make an annual report to the Governor and to the Legislature
- 10 of the department's operations, and render such other reports as the
- 11 Governor shall from time to time request or as may be required by
- 12 law;
- 13 h. Coordinate the activities of the department, and the several
- 14 divisions and other agencies therein, in a manner designed to
- 15 eliminate overlapping and duplicating functions;
- 16 i. Integrate within the department, so far as practicable, all staff
- 17 services of the department and of the several divisions and other
- 18 agencies therein;
- 19 j. Maintain suitable headquarters for the department and such
- 20 other quarters within the State as shall be deemed necessary for the
- 21 proper functioning of the department; and
- 22 k. Perform such other functions as may be prescribed in this act
- 23 or by any other law.
- 24
- 25 22. (New section) The chancellor may, subject to the approval
- 26 of the board, appoint vice-chancellors and fix their compensation.
- 27 From time to time, the chancellor shall designate one of the vice-
- 28 chancellors to serve as acting chancellor in place of the chancellor
- 29 during an absence or in the case of a vacancy in the office. Any
- 30 designation shall be in writing, signed by the chancellor and filed
- 31 with the Secretary of State.
- 32
- 33 23. (New section) The chancellor may delegate to subordinate
- 34 officers or employees in the department any powers of the
- 35 chancellor which may be deemed desirable, to be exercised under
- 36 the supervision and direction of the chancellor.
- 37
- 38 24. (New section) The New Jersey Presidents' Council and the
- 39 New Jersey Commission on Higher Education created by P.L.1994,
- 40 c.48 (C.18A:3B-1 et seq.) are abolished and all of their functions,
- 41 powers and duties, except as herein otherwise provided, are
- 42 terminated.
- 43
- 44 25. (New section) The offices and terms of the executive
- 45 director of the New Jersey Commission on Higher Education, the
- 46 deputy executive director, and the directors of the various divisions
- 47 and offices of the commission, except as herein otherwise provided,
- 48 shall terminate upon the effective date of this act.

1 26. (New section) a. All functions, powers and duties now
2 vested in the Educational Opportunity Fund or the board of
3 directors thereof under the Commission on Higher Education in, but
4 not of, the Department of State are transferred to and assumed by
5 the Educational Opportunity Fund and the board of directors thereof
6 in the Department of Higher Education.

7 b. Whenever, in any law, rule, regulation, order, contract,
8 document, judicial or administrative proceeding or otherwise,
9 reference is made to the Educational Opportunity Fund or the board
10 of directors thereof in the Commission on Higher Education in, but
11 not of, the Department of State, the same shall mean and refer to the
12 Educational Opportunity Fund or the board of directors thereof in
13 the Department of Higher Education.

14 c. Nothing in this act shall be construed to limit the authority of
15 the Educational Opportunity Fund, or the board of directors thereof,
16 or to alter the terms and conditions of grants made to students by
17 the fund.

18 d. This transfer shall be subject to the provisions of the "State
19 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

20 e. The present members of the board of directors shall hold their
21 offices for the duration of their respective terms.
22

23 27. (New section) a. All functions, powers and duties now
24 vested in the Higher Education Student Assistance Authority or the
25 officers thereof in, but not of, the Department of State are
26 transferred to and assumed by the Higher Education Student
27 Assistance Authority and the officers thereof in the Department of
28 Higher Education.

29 b. Whenever, in any law, rule, regulation, order, contract,
30 document, judicial or administrative proceeding or otherwise,
31 reference is made to the Higher Education Student Assistance
32 Authority or the officers thereof in, but not of, the Department of
33 State, the same shall mean and refer to the Higher Education
34 Student Assistance Authority or the officers thereof in the
35 Department of Higher Education.

36 c. Nothing in this act shall be construed to limit the power of the
37 Higher Education Student Assistance Authority or to alter the terms
38 and conditions of loans made to students by the authority. Nothing
39 in this act shall be construed to alter the terms, conditions, rights or
40 remedies of any obligation issued by the authority.

41 d. This transfer shall be subject to the provisions of the "State
42 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

43 e. The present members of the authority shall hold their office
44 for the duration of their respective terms.
45

46 28. (New section) a. All functions, powers and duties now
47 vested in the Educational Facilities Authority or the officers thereof
48 in, but not of, the Department of the Treasury are transferred to and

1 assumed by the Educational Facilities Authority and the officers
2 thereof in the Department of Higher Education.

3 b. Whenever, in any law, rule, regulation, order, contract,
4 document, judicial or administrative proceeding or otherwise,
5 reference is made to the Educational Facilities Authority or the
6 board of directors thereof in, but not of, the Department of the
7 Treasury, the same shall mean and refer to the Educational
8 Facilities Authority or the board of directors thereof in the
9 Department of Higher Education.

10 c. Nothing in this act shall be construed to limit the power of the
11 Educational Facilities Authority or to alter the terms and conditions
12 of loans made by the authority. Nothing in this act shall be
13 construed to alter the terms, conditions, rights or remedies of any
14 obligation issued by the authority.

15 d. This transfer shall be subject to the provisions of the "State
16 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

17 e. The present members of the authority shall hold their office
18 for the duration of their respective terms.

19
20 29. (New section) The functions, powers and duties of the New
21 Jersey Commission on Higher Education, including the approval of
22 projects under the "Jobs, Education and Competitiveness Bond Act
23 of 1988," P.L.1988, c.78, shall, following the effective date of this
24 act, be exercised by the Board of Higher Education.

25 Any final action taken by the New Jersey Commission on Higher
26 Education prior to the effective date of this act, including the
27 approval of any project under this bond act shall be unaffected by
28 the provisions of P.L. , c. (C.)(now pending before the
29 Legislature as this bill) and the final action is hereby ratified and
30 confirmed.

31
32 30. (New section) The functions, powers and duties of the New
33 Jersey Commission on Higher Education, including the approval of
34 the equipment purchase and allocation of funds, under the "Higher
35 Education Equipment Leasing Fund Act," P.L.1993, c.136
36 (C.18A:72A-40 et seq.) shall, following the effective date of this act
37 be exercised by the Board of Higher Education.

38 Any final action taken by the New Jersey Commission on Higher
39 Education prior to the effective date of this act, including the
40 approval of an equipment purchase or allocation of funds, under this
41 bond act shall be unaffected by the provisions of P.L. , c. (C.)
42 (now pending before the Legislature as this bill) and the final action
43 is hereby ratified and confirmed.

44
45 31. (New section) The functions, powers and duties of the New
46 Jersey Commission on Higher Education, including the approval of
47 the equipment purchase and allocation of funds, under the "Higher
48 Education Facilities Trust Fund Act," P.L.1993, c.375 (C.18A:72A-

1 49 et seq.) shall, following the effective date of this act, be
2 exercised by the Board of Higher Education.

3 Any final action taken by the New Jersey Commission on Higher
4 Education prior to the effective date of this act, including the
5 approval of grants or allocation of funds, under this bond act shall
6 be unaffected by the provisions of P.L. , c. (C.)(now pending
7 before the Legislature as this bill) and is hereby ratified and
8 confirmed.

9
10 32. (New section) The functions, powers and duties of the New
11 Jersey Commission on Higher Education under the "Jobs, Science
12 and Technology Bond Act of 1984," P.L.1984, c.99 shall, following
13 the effective date of this act, be exercised by the Board of Higher
14 Education. Any final action taken by the New Jersey Commission
15 on Higher Education prior to the effective date of this act under
16 this bond act shall be unaffected by the provisions of P.L. , c.
17 (C.) (now pending before the Legislature as this bill) and is
18 hereby ratified and confirmed.

19 Regulations of the New Jersey Commission on Higher Education
20 concerning this bond act shall be continued under authority of the
21 Board of Higher Education until amended or repealed by the board.

22
23 33. (New section) The functions, powers and duties of the New
24 Jersey Commission on Higher Education under the "Higher
25 Education Technology Infrastructure Fund Act," P.L.1997, c.238
26 (C.18A:72A-59 et seq.) shall, following the effective date of this
27 act, be exercised by the Board of Higher Education.

28 Any final action taken by the New Jersey Commission on Higher
29 Education prior to the effective date of this act, including the
30 approval of grants or allocation of funds, under this bond act shall
31 be unaffected by the provisions of P.L. , c. (C.)(now
32 pending before the Legislature as this bill) and is hereby ratified
33 and confirmed.

34
35 34. (New section) The functions, powers and duties of the New
36 Jersey Commission on Higher Education under the "Higher
37 Education Capital Improvement Fund," P.L.1999, c.217
38 (C.18A:72A-72 et seq.) shall, following the effective date of this
39 act, be exercised by the Board of Higher Education.

40 Any final action taken by the New Jersey Commission on Higher
41 Education prior to the effective date of this act, including the
42 approval of grants or allocation of funds, under this bond act shall
43 be unaffected by the provisions of P.L. , c. (C.)(now pending
44 before the Legislature as this bill) and is hereby ratified and
45 confirmed.

46
47 35. (New section) For the purposes of complying with the
48 provisions of Article V, Section IV, Paragraph 1 of the New Jersey

1 Constitution, any State institution of higher education which was
2 allocated to the Department of State or other department of State
3 government shall be allocated to the Department of Higher
4 Education upon the effective date of this act.

5

6 36. (New section) This act is a revision law and the provisions
7 hereof not inconsistent with prior laws shall be construed as a
8 continuation of the prior laws and its enactment shall not:

9 a. affect the tenure, compensation and pension rights, if any, of
10 the lawful holder thereof, in any position not specifically abolished
11 herein, upon the effective date of this act;

12 b. alter the term of any member of any board, commission or
13 public body, not specifically abolished herein, lawfully in office as
14 of the effective date of this act, or require the reappointment
15 thereof;

16 c. require the resubmission to the voters of any proposal adopted
17 by the voters prior to the effective date of this act.

18

19 37. N.J.S. 18A:1-1 is amended to read as follows:

20 18A:1-1. As used in this title, unless the context requires
21 another meaning, the following words and phrases shall have the
22 following meaning:

23 "Academic year" means the period between the time school
24 opens in any school district or under any board of education after
25 the general summer vacation until the next succeeding summer
26 vacation;

27 "All purpose regional district" shall have the meaning assigned
28 to it in subsection a. of section 18A:13-2;

29 "Board" means the board of education;

30 "Chancellor" means the Chancellor of the Department of Higher
31 Education;

32 "Commissioner" means the Commissioner of Education;

33 "County superintendent" means the County Superintendent of
34 Schools;

35 "Department" means the State Department of Education;

36 "District" means a school district;

37 "Employee" includes the holder of any position or employment;

38 "Employment" includes employment in a position;

39 "Full membership" of any board or body means the number of
40 members of the board or body when all the members' seats are filled
41 and a "majority of the full membership" of any board or body
42 means a majority of such number;

43 "Higher education" means that education which is provided by
44 any or all of the public institutions of higher education as herein
45 defined and any or all equivalent private institutions;

46 "Limited purpose regional district" shall have the meaning
47 assigned to it in subsection b. of section 18A:13-2;

48 "Local school district" means any school district comprising

1 within its territorial boundaries the territory comprised in one or
2 more municipalities, except a regional school district;

3 "Private school" means a school, under college grade, which
4 does not derive its support entirely or in part from public funds;

5 "Public institution of higher education" shall have the meaning
6 assigned to it in section 18A:62-1;

7 "Public school" means a school, under college grade, which
8 derives its support entirely or in part from public funds;

9 "Public school system" means the system of public schools of the
10 State;

11 "Residence" means domicile, unless a temporary residence is
12 indicated;

13 "School nurse" shall mean and include any school nurse, school
14 nurse supervisor, head school nurse, chief school nurse, school
15 nurse coordinator or any other nurse performing school nursing
16 services in the public schools;

17 "State board" means the State Board of Education;

18 "Teaching staff member" means a member of the professional
19 staff of any district or regional board of education, or any board of
20 education of a county vocational school, holding office, position or
21 employment of such character that the qualifications, for such
22 office, position or employment, require him to hold a valid and
23 effective standard, provisional or emergency certificate, appropriate
24 to his office, position or employment, issued by the State Board of
25 Examiners and includes a school nurse and a school athletic trainer.
26 (cf: P.L.1999, c.87, s.1)

27

28 38. Section 1 of P.L.1969, c.178 (C.18A:3-14.1) is amended to
29 read as follows:

30 1. The [Office of Student Assistance] Board of Higher Education
31 shall prepare on an annual basis a concise report which lists all
32 sources of financial assistance, including but not limited to
33 scholarships and loans, available to citizens of this State who now
34 attend or who plan to attend any institution of higher education.
35 The report shall supply the name and address of each source,
36 identify the form of the financial assistance, and indicate that the
37 source of funds is public or private.
38 (cf: P.L.1994, c.48, s.35)

39

40 39. Section 3 of P.L.1986, c.87 (C.18A:3-15.3) is amended to
41 read as follows:

42 3. A person shall not append to his name any letters in the same
43 form designated by the [Commission on] Board of Higher
44 Education as entitled to the protection accorded to an academic
45 degree unless the person has received from a duly authorized
46 institution of higher education the degree or certificate for which
47 the letters are registered. For the purposes of this section, a duly

1 authorized institution of higher education means an in-State
2 institution licensed by the [Commission on] Board of Higher
3 Education or an out-of-State institution licensed by the appropriate
4 state agency and regionally accredited or seeking accreditation by
5 the appropriate accrediting body recognized by the Council on
6 Postsecondary Education or the United States Department of
7 Education.

8 (cf: P.L.1994, c.48, s.36)

10 40. Section 4 of P.L.1986, c.87 (C.18A:3-15.4) is amended to
11 read as follows:

12 4. An in-State university, college, business, trade or vocational
13 school may not offer, advertise, or by agreement with an out-of-
14 State institution, offer or advertise any academic degree from any
15 out-of-State university, college, business, trade or vocational school
16 when three-quarters or more of the degree requirements are
17 obtained by course work completed at the institution in New Jersey
18 unless the degree program [was] has been approved by the Board of
19 Higher Education [prior to July, 1994, or has been reviewed by the
20 New Jersey Presidents' Council pursuant to section 8 of P.L.1994,
21 c.48 (C.18A:3B-8)] or is a degree program at an institution
22 specifically exempted from the provisions of N.J.S.18A:68-6. No
23 in-State university, college, business, trade or vocational school
24 may deliver such a degree program unless [licensed] approved by
25 the [Commission on] Board of Higher Education[, following review
26 by the council].

27 (cf: P.L.1999, c.46, s.26)

29 41. Section 2 of P.L.1987, c.53 (C.18A:3-19.2) is amended to
30 read as follows:

31 2. Every institution of higher education licensed or approved by
32 the [Commission on] Board of Higher Education to award an
33 academic degree shall disclose the amount, terms, restrictions and
34 requirements attached to or made a part of any gift of value in
35 excess of \$100,000.00 made to the institution by a foreign
36 government, foreign legal entity or foreign person in any one fiscal
37 year. If the foreign government, foreign legal entity or foreign
38 person makes more than one gift to an institution, and the total
39 value of those gifts in any one fiscal year exceeds \$100,000.00, the
40 institution shall report all of the gifts received.

41 (cf: P.L.1994, c.48, s.38)

43 42. Section 3 of P.L.1987, c.53 (C.18A:3-19.3) is amended to
44 read as follows:

45 3. This information shall be forwarded to the Department of [the

1 Treasury] Higher Education no later than 30 days after the last day
 2 of the fiscal year. The information shall include:
 3 a. The amount of the gift.
 4 b. The date on which it was received.
 5 c. Full details of any conditions, matching provisions, or
 6 designation of the gift for a specific purpose.
 7 d. The name of the foreign government in the case of a gift by a
 8 foreign government; the name of the foreign entity in the case of a
 9 gift by a foreign entity; and the name of the foreign country in
 10 which a foreign person is located or resides in the case of a gift by a
 11 foreign person.
 12 e. The purpose or purposes for which the gift will be used.
 13 (cf: P.L.1994, c.48, s.39)

14
 15 43. Section 2 of P.L. 1991, c.388 (C. 18A:3-25) is amended to
 16 read as follows:

17 2. The [Attorney General] Chancellor of Higher Education shall
 18 develop a "Pledge's Bill of Rights" which outlines acceptable and
 19 unacceptable behavior and activities in regard to the pledge or
 20 rushing activities of college and university fraternities and sororities
 21 and other similar campus organizations. In developing the bill of
 22 rights, the [Attorney General] chancellor shall review the existing
 23 pledge and anti-hazing policies and procedures of public and
 24 independent institutions of higher education within the State and
 25 shall, as appropriate, incorporate those policies into the bill of
 26 rights. The [Attorney General] chancellor shall make the "Pledge's
 27 Bill of Rights" available to each institution of higher education
 28 within the State.
 29 (cf: P.L.1994, c.48, s.40)

30
 31 44. Section 3 of P.L.1991, c.388 (C.18A:3-26) is amended to
 32 read as follows:

33 3. The bill of rights developed by the [Attorney General]
 34 chancellor pursuant to section 2 of P.L.1991, c.388 (C.18A:3-25)
 35 shall include information on the criminal penalties for hazing and
 36 aggravated hazing established pursuant to P.L.1980, c.169
 37 (C.2C:40-3 et seq.).
 38 (cf: P.L.1994, c.48, s.41)

39
 40 45. Section 3 of P.L.1984, c.149 (C.18A:3A-3) is amended to
 41 read as follows:

42 3. a. There is established in, but not of, the Department of
 43 [State] Higher Education the New Jersey Institute on Conflict
 44 Resolution and Peace Studies, hereinafter referred to as the
 45 Institute.
 46 b. The Institute shall be under the direct management and

1 supervision of the [Secretary of State] Chancellor of Higher
2 Education, who shall, by rules and regulations promulgated
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.), provide for its organization and methods of
5 proceeding, so as to fulfill the purposes prescribed in section 4 of
6 this act.

7 c. The [secretary] chancellor may at any time, and from time to
8 time, enter into agreements with any public or private institution of
9 higher learning in this State, under which such institution shall
10 undertake to carry out any of the functions or projects of the
11 Institute, pursuant to section 4 of P.L.1984, c.149 (C.18A:3A-4);
12 and in consideration of such undertaking the [secretary] chancellor
13 may authorize the payment to such institution of funds appropriated
14 or otherwise made available to the Institute under this act or any
15 other law, or from any other lawful source, and which are
16 determined by him to be necessary or appropriate for the funding of
17 the function or project so undertaken.

18 (cf: P.L.1994, c.48, s.42)

19

20 46. Section 6 of P.L.1984, c.149 (C.18A:3A-6) is amended to
21 read as follows:

22 6. To assist him in the organization of the Institute, and in
23 fulfilling his other duties and responsibilities under P.L.1984, c.149
24 (C.18A:3A-1 et seq.), the [secretary] chancellor shall appoint an
25 advisory board, which shall be broadly representative of those
26 organizations and individuals having active interest in, and
27 academic or practical knowledge and experience in, the methods
28 and techniques of conflict resolution and the peaceful settlement of
29 disputes; including, without limitation, representatives of religious,
30 cultural and academic organizations, and persons actively engaged
31 in the promotion of international and intercultural understanding,
32 the study or conduct of foreign relations, and the advancement of
33 world peace.

34 (cf: P.L.1994, c.48, s.43)

35

36 47. N.J.S.18A:4-3 is amended to read as follows:

37 18A:4-3 The State Board of Education shall consist of [13] the
38 Chancellor of Higher Education who shall be a member ex officio
39 without vote and the chairman of the Board of Higher Education or
40 a designee, who shall be a citizen member of the Board of Higher
41 Education, and 12 members who shall be citizens of the State who
42 have resided therein for not less than five years immediately
43 preceding their appointment, not less than three of whom shall be
44 women and not more than one of whom shall be appointed from the
45 residents of any one county.

46 (cf: P.L.1994, c.48, s.44)

1
2 48. Section 2 of P.L.1991, c.193 (C.18A:4A-2) is amended to
3 read as follows:

4 2. a. The New Jersey Commission on Holocaust Education is
5 created and established in the Executive Branch of the State
6 Government. For the purposes of complying with the provisions of
7 Article V, Section IV, paragraph 1 of the New Jersey Constitution,
8 the commission is allocated within the Department of Education,
9 but notwithstanding this allocation, the commission shall be
10 independent of any supervision or control by the department or any
11 board or officer thereof.

12 The commission shall consist of 21 members, including the
13 Commissioner of Education and the [chair of the executive board of
14 the Presidents' Council] Chancellor of Higher Education, serving ex
15 officio, and 19 public members.

16 Public members shall be appointed as follows: three public
17 members shall be appointed by the President of the Senate; three
18 public members shall be appointed by the Speaker of the General
19 Assembly; and 13 public members shall be appointed by the
20 Governor, no less than six of whom shall at the time of their
21 appointment be members of the New Jersey Advisory Council on
22 Holocaust Education, created pursuant to Executive Order No. 17 of
23 1982 and continued pursuant to Executive Order No. 87 of 1984,
24 Executive Order No. 168 of 1987 and Executive Order No. 225 of
25 1990, and further continued pursuant to Executive Order No. 14 of
26 1990. The public members shall be residents of this State, chosen
27 with due regard to broad geographic representation and ethnic
28 diversity, who have served prominently as spokespersons for, or as
29 leaders of organizations which serve members of religious, ethnic,
30 national heritage or social groups which were subjected to
31 genocide, torture, wrongful deprivation of liberty or property,
32 officially imposed or sanctioned violence, and other forms of
33 human rights violations and persecution at the hands of the Nazis
34 and their collaborators during the Nazi era, or they shall be
35 residents who are experienced in the field of Holocaust education.

36 b. Each public member of the commission shall serve for a term
37 of three years, except that of the initial members so appointed: one
38 member appointed by the President of the Senate, one member
39 appointed by the Speaker of the General Assembly, and four
40 members appointed by the Governor shall serve for terms of one
41 year; one member appointed by the President of the Senate, one
42 member appointed by the Speaker of the General Assembly, and
43 four members appointed by the Governor shall serve for terms of
44 two years; and one member appointed by the President of the
45 Senate, one member appointed by the Speaker of the General
46 Assembly, and five members appointed by the Governor shall serve
47 for terms of three years. Public members shall be eligible for

1 reappointment. They shall serve until their successors are
2 appointed and qualified, and the term of the successor of any
3 incumbent shall be calculated from the expiration of the term of that
4 incumbent. A vacancy occurring other than by expiration of term
5 shall be filled in the same manner as the original appointment but
6 for the unexpired term only.

7 c. The members of the commission shall serve without
8 compensation, but they shall be entitled to reimbursement for all
9 necessary expenses incurred in the performance of their duties.

10 d. The commission shall annually elect a chairman from among
11 its members. It shall meet upon the call of the chairman or of a
12 majority of the commission members. The presence of a majority
13 of the authorized membership of the commission shall be required
14 for the conduct of official business.

15 e. The commission shall appoint an executive director, who shall
16 serve at its pleasure and shall be a person qualified by training and
17 experience to perform the duties of the office.

18 (cf: P.L.1994, c.48, s.45)

19
20 49. N.J.S.18A:6-4 is amended to read as follows:

21 18A:6-4. The board, body or person in charge of each
22 educational institution, except an institution of higher education,
23 receiving support or aid from the State and of each private school
24 shall report, annually on or before August 1, to the commissioner,
25 in the manner and form required by him, and the board, body or
26 person in charge of each educational institution of higher learning
27 receiving support or aid from the State shall report in like manner to
28 the [Commission on Higher Education] chancellor, such statistics
29 relating to the conduct of such institution or school as he may
30 require but no private school shall be required to report concerning
31 its expenses or finances nor shall any such report made by it be
32 published or made public.

33 (cf: P.L.1994, c.48, s.47)

34
35 50. N.J.S.18A:6-18 is amended to read as follows:

36 18A:6-18. No professor, associate professor, assistant professor,
37 instructor, supervisor, registrar, teacher or other persons employed
38 in a teaching capacity, in any State college, county college or
39 industrial school who is under tenure during good behavior and
40 efficiency shall be dismissed or subject to reduction of salary,
41 except for inefficiency, incapacity, conduct unbecoming a teacher
42 or other just cause. Written charge of the cause or causes preferred
43 against an individual shall be signed by the person or persons
44 making the same and filed with the board of trustees of said college
45 or school. Upon determination that the matter is a contested case,
46 the board shall assign the matter for hearing and initial decision
47 either to a subcommittee of three of its members or to the Office of

1 Administrative Law. A final decision shall be rendered by the full
2 board of trustees. The person charged may be represented by
3 counsel at all times and have compulsory process to compel the
4 attendance of witnesses to testify therein, as provided by law.
5 Appeals from a decision of the board of trustees shall be made on
6 the record to the Chancellor of Higher Education. Contested case
7 hearings shall be conducted under rules and regulations established
8 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.) and P.L.1978, c.67 (C.52:14F-1 et seq.).
10 (cf: P.L.1994, c.48, s.48)

11

12 51. N.J.S.18A:6-19 is amended to read as follows

13 18A:6-19. Any member of any board of education[, governing
14 board] or of any other board or any person, lawfully authorized to
15 hold a hearing, may administer oaths to witnesses in such hearing,
16 in any dispute or controversy under the school laws or the rules of
17 the commissioner or of the State board or of the Board of Higher
18 Education or of the chancellor, of which they or he have
19 jurisdiction. Any person who has been so sworn and who shall
20 testify falsely at such hearing shall be guilty of a misdemeanor.
21 (cf: P.L.1994, c.48, s.49)

22

23 52. N.J.S.18A:6-20 is amended to read as follows:

24 18A:6-20. Any party to any dispute or controversy or charged
25 therein, may be represented by counsel at any hearing held in or
26 concerning the same and shall have the right to testify, and produce
27 witnesses to testify on his behalf and to cross-examine witnesses
28 produced against him, and to have compulsory process by subpoena
29 to compel the attendance of witnesses to testify and to produce
30 books and documents in such hearing when issued by (a) the
31 president of the board of education, if the hearing is to be held
32 before such board, or (b) the commissioner, if the hearing is to be
33 held before him or on his behalf, or (c) the president and secretary
34 of the State board, if the hearing is to be held before such board or
35 before one of its committees, or (d) the chairman of the board of
36 trustees of the State or county college or industrial school, if the
37 hearing is to be held before such board, or (e) the chairman and
38 secretary of the Board of Higher Education, if the hearing is to be
39 held before the board or before one of its committees or before the
40 chancellor.

41 The subpoena shall be served in the same manner as subpoenas
42 issued out of the Superior Court are served.

43 (cf: P.L.1994, c.48, s.50)

44

45 53. N.J.S.18A:6-26 is amended to read as follows:

46 18A:6-26. The State board and the commissioner with the
47 approval of the State board and the Board of Higher Education and

1 the chancellor with the approval of the Board of Higher Education
2 and any other board or body having jurisdiction over the
3 prosecution and hearing of controversies and disputes under the
4 school laws or any rules made thereunder shall have power to make
5 rules governing the prosecution and hearing of controversies and
6 disputes, under the school laws and the rules governing the
7 particular prosecution or dispute when exercising original or
8 appellate jurisdiction therein.

9 (cf: P.L.1994, c.48, s.51)

10
11 54. N.J.S.18A:6-27 is amended to read as follows:

12 18A:6-27. Any party aggrieved by any determination of the
13 commissioner may appeal from his determination to the State board.

14 Any party aggrieved by any determination of a board of trustees
15 of any State college, county college or industrial school may appeal
16 from that determination to the chancellor.

17 Any party aggrieved by any determination of the chancellor may
18 appeal from that determination to the Board of Higher Education.

19 (cf: P.L.1994, c.48, s.52)

20
21 55. N.J.S.18A:6-28 is amended to read as follows:

22 18A:6-28. An appeal to the State board or the Board of Higher
23 Education shall be taken in the manner prescribed by rules of the
24 respective board, within 30 days after the decision appealed from is
25 filed, and the board shall have power to hear and determine any
26 such appeal.

27 (cf: P.L.1994, c.48, s.53)

28
29 56. N.J.S.18A:6-29 is amended to read as follows:

30 18A:6-29. The State board or the Board of Higher Education
31 may refer the hearing of any appeal, taken to it in the manner
32 pursuant to law, to a committee of not less than three of its
33 members, which committee shall hear the same and report thereon,
34 recommending its conclusions, to the board and the board shall
35 thereupon decide the appeal by resolution in open meeting.

36 (cf: P.L.1994, c.48, s.54)

37
38 57. Section 1 of P.L.1995, c.409 (C.18A:6-91.1) is amended to
39 read as follows:

40 1. a. There is hereby created in but not of the Department of
41 Environmental Protection the New Jersey Commission on
42 Environmental Education. The commission shall consist of 23
43 public members, the commissioners, or their designees, of the
44 Department of Education, the Department of Environmental
45 Protection, and the Department of Health, the Attorney General or a
46 designee with responsibility in the area of environmental law, the
47 [Executive Director of the Commission on] Chancellor of Higher

1 Education or a designee, and a designee of the Governor. The
2 public members shall consist of two college professors in the fields
3 of environmental education or environmental science; one private
4 school teacher and two public school teachers, one of whom is
5 selected by the New Jersey Education Association, including one
6 teacher from kindergarten to third grade, one from fourth to sixth
7 grade, and one from seventh to twelfth grade; one school
8 administrator; one representative of the New Jersey Principals and
9 Supervisors Association; one local school board representative
10 selected by the New Jersey School Boards Association; one member
11 of an interfaith religious organization; one representative from
12 labor; one representative from industry; two representatives from
13 environmental or public interest organizations; two representatives
14 from cultural institutions such as museums and nature centers; two
15 representatives from the field of environmental health; two non-
16 academic science professionals; two representatives from the
17 agricultural community; one student representative from a student
18 environmental organization, such as Kids Against Pollution; and
19 one representative from the South Jersey Environmental
20 Information Center.

21 b. The public members shall be appointed by the Governor for
22 terms of three years, except that the student representative shall be
23 appointed for a term of one year, and in the first year the other
24 public members shall be appointed to staggered terms as follows:

25 (1) Seven shall be appointed to terms of one year;

26 (2) Seven shall be appointed to terms of two years; and

27 (3) Seven shall be appointed to terms of three years.

28 c. The commission shall meet, at a minimum, four times a year.

29 d. The commission shall elect a chairperson and a vice-
30 chairperson from among its membership. The term of office for
31 each position shall be two years.

32 e. The commission may hire staff as necessary within the limits
33 of funding as provided by section 5 of P.L.1995, c.409 (C.18A:6-
34 91.5).

35 (cf: P.L.1995, c.409, s.1).

36
37 58. Section 12 of P.L.1979, c.207 (C.18A:7B-8) is amended to
38 read as follows:

39 12. There is hereby created and established in the Department of
40 Corrections an Office of Education to be headed by a Director of
41 Educational Services who shall supervise the educational programs
42 in all State facilities operated by that department and shall approve
43 all personnel to be hired for such programs.

44 The director shall hold the appropriate certificate issued by the
45 State Board of Examiners and shall be qualified by training and
46 experience for his position and shall be appointed by the
47 Commissioner of Corrections. He shall serve at the pleasure of the
48 commissioner and shall receive such salary as shall be fixed by the

1 commissioner.

2 The director shall establish primary, secondary, and vocational
3 programs which meet the educational needs of school age persons
4 for whom the department is responsible. Appropriate credit and
5 certification shall be given for the successful completion of such
6 programs.

7 Within any available appropriation, the program of education
8 shall include adult, post-secondary and college programs offered by
9 institutions licensed by the Department of Education or the
10 [Commission on] Department of Higher Education.

11 (cf: P.L.1994, c.48, s.56)

12

13 59. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to
14 read as follows:

15 13. There is hereby created and established in the Department of
16 Human Services an Office of Education to be headed by a Director
17 of Educational Services who shall supervise the educational
18 programs in all the State facilities operated by or under contract
19 with that department and shall approve all personnel hired by the
20 State for such programs.

21 The director shall hold the appropriate certificate issued by the
22 State Board of Examiners and shall be qualified by training and
23 experience for his position and shall be appointed by the
24 Commissioner of Human Services. He shall serve at the pleasure of
25 the commissioner and shall receive such salary as shall be fixed by
26 the commissioner.

27 The director shall establish primary, secondary, and vocational
28 programs which meet the educational needs of school age persons
29 for whom the department is responsible. Appropriate credit and
30 certification shall be given for the successful completion of such
31 programs.

32 Within any available appropriation, the program of education
33 shall include adult, post-secondary and college programs offered by
34 institutions licensed by the Department of Education or the
35 [Commission on] Department of Higher Education.

36 (cf: P.L.1994, c.48, s.57)

37

38 60. N.J.S.18A:18A-2 is amended to read as follows:

39 18A:18A-2. As used in this chapter, unless the context otherwise
40 indicates:

41 a. "Board of education" means and includes the board of
42 education of any local school district, consolidated school district,
43 regional school district, county vocational school and any other
44 board of education or other similar body other than the State Board
45 of Education[, the Commission on Higher Education or the
46 Presidents' Council] or the Board of Higher Education, established

- 1 and operating under the provisions of Title 18A of the New Jersey
2 Statutes and having authority to make purchases and to enter into
3 contracts for the provision or performance of goods or services.
4 The term "board of education" also shall include the board of
5 trustees of a charter school established under P.L.1995, c.426
6 (C.18A:36A-1 et seq.).
- 7 b. "Purchasing agent" means the secretary, business
8 administrator or the business manager of the board of education
9 duly assigned the authority, responsibility and accountability for the
10 purchasing activity of the board of education and having the power
11 to prepare advertisements, to advertise for and receive bids and to
12 award contracts as permitted by this chapter, but if there be no
13 secretary, business administrator or business manager, such officer,
14 committees or employees to whom such power has been delegated
15 by the board of education.
- 16 c. (Deleted by amendment, P.L.1999, c.440.)
- 17 d. "District" means and includes any local school district,
18 consolidated school district, regional school district, county
19 vocational school and any other board of education or other similar
20 body other than the State board, established under the provisions of
21 Title 18A of the New Jersey Statutes.
- 22 e. (Deleted by amendment, P.L.1999, c.440.)
- 23 f. (Deleted by amendment, P.L.1999, c.440.)
- 24 g. "Extraordinary unspecifiable services" means services which
25 are specialized and qualitative in nature requiring expertise,
26 extensive training and proven reputation in the field of endeavor.
- 27 h. "Professional services" means services rendered or performed
28 by a person authorized by law to practice a recognized profession
29 and whose practice is regulated by law and the performance of
30 which services requires knowledge of an advanced type in a field of
31 learning acquired by a prolonged formal course of specialized
32 instruction and study as distinguished from general academic
33 instruction or apprenticeship and training. Professional services
34 may also mean services rendered in the provision or performance of
35 goods or services that are original and creative in character in a
36 recognized field of artistic endeavor.
- 37 i. (Deleted by amendment, P.L.1999, c.440.)
- 38 j. "Purchases" means transactions, for a valuable consideration,
39 creating or acquiring an interest in goods, services and property,
40 except real property or any interest therein.
- 41 k. "Work" means any task, program, undertaking, or activity,
42 related to any development, redevelopment, construction or
43 reconstruction performed or provided pursuant to a contract with a
44 board of education.
- 45 l. "Aggregate" means the sums expended or to be expended for
46 the provision or performance of any goods or services in connection
47 with the same immediate purpose or task, or the furnishing of
48 similar goods or services, during the same contract year through a

- 1 contract awarded by a purchasing agent.
- 2 m. "Bid threshold" means the dollar amount set in
3 N.J.S.18A:18A-3, above which a board of education shall advertise
4 for and receive sealed bids in accordance with procedures set forth
5 in N.J.S.18A:18A-1 et seq.
- 6 n. "Contract" means any agreement, including but not limited to
7 a purchase order or a formal agreement, which is a legally binding
8 relationship enforceable by law, between a vendor who agrees to
9 provide or perform goods or services and a board of education
10 which agrees to compensate a vendor, as defined by and subject to
11 the terms and conditions of the agreement. A contract also may
12 include an arrangement whereby a vendor compensates a board of
13 education for the vendor's right to perform a service, such as, but
14 not limited to, operating a concession.
- 15 o. "Contract year" means the period of 12 consecutive months
16 following the award of a contract.
- 17 p. "Competitive contracting" means the method described in
18 sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through
19 C.18A:18A-4.5) of contracting for specialized goods and services in
20 which formal proposals are solicited from vendors; formal
21 proposals are evaluated by the purchasing agent or counsel or
22 school business administrator; and the board of education awards a
23 contract to a vendor or vendors from among the formal proposals
24 received.
- 25 q. "Goods and services" or "goods or services" means any work,
26 labor, commodities, equipment, materials, or supplies of any
27 tangible or intangible nature, except real property or any interest
28 therein, provided or performed through a contract awarded by a
29 purchasing agent, including goods and property subject to
30 N.J.S.12A:2-101 et seq.
- 31 r. "Library and educational goods and services" means
32 textbooks, copyrighted materials, student produced publications and
33 services incidental thereto, including but not limited to books,
34 periodicals, newspapers, documents, pamphlets, photographs,
35 reproductions, microfilms, pictorial or graphic works, musical
36 scores, maps, charts, globes, sound recordings, slides, films,
37 filmstrips, video and magnetic tapes, other printed or published
38 matter and audiovisual and other materials of a similar nature,
39 necessary binding or rebinding of library materials, and specialized
40 computer software used as a supplement or in lieu of textbooks or
41 reference material.
- 42 s. "Lowest price" means the least possible amount that meets all
43 requirements of the request of a purchasing agent.
- 44 t. "Lowest responsible bidder or vendor" means the bidder or
45 vendor: (1) whose response to a request for bids offers the lowest
46 price and is responsive; and (2) who is responsible.
- 47 u. "Official newspaper" means any newspaper designated by the
48 board of education pursuant to R.S.35:1-1 et seq.

1 v. "Purchase order" means a document issued by the purchasing
2 agent authorizing a purchase transaction with a vendor to provide or
3 perform goods or services to the board of education, which, when
4 fulfilled in accordance with the terms and conditions of a request of
5 a purchasing agent and other provisions and procedures that may be
6 established by the board of education, will result in payment by the
7 board of education.

8 w. "Quotation" means the response to a formal or informal
9 request made by a purchasing agent to a vendor for provision or
10 performance of goods or services, when the aggregate cost is less
11 than the bid threshold. Quotations may be in writing, or taken
12 verbally if a record is kept by the purchasing agent.

13 x. "Responsible" means able to complete the contract in
14 accordance with its requirements, including but not limited to
15 requirements pertaining to experience, moral integrity, operating
16 capacity, financial capacity, credit, and workforce, equipment, and
17 facilities availability.

18 y. "Responsive" means conforming in all material respects to the
19 terms and conditions, specifications, legal requirements, and other
20 provisions of the request.

21 z. "Public works" means building, altering, repairing, improving
22 or demolishing any public structure or facility constructed or
23 acquired by a board of education to house school district functions
24 or provide water, waste disposal, power, transportation and other
25 public infrastructures.

26 aa. "Concession" means the granting of a license or right to act
27 for or on behalf of the board of education, or to provide a service
28 requiring the approval or endorsement of the board of education,
29 and which may or may not involve a payment or exchange, or
30 provision of services by or to the board of education, provided that
31 the term concession shall not include vending machines.

32 bb. "Index rate" means the rate of annual percentage increase,
33 rounded to the nearest half-percent, in the Implicit Price Deflator
34 for State and Local Government Purchases of Goods and Services,
35 computed and published quarterly by the United States Department
36 of Commerce, Bureau of Economic Analysis.

37 cc. "Proprietary" means goods or services of a specialized
38 nature, that may be made or marketed by a person or persons having
39 the exclusive right to make or sell them, when the need for such
40 goods or services has been certified in writing by the board of
41 education to be necessary for the conduct of its affairs.

42 dd. "Service or services" means the performance of work, or the
43 furnishing of labor, time, or effort, or any combination thereof, not
44 involving or connected to the delivery or ownership of a specified
45 end product or goods or a manufacturing process. Service or
46 services may also include an arrangement in which a vendor
47 compensates the board of education for the vendor's right to operate
48 a concession.

1 (cf: P.L.1999, c.440, s.50)

2

3 61. Section 1 of P.L.1973, c.267 (C.18A:28-16) is amended to
4 read as follows:

5 1. Whenever an Educational Services Commission, a Jointure
6 Commission, the Commissioner of Education, the State Board of
7 Education, the chancellor, the Board of Higher Education or the
8 board of trustees of any State college, or any officer, board or
9 commission under his, its or their authority shall undertake the
10 operation of any school previously operated by a school district in
11 this State, all accumulated sick leave, tenure and pension rights of
12 all teaching staff members in said school shall be recognized and
13 preserved by the agency assuming operational control of the school,
14 and any periods of prior employment in such school district shall
15 count toward the acquisition of tenure to the same extent as if all of
16 such employment had been under the Educational Services
17 Commission, Jointure Commission, the Commissioner of
18 Education, the State Board of Education, the chancellor, the Board
19 of Higher Education or the board of trustees of any State college, as
20 the case may be.

21 (cf: P.L.1994, c.48, s.60)

22

23 62. Section 2 of P.L.1973, c.267 (C.18A:28-17) is amended to
24 read as follows:

25 2. Whenever the local board of education of any school district
26 in this State shall undertake the operation of any school previously
27 operated by an Educational Services Commission, a Jointure
28 Commission, the Commissioner of Education, the State Board of
29 Education, the chancellor, the Board of Higher Education or the
30 board of trustees of any State college, or any officer, board or
31 commission under his, its or their authority, all accumulated sick
32 leave, tenure and pension rights of all teaching staff members in
33 said school, shall be recognized and preserved by the board
34 assuming operational control of the school, and any periods of prior
35 employment, by said Educational Services Commission, Jointure
36 Commission, Commissioner of Education, State Board of Education
37 or board of trustees of any State college, or any officer, board or
38 commission under his, its or their authority, shall count toward the
39 acquisition of tenure to the same extent as if all of such employment
40 had been in such school district.

41 (cf: P.L.1994, c.48, s.61)

42

43 63. Section 3 of P.L.1973, c.267 (C.18A:28-18) is amended to
44 read as follows:

45 3. For the academic year following any transfer of operational
46 control under section 1 or section 2 of P.L.1973, c.267 (C.18A:28-
47 16 and 18A:28-17), both the local school board and the Educational
48 Services Commission, Jointure Commission, Commissioner of

1 Education, State Board of Education, chancellor, Board of Higher
2 Education or the board of trustees of a State college, as the case
3 may be, shall comply with the notice requirements of P.L.1971,
4 c.436 (C.18A:27-10 et seq.), to the same extent as if each had been
5 the employer of all teaching staff members of the school in question

1 during the academic year preceding the transfer of operational
2 control.

3 (cf: P.L.1994, c.48, s.62)

4
5 64. Section 9 of P.L.1974, c.197 (C.18A:35-23) is amended to
6 read as follows:

7 9. The Commissioner of Education and the Chancellor of Higher
8 Education shall, with the approval of [the State Board of Education]
9 their respective boards promulgate rules and regulations, establish
10 procedures, employ personnel, and take all other necessary steps to
11 insure the implementation of the provisions of this act.

12 (cf: P.L.1994, c.48, s.63)

13
14 65. Section 10 of P.L.1974, c.197 (C.18A:35-24) is amended to
15 read as follows:

16 10. The State Board of Education and the Board of Higher
17 Education shall jointly establish a State Advisory Committee on
18 Bilingual Education to assist the Department of Education and the
19 Department of Higher Education in the formulation of policies and
20 procedures relating to this act. The State Advisory Committee on
21 Bilingual Education shall include representatives of the language
22 communities served, institutions of higher education, local school
23 boards, school administrators, teachers and laymen knowledgeable
24 in the field of bilingual education.

25 (cf: P.L.1994, c.48, s.64)

26
27 66. Section 11 of P.L.1974, c.197 (C.18A:35-25) is amended to
28 read as follows:

29 11. The [Commission on] Board of Higher Education with the
30 advice of the State Advisory Committee on Bilingual Education
31 shall [recommend to the treasurer that] provide financial support [be
32 provided] to institutions of higher education for career development
33 programs and the training of professionals serving bilingual
34 populations with emphasis on effective utilization of existing
35 facilities.

36 (cf: P.L.1994, c.48, s.65)

37
38 67. Section 12 of P.L.1974, c.197 (C.18A:35-26) is amended to
39 read as follows:

40 12. The State [Board of] board and the Board of Higher
41 Education shall develop resources, programs, curriculum and
42 instructional materials and undertake such other activities as will
43 enable boards of education to provide programs pursuant to this act;
44 the boards shall, where appropriate, jointly or cooperatively
45 undertake such activities.

46 (cf: P.L.1994, c.48, s.66)

1 68. N.J.S.18A:38-24 is amended to read as follows:

2 18A:38-24. Any pupil may with the consent of the board of
3 education of the district in which he resides and of the
4 commissioner be admitted to any demonstration school maintained
5 in connection with any State college. The board of education of the
6 district and the board of trustees of the State college, with the
7 approval of the Board of Higher Education, shall determine the
8 amount to be paid for the education of the pupil, and the board of
9 education of the district shall pay the amount so determined to the
10 treasurer of the college out of any money available for the current
11 expenses of the district. Pupils attending such demonstration
12 schools for whom tuition is paid by the sending district shall be
13 counted in the determination of State aid for the school district in
14 the same manner as pupils attending schools in any school district
15 other than the sending district.

16 (cf: P.L.1994, c.48, s.67)

17

18 69. Section 3 of P.L.1968, c.182 (C.18A:54A-3) is amended to
19 read as follows:

20 3. The Legislature hereby finds and declares that there is a need
21 for new programs and institutions capable of reaching and
22 motivating the high-school dropout; that the experience gained by
23 the creation of neighborhood education centers in other States
24 indicates that those centers may be a partial answer to the problem
25 of the high-school dropout; that the Commissioners of Education,
26 Higher Education and Community Affairs should be authorized to
27 establish such neighborhood education centers; and that the
28 expenditure of public funds for those purposes is in the public
29 interest.

30 (cf: P.L.1994, c.48, s.68)

31

32 70. Section 5 of P.L.1968, c.182 (C.18A:54A-5) is amended to
33 read as follows:

34 5. There is hereby created in but not of the Department of
35 Community Affairs the Governor's Council on Neighborhood
36 Education Centers, which shall consist of the Commissioner of
37 Community Affairs [and], the Commissioner of Education [who],
38 and the Chancellor of Higher Education, all of whom shall be
39 members of the council for such times as they shall hold their
40 respective offices. The commissioner shall serve as the
41 administrator and chief executive officer of the council, and shall
42 have primary responsibility for the activities of the council. The
43 Commissioner of Education shall serve as the chairman of the
44 council, which shall meet at the call of said chairman.

45 (cf: P.L.1994, c.48, s.69)

46

47 71. Section 7 of P.L.1968, c.182 (C.18A:54A-7) is amended to

1 read as follows:

2 7. In order to carry out the purposes and provisions of this act,
3 the commissioner, in addition to any powers granted to him
4 elsewhere in this act, shall have the following powers:

5 (a) To make and enter into all contracts and agreements
6 necessary or incidental to the discharge of his duties and the
7 execution of his powers under this act;

8 (b) To appoint or employ, subject to the provisions of Title 11 of
9 the Revised Statutes, such personnel and employees as may be
10 necessary in his judgment;

11 (c) To receive and accept aid or contributions from any source,
12 of money, property, labor or other things of value, to be held, used
13 and applied to carry out the purposes of this act subject to any
14 conditions upon which such grants and contributions may be made;

15 (d) To call upon and avail himself of, so far as may be
16 practicable and within the limits of appropriations available
17 therefor, the services of employees of the Departments of
18 Community Affairs [and], Education and Higher Education;

19 (e) To acquire by purchase, gift or lease, sell, lease and
20 otherwise deal with property, whether real or personal or mixed;

21 (f) To adopt such rules and regulations as may be necessary or
22 convenient to carry out the provisions of this act; and

23 (g) To do all acts and things necessary or convenient to carry
24 out the provisions of this act.

25 (cf: P.L.1994, c.48, s.70)

26

27 72. N.J.S.18A:59-1 is amended to read as follows:

28 18A:59-1. Whenever moneys are made available for school
29 purposes by any act of congress, except the act of congress referred
30 to in Article 2 of this chapter, or any agency of the federal
31 government, or made available or deposited in any manner in
32 accordance with any law enacted by the congress of the United
33 States, such moneys shall be apportioned by the commissioner
34 under plans approved by the State board, if said moneys are for use
35 in the public school system, or by the [Commission on Higher
36 Education] chancellor, under plans approved by the Board of
37 Higher Education, if said moneys are for use in higher education.
38 Such moneys shall be distributed as aid to the several districts or in
39 any other manner designated for any educational purpose defined in
40 the federal statutes or in the regulations of federal agencies making
41 allotments or in the laws of this State.

42 (cf: P.L.1994, c.48, s.71)

43

44 73. N.J.S.18A:59-2 is amended to read as follows:

45 18A:59-2. All moneys mentioned in N.J.S.18A:59-1 shall be
46 considered trust funds and shall be distributed by the commissioner

1 or by the [Commission on Higher Education] chancellor, as the

1 case may be, in conformity with said plans.
2 (cf: P.L.1994, c.48, s.72)

3
4 74. Section 2 of P.L.1973, c.163 (C.18A:60-7) is amended to
5 read as follows:

6 2. As used in this act, the following words and phrases shall
7 have the following meaning:

8 a. "Academic rank" means instructor, assistant professor,
9 associate professor and professor.

10 b. "Faculty member" means any full-time member of the
11 teaching staff appointed with academic rank. [Other] Pursuant to
12 rules promulgated by the Board of Higher Education, other full-time
13 professional persons shall be considered faculty members if they
14 concurrently hold academic rank.

15 (cf: P.L.1994, c.48, s.73)

16

17 75. Section 5 of P.L. 1973, c.163 (C.18A:60-10) is amended to
18 read as follows:

19 5. [It] Under guidelines established by the Board of Higher
20 Education it shall be the responsibility of the board of trustees and
21 the president of each State and county college, in conjunction with
22 their faculty to establish a formal procedure for the career
23 development of all members of the professional staff including, but
24 not limited to, a systematic and regular evaluation for the purpose
25 of identifying any deficiencies, extending assistance for their
26 correction and improving instruction.

27 (cf: P.L.1994, c.48, s.74)

28

29 76. Section 1 of P.L.1986, c.194 (C.18A:61C-1) is amended to
30 read as follows:

31 1. The Commissioner of Education[, the Commission on Higher
32 Education, in consultation with the Presidents' Council,] and the
33 Chancellor of Higher Education jointly shall establish a program to
34 promote increased cooperation between the State's high schools and
35 institutions of higher education. The objective of this program shall
36 be to increase the access of our State's able high school students to
37 the educational resources available in our institutions of higher
38 education. This program shall supplement the efforts of local
39 school districts to provide appropriate education to their students
40 and shall not relieve a district of any obligation established by
41 statute or regulation.

42 The program shall increase the availability of college-level
43 instruction for high school students through courses offered by
44 institutions of higher education at their campuses and in high
45 schools. The program shall seek the involvement of all institutions
46 of higher education, two-year and four-year, public and nonpublic,

1 and all school districts, including those which are not located in
2 close proximity to an appropriate institution of higher education.
3 (cf: P.L.1994, c.48, s.75)
4

5 77. Section 3 of P.L.1986, c.194 (C.18A:61C-3) is amended to
6 read as follows:

7 3. The Department of Education and the [Commission on]
8 Department of Higher Education each shall adopt, pursuant to the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
10 seq.), rules and regulations necessary to implement the provisions
11 of this act.
12 (cf: P.L.1994, c.48, s.76)
13

14 78. Section 1 of P.L.1986, c.193 (C.18A:61C-4) is amended to
15 read as follows:

16 1. The chancellor of the Department of Higher Education in
17 cooperation with the Commissioner of the Department of
18 Education[, in consultation with the Commission on Higher
19 Education and the Presidents' Council,] shall establish a program to
20 provide courses for college credit on public high school campuses
21 to high school pupils, through institutions of higher education in
22 this State.
23 (cf: P.L.1994, c.48, s.77)
24

25 79. Section 4 of P.L.1986, c.193 (C.18A:61C-7) is amended to
26 read as follows:

27 4. The [commissioner, in consultation with the Commission on
28 Higher Education and the Presidents' Council,] chancellor may limit
29 courses taught under the program to courses which are equivalent to
30 those offered by the institution of higher education to its regularly
31 admitted students.
32 (cf: P.L.1994, c.48, s.78)
33

34 80. Section 5 of P.L.1986, c.193 (C.18A:61C-8) is amended to
35 read as follows:

36 5. A public institution of higher education shall accept, pursuant
37 to standards established by the chancellor, the course credit of a
38 student who successfully participates in the program.
39 (cf: P.L.1994, c.48, s.79)
40

41 81. Section 6 of P.L.1986, c.193 (C.18A:61C-9) is amended to
42 read as follows:

43 6. The chancellor, in consultation with the commissioner, [in
44 consultation with the Commission on Higher Education and the
45 Presidents' Council,] and with the approval of the State Board of

- 1 Higher Education, shall adopt rules and regulations in accordance
- 2 with the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.) necessary for the operation of the program.
2 (cf: P.L.1994, c.48, s.80)

3
4 82. Section 2 of P.L.1994, c.160 (C.18A:61E-2) is amended to
5 read as follows:

6 2. The [Commission on] Department of Higher Education shall
7 appoint an advisory committee of experts which shall develop a
8 "Campus Sexual Assault Victim's Bill of Rights" which affirms
9 support for campus organizations which assist sexual assault
10 victims and provides that the following rights shall be accorded to
11 victims of sexual assaults that occur on the campus of any public or
12 independent institution of higher education in the State and where
13 the victim or alleged perpetrator is a student at the institution or
14 when the victim is a student involved in an off-campus sexual
15 assault.

16 a. The right to have any allegation of sexual assault treated
17 seriously; the right to be treated with dignity; and the right to be
18 notified of existing medical, counseling, mental health or student
19 services for victims of sexual assault, both on campus and in the
20 community whether or not the crime is reported to campus or civil
21 authorities.

22 "Campus authorities" as used in this act shall mean any
23 individuals or organizations specified in an institution's statement of
24 campus security policy as the individuals or organizations to whom
25 students and employees should report criminal offenses.

26 b. The right to have any allegation of sexual assault investigated
27 and adjudicated by the appropriate criminal and civil authorities of
28 the jurisdiction in which the crime occurred, and the right to the full
29 and prompt cooperation and assistance of campus personnel in
30 notifying the proper authorities. The provisions of this subsection
31 shall be in addition to any campus disciplinary proceedings which
32 may take place.

33 c. The right to be free from pressure from campus personnel to
34 refrain from reporting crimes, or to report crimes as lesser offenses
35 than the victims perceive the crimes to be, or to report crimes if the
36 victim does not wish to do so.

37 d. The right to be free from any suggestion that victims are
38 responsible for the commission of crimes against them; to be free
39 from any suggestion that victims were contributorily negligent or
40 assumed the risk of being assaulted; to be free from any suggestion
41 that victims must report the crimes to be assured of any other right
42 guaranteed under this policy; and to be free from any suggestion
43 that victims should refrain from reporting crimes in order to avoid
44 unwanted personal publicity.

45 e. The same right to legal assistance, and the right to have others
46 present, in any campus disciplinary proceeding, that the institution
47 permits to the accused; and the right to be notified of the outcome

1 of any disciplinary proceeding against the accused.

2 f. The right to full, prompt, and victim-sensitive cooperation of
3 campus personnel in obtaining, securing, and maintaining evidence,
4 including a medical examination if it is necessary to preserve
5 evidence of the assault.

6 g. The right to be informed of, and assisted in exercising, any
7 rights to be confidentially or anonymously tested for sexually
8 transmitted diseases or human immunodeficiency virus; the right to
9 be informed of, and assisted in exercising, any rights that may be
10 provided by law to compel and disclose the results of testing of
11 sexual assault suspects for communicable diseases.

12 h. The right to have access to counseling under the same terms
13 and conditions as apply to other students seeking such counseling
14 from appropriate campus counseling services.

15 i. The right to require campus personnel to take reasonable and
16 necessary action to prevent further unwanted contact of victims
17 with their alleged assailants, including but not limited to, notifying
18 the victim of options for and available assistance in changing
19 academic and living situations after an alleged sexual assault
20 incident if so requested by the victim and if such changes are
21 reasonably available.

22 (cf: P.L.1994, c.160, s.2)

23

24 83. Section 1 of P.L.1979, c.31 (C.18A:62-3) is amended to read
25 as follows:

26 1. Each public institution of higher education in New Jersey
27 may, pursuant to such rules and regulations as shall be promulgated
28 by the Board of Higher Education, permit persons of the age of 65
29 or more years to enroll without the payment of any tuition charges
30 in regularly scheduled courses; provided that available classroom
31 space permits and that tuition paying students constitute the
32 minimum number required for the course, provided that nothing
33 herein shall preclude public institutions from requiring registration
34 fees, subject to approval by the board, for individuals attending
35 courses pursuant to waivers granted under this act.

36 (cf: P.L.1994, c.48, s.85)

37

38 84. Section 1 of P.L.1979, c.361 (C. 8A:62-4) is amended to
39 read as follows:

40 1. Persons who have been resident within this State for a period
41 of 12 months prior to enrollment in a public institution of higher
42 education are presumed to be domiciled in this State for tuition
43 purposes. Persons who have been resident within this State for less
44 than 12 months prior to enrollment are presumed to be
45 nondomiciliaries for tuition purposes. Persons presumed to be
46 nondomiciled or persons who are presumed to be domiciled, but
47 whose domiciliary status is challenged by the institution, may
48 demonstrate domicile according to rules and regulations established

1 for that purpose by the [Commission on] Board of Higher
2 Education. Residence established solely for the purpose of
3 attending a particular educational institution is not domicile for the
4 purposes of this act.

5 (cf: P.L.1994, c.48, s.86)

6
7 85. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
8 read as follows:

9 77. a. Every student enrolled as a full-time student at a public
10 or private institution of higher education in this State shall maintain
11 health insurance coverage which provides basic hospital benefits.
12 The coverage shall be maintained throughout the period of the
13 student's enrollment.

14 b. Every student enrolled as a full-time student shall present
15 evidence of the health insurance coverage required by subsection a.
16 of this section to the institution at least annually, in a manner
17 prescribed by the institution.

18 c. The [State Department of Health] Board of Higher Education
19 shall require all public and private institutions of higher education
20 in this State to offer health insurance coverage on a group or
21 individual basis for purchase by students who are required to
22 maintain the coverage pursuant to this section.

23 d. The [Commissioner of Health] Board of Higher Education
24 shall adopt rules and regulations pursuant to the "Administrative
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out
26 the purposes of subsections a., b. and c. of this section.

27 e. The Higher Education Student Assistance [Board] Authority
28 in [but not of] the Department of [the Treasury] Higher Education
29 shall adopt rules and regulations to require that a public or private
30 institution of higher education in this State consider the coverage
31 required pursuant to this section as an educational cost for purposes
32 of determining a student's eligibility for financial aid.

33 f. Nothing in this section shall be construed to permit a hospital
34 in this State to deny access to hospital care to a full-time student
35 whose health insurance coverage required by this section lapses for
36 any reason.

37 g. The provisions of this section shall not apply to a person who
38 is a participant in the REACH program established pursuant to
39 P.L.1987, c.282 (C.44:10-9 et seq.).

40 (cf: P.L.1994, c.48, s.87)

41
42 86. Section 6 of P.L.1992, c.49 (C.18A:62-21) is amended to
43 read as follows:

44 6. The [Commission on] Board of Higher Education shall
45 review the guidelines and procedures developed by the institutions,
46 in conjunction with the agencies or organizations sponsoring

1 literacy tutoring programs, to provide assistance in making the

1 guidelines and procedures the same for all participating institutions.
2 (cf: P.L.1999, c.46, s.34)

3

4 87. N.J.S.18A:63-1 is amended to read as follows:

5 18A:63-1. Summer schools and extension courses for the
6 purpose of training and educating persons, in the science of
7 education and in the art of teaching elementary agriculture, manual
8 training, household economics and such other subjects as may be
9 prescribed, shall be established and maintained in the State colleges
10 and may be provided in such other places as shall be designated by
11 the Board of Higher Education.

12 (cf: P.L.1994, c.48, s.89)

13

14 88. N.J.S.18A:63-2 is amended to read as follows:

15 18A:63-2. The State colleges and State summer schools may
16 charge such tuition and incidental fees in extension courses and
17 summer school courses as are approved by the Board of Higher
18 Education.

19 (cf: P.L.1994, c.48, s.90)

20

21 89. N.J.S.18A:64-1 is amended to read as follows:

22 18A:64-1. The Legislature hereby finds that it is in the best
23 interest of the State that the State colleges shall be and continue to
24 be given a high degree of self-government and that the government
25 and conduct of the colleges shall be free of partisanship. The
26 Legislature finds further that a decentralization of authority and
27 decision-making to the boards of trustees and administrators of the
28 State colleges in the areas of personnel, budget execution,
29 purchasing and contracting will enhance the idea of self-
30 government. Such colleges shall be maintained for the purpose of
31 providing higher education in the liberal arts and sciences and
32 various professional areas, including the science of education and
33 the art of teaching, at such places as may be provided by law. The
34 names of the colleges shall be designated by the board of trustees
35 [subject to regulations of the Commission on Higher Education
36 concerning university status] with the approval of the Board of
37 Higher Education. The name of each of the existing State colleges
38 shall continue the same unless a new name is so designated.

39 (cf: P.L.1994, c.48, s.93)

40

41 90. N.J.S.18A:64-3 is amended to read as follows:

42 18A:64-3. [The composition and size of the board of trustees
43 shall be determined by the board; however, each board shall have
44 not less than seven nor more than 15 members. The members shall
45 be citizens of the State appointed by the Governor; except that the
46 Governor may appoint up to three alumni of the institution who are
47 not citizens of the State to serve as members of the board.

1 Members shall be appointed with the advice and consent of the
2 Senate. Each board of trustees shall recommend potential new
3 members to the Governor.] Each board of trustees shall consist of
4 nine citizens of the State, not more than three of whom shall reside
5 in any one county and of whom at least two shall be women, who
6 shall be appointed by the Board of Higher Education, subject to the
7 approval of the Governor, except that the board may appoint up to
8 three alumni of the institution who are not citizens of the State to
9 serve as members of the board. In addition to the citizen members,
10 the Chancellor of Higher Education, or a designee, shall serve on
11 each board as an ex officio, nonvoting member. The terms of office
12 of appointed members shall be for six years beginning on July 1 and
13 ending on June 30. Each member shall serve until his successor
14 shall have been appointed and qualified and vacancies shall be
15 filled in the same manner as the original appointments for the
16 remainders of the unexpired terms. Any member of a board of
17 trustees may be removed by the Governor for cause upon notice and
18 opportunity to be heard.
19 (cf: P.L.1999, c.324, s.1)

20

21 91. Section 1 of P.L.1986, c.139 (C.18A:64-3.1) is amended to
22 read as follows:

23 1. The board of trustees of any State college established
24 pursuant to chapter 64 of Title 18A of the New Jersey Statutes shall
25 provide for the election of two student representatives as provided
26 herein, who shall be full-time, regularly matriculated students in
27 good academic standing, and who shall be 18 years of age or older
28 and citizens of the United States, to be elected by the students in the
29 manner provided herein to serve on the board of trustees of that
30 college for terms of two years commencing at the next organization
31 of the board.

32 a. In order to implement the provisions of this section, each
33 board of trustees shall schedule a public hearing on the question of
34 the student election. After the public hearing, the board, at its
35 regularly scheduled meeting in March following the effective date
36 of this act, shall determine whether the students are to be elected by
37 the student body at large or by the members of the student
38 government association. Except that, for Thomas A. Edison State
39 College, the method of the selection and the designation of eligible
40 academic status of the student representatives shall be determined
41 by the board of that college in consultation with the Board of
42 Higher Education.

43 b. For the first election held pursuant to this section, one student
44 shall be elected for a one year term as a full voting member, and
45 one student shall be elected for two years, but shall serve as an
46 alternate member during the first year and as a voting member
47 during the second year.

1 At each subsequent election, one student shall be elected for two
2 years, but shall serve during the first year as an alternate member,
3 and as a voting member during the second year.

4 Any vacancies which occur shall be filled by the student
5 governing body for the unexpired term only.

6 c. The standards for eligibility for student representatives on the
7 board of trustees shall be the same as those required for other
8 student government officers.

9 d. The student members shall be entitled to full participation in
10 all activities of the board except that they shall not participate in:

11 (1) Any matter involving the employment, appointment,
12 termination of employment, terms and conditions of employment,
13 evaluation of the performance of, promotion or disciplining of any
14 specific prospective officer or employee or current officer or
15 employee employed or appointed by the board, unless all the
16 individual employees or appointees whose rights could be adversely
17 affected request in writing that the matter or matters be discussed at
18 a public meeting.

19 (2) Any matter involving the purchase, lease, acquisition or sale
20 of real property with public funds, the setting of banking rates or
21 investment of public funds, where it could adversely affect the
22 public interest if discussion of these matters were disclosed.

23 (3) Any pending or anticipated litigation in which the board is,
24 or may become, a party, where it could adversely affect the public
25 interest if discussion of these matters were disclosed, or any matters
26 falling within the attorney-client privilege, to the extent that
27 confidentiality is required in order for the attorney to exercise his
28 ethical duties as a lawyer.

29 e. Upon assuming office, the students shall agree to adhere to
30 such standards of responsibility and confidentiality as are
31 established by the [board of trustees] Board of Higher Education.
32 (cf: P.L.1994, c.48, s.95)

33

34 92. N.J.S.18A:64-6 is amended to read as follows:

35 18A:64-6. The board of trustees of a State college shall, subject
36 to the general policies, guidelines, and procedures set by the Board
37 of Higher Education, have general supervision over and shall be
38 vested with the conduct of the college. It shall, subject to the
39 general policies, guidelines, and procedures set by the Board of
40 Higher Education, have the power and duty to:

41 a. Adopt and use a corporate seal;

42 b. Determine the educational curriculum and program of the
43 college [consistent with the programmatic mission of the institution
44 or approved by the Commission on Higher Education];

45 c. Determine policies for the organization, administration and
46 development of the college;

47 d. Study the educational and financial needs of the college;

- 1 annually acquaint the Governor and Legislature with the condition
2 of the college; and prepare, and after concurrence by and jointly
3 with the Board of Higher Education, present the annual budget to
4 the Governor[, the Division of Budget and Accounting in the
5 Department of the Treasury] and the Legislature in accordance with
6 law;
- 7 e. Disburse all moneys appropriated to the college by the
8 Legislature and all moneys received from tuition, fees, auxiliary
9 services and other sources;
- 10 f. Direct and control expenditures and transfers of funds
11 appropriated to the college and tuition received by the college, in
12 accordance with the provisions of the State budget and
13 appropriation acts of the Legislature, reporting changes and
14 additions thereto and transfers thereof to the Director of the
15 Division of Budget and Accounting in the State Department of the
16 Treasury and to the Chancellor of Higher Education and as to funds
17 received from other sources, direct and control expenditures and
18 transfers in accordance with the terms of any applicable trusts, gifts,
19 bequests, or other special provisions. All accounts of the college
20 shall be subject to audit by the State at any time;
- 21 g. In accordance with the provisions of the State budget and
22 appropriation acts of the Legislature, appoint and fix the
23 compensation of a president of the college, who shall be the
24 executive officer of the college and an ex officio member of the
25 board of trustees, without vote, and shall serve at the pleasure of the
26 board of trustees;
- 27 h. Notwithstanding the provisions of Title [11, Civil Service, of
28 the Revised] 11A of the New Jersey Statutes, upon nomination by
29 the president appoint a treasurer and such deans and other
30 professional members of the academic, administrative and teaching
31 staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as
32 shall be required and fix their compensation and terms of
33 employment in accordance with salary ranges and policies adopted
34 by the Board of Higher Education, and concurred in by the
35 Governor, which salary policies shall prescribe qualifications for
36 various classifications and shall limit the percentage of the
37 educational staff that may be in any given classification;
- 38 i. Upon nomination by the president, appoint, remove, promote
39 and transfer such other officers, agents or employees as may be
40 required for carrying out the purposes of the college and assign
41 their duties, determine their salaries and prescribe qualifications for
42 all positions, all in accordance with the provisions of Title 11, Civil
43 Service, of the Revised Statutes;
- 44 j. Grant diplomas, certificates and degrees;
- 45 k. Pursuant to the provisions of the "State College Contracts
46 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and

- 1 agreements for the purchase of lands, buildings, equipment,
2 materials, supplies and services; enter into contracts and agreements
3 with the State or any of its political subdivisions or with the United
4 States, or with any public body, department or other agency of the
5 State or the United States or with any individual, firm, or
6 corporation, which are deemed necessary or advisable by the board
7 for carrying out the purposes of the college;
- 8 l. If necessary, take and condemn land and other property in the
9 manner provided by the "Eminent Domain Act of 1971," P.L.1971,
10 c.361 (C.20:3-1 et seq.), whenever authorized by law to purchase
11 land or other property;
- 12 m. Adopt, after consultation with the president and faculty,
13 bylaws and make and promulgate such rules, regulations and orders,
14 not inconsistent with the provisions of this article, that are
15 necessary and proper for the administration and operation of the
16 college and the carrying out of its purposes;
- 17 n. Establish fees for room and board sufficient for the operation,
18 maintenance, and rental of student housing and food service
19 facilities;
- 20 o. Fix and determine, within guidelines established by the
21 Board of Higher Education, tuition rates and other fees to be paid
22 by students;
- 23 p. Accept from any government or governmental department,
24 agency or other public or private body or from any other source
25 grants or contributions of money or property, which the board may
26 use for or in aid of any of its purposes;
- 27 q. Acquire by gift, purchase, condemnation or otherwise, own,
28 lease, dispose of, use and operate property, whether real, personal
29 or mixed, or any interest therein, which is necessary or desirable for
30 college purposes;
- 31 r. Employ architects to plan buildings; secure bids for the
32 construction of buildings and for the equipment thereof; make
33 contracts for the construction of buildings and for equipment; and
34 supervise the construction of buildings. All capital expenditures in
35 excess of \$500,000 shall be subject to the approval of the Board of
36 Higher Education;
- 37 s. Manage and maintain, and provide for the payment of all
38 charges and expenses in respect to all properties utilized by the
39 college;
- 40 t. Borrow money for the needs of the college, as deemed
41 requisite by the board, in such amounts, and for such time and upon
42 such terms as may be determined by the board, provided that this
43 borrowing shall not be deemed or construed to create or constitute a
44 debt, liability, or a loan or pledge of the credit, or be payable out of
45 property or funds, other than moneys appropriated for that purpose,
46 of the State;
- 47 u. Authorize any new program, educational department or

1 school [consistent with the institution's programmatic mission or
2 approved by the commission] which will require, at the time of
3 establishment or thereafter, an additional expenditure of money, if
4 the establishment thereof is approved by the Board of Higher
5 Education and provision is made therefor by law;

6 v. [(Deleted by amendment, P.L.1994, c.48)] Formulate and
7 submit to the Board of Higher Education an institutional plan
8 consistent with the rules and regulations of the Board of Higher
9 Education; and

10 w. Pursuant to the "State College Contracts Law," P.L.1986,
11 c.43 (C.18A:64-52 et seq.), award contracts and agreements for the
12 performance of any construction work or the furnishing of any
13 materials or supplies to the lowest responsible bidder whose bid,
14 conforming to the invitation for bids, will be most advantageous to
15 the State colleges.

16 (cf: P.L.1994, c.48, s.96)

17
18 93. N.J.S.18A:64-7 is amended to read as follows:

19 18A:64-7. The board of trustees of a State college, in addition to
20 the other powers and duties provided herein and within the general
21 policies and guidelines set by the Board of Higher Education, shall
22 have and exercise the powers, rights and privileges that are incident
23 to the proper government, conduct and management of the college,
24 and the control of its properties and funds and such powers granted
25 to the college or the board or reasonably implied, may be exercised
26 without recourse or reference to any department or agency of the
27 State, except as otherwise provided by this article or applicable law.
28 (cf: P.L.1994, c.48, s.97)

29
30 94. N.J.S.18A:64-11 is amended to read as follows:

31 18A:64-11. The board of trustees of each State college is
32 authorized and empowered to conduct summer schools and
33 extension courses through the six State colleges for the purpose of
34 giving further training to the teachers in the public schools of this
35 State and to charge fees therefor to be fixed by the Board of Higher
36 Education and to be collected by the treasurers of the several State
37 colleges.

38 (cf: P.L.1994, c.48, s.98)

39
40 95. N.J.S.18A:64-13 is amended to read as follows:

41 18A:64-13. Students in each State college who are residents of
42 New Jersey shall be required to pay each year a minimum tuition
43 fee and nonresidents of the State shall pay an additional fee. Such
44 fees and any increase of the minimum tuition fee shall be
45 determined by each college board of trustees pursuant to guidelines
46 set by the Board of Higher Education. The board of trustees may
47 waive the payment of the college's anticipated tuition revenues to

- 1 accomplish mission-related or policy goals.
- 2 (cf: P.L.1994, c.48, s.99)

1 96. Section 4 of P.L.1983, c.469 (C.18A:64-13.4) is amended to
2 read as follows:

3 4. The [Commissioner of Labor, in consultation with the
4 Presidents' Council,] Board of Higher Education shall promulgate
5 rules and regulations necessary to effectuate the purposes of this
6 act. [Regulations of the State Board of Higher Education
7 implementing this act shall remain in full force and effect until
8 modified or repealed by the Commissioner of Labor.] Regulations
9 promulgated by the Commissioner of Labor implementing this act
10 shall remain in full force and effect until modified or repealed by
11 the Board of Higher Education.
12 (cf: P.L.1994, c.48, s.100)

13
14 97. N.J.S.18A:64-18 is amended to read as follows:

15 18A:64-18. a. Moneys which are derived by the State colleges
16 as room and board revenues from student housing and food service
17 facilities and which are not pledged for the payment of principal
18 and interest on bonds of this State and which are in excess of sums
19 required for the operation, maintenance, and rental of such facilities
20 shall be retained in a separate account by each college and may be
21 expended by each college for the cost of operation, maintenance
22 and rental of such facilities in subsequent years. The unexpended
23 balance in any such account at the end of any fiscal year shall not
24 lapse into the General Treasury.

25 b. Moneys which are derived from student union building fees
26 collected at a State college, which are in excess of the sums
27 required for the operation, maintenance and rental of such a facility,
28 shall be retained in a separate account by each college and may be
29 expended by each college for the cost of operation, maintenance
30 and rental of such facilities in subsequent years. The unexpended
31 balance of any such account at the end of any fiscal year shall not
32 lapse into the General Treasury.

33 c. Moneys which are derived from the operation of parking
34 facilities, and any other facilities financed by student fees, which
35 are in excess of sums required for the operation and maintenance of
36 such facilities at a State college, shall be retained in a separate
37 account by each college and may be expended by each college for
38 the cost of operation, maintenance and rental of such facilities in
39 subsequent years. The unexpended balance of any such account at
40 the end of any fiscal year shall not lapse into the General Treasury.

41 d. No revenues received pursuant to this section shall be
42 transferred from their respective accounts if contractual obligations
43 between the college [and], the New Jersey Educational Facilities
44 Authority and the Board of Higher Education prohibit these actions.
45 (cf: P.L.1994, c.48, s.101)

46

1 98. Section 9 of P.L.1986, c.42 (C.18A:64-18.2) is amended to
2 read as follows:

3 9. All functions, powers and duties relating to the investment or
4 reinvestment of funds within the jurisdiction of the board of
5 trustees, including the purchase, sale or exchange of any
6 investments or securities, [may] shall be exercised and performed
7 by the Director of the Division of Investment in the Department of
8 the Treasury in accordance with the provisions of P.L.1950, c.270
9 (C.52:18A-79 et seq.) [if so authorized by the board. Sections 10
10 and 11 of P.L.1986, c.42 (C.18A:64-18.3 and 18A:64-18.4) shall
11 only be applicable in the event of such an election]. Before any
12 investment, reinvestment, purchase, sale or exchange shall be made
13 by the director for or on behalf of the board of trustees, the Director
14 of the Division of Investment shall submit the details thereof to the
15 board, which shall, itself or by its finance committee, within 48
16 hours, exclusive of Sundays and public holidays, after the
17 submission to it, file with the director its written acceptance or
18 rejection of the proposed investment, reinvestment, purchase, sale
19 or exchange; and the director shall have authority to make the
20 investment, reinvestment, purchase, sale or exchange for or on
21 behalf of the board, unless there shall have been filed with him a
22 written rejection thereof by the board or its finance committee as
23 herein provided. The board of trustees shall determine from time to
24 time the cash requirements of the various funds and accounts
25 established by it and the amount available for investment, all of
26 which shall be certified to the State Treasurer and the Director of
27 the Division of Investment. All earnings on investments shall be
28 retained by each State college.

29 The finance committee of the board of trustees shall consist of
30 three members of the board, who shall be appointed in the same
31 manner and for the same term as other committees of the board are
32 appointed.

33 (cf: P.L.1994, c.48, s.299)

34

35 99. Section 12 of P.L.1986, c.42 (C.18A:64-21.1) is amended to
36 read as follows:

37 12. The Governor shall continue to function as the public
38 employer under the "New Jersey Employer-Employee Relations
39 Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and through the Office
40 of Employee Relations act as the chief spokesperson [on behalf of
41 the State colleges] with respect to all matters under negotiation.
42 [One representative of the State college sector shall be designated
43 by the Governor as a member of the negotiating team, upon
44 recommendation by the State colleges.]

45 (cf: P.L.1994, c.48, s.102)

1
2 100. Section 4 of P.L.1982, c.16 (C.18A:64-29) is amended to
3 read as follows:

4 4. An auxiliary organization may engage only in such operations
5 and may serve only such functions as [are allowed by law and as]
6 shall be approved by the [board of trustees of the college] Board of
7 Higher Education. Such functions or operations may include, but
8 shall not be limited to:
9 a. operation of student centers;
10 b. operation of student pubs;
11 c. management of student dormitories;
12 d. operation of college bookstores.
13 (cf: P.L.1994, c.48, s.103)

14
15 101. Section 9 of P.L.1982, c.16 (C.18A:64-34) is amended to
16 read as follows:

17 9. An auxiliary organization shall maintain its own bank
18 accounts and shall make such purchases as are necessary to its
19 operation, without regard to the provisions of P.L.1954, c.48
20 (C.52:34-6 et seq.), pursuant to regulations promulgated by the
21 Board of [Trustees] Higher Education.
22 (cf: P.L.1994, c.48, s.104)

23
24 102. Section 11 of P.L.1982, c.16 (C.18A:64-36) is amended to
25 read as follows:

26 11. An auxiliary organization may accept any grant, contract,
27 bequest, trust or gift unless the Board of [Trustees] Higher
28 Education determines that acceptance would be contrary to policies
29 of the [institution or inconsistent with public policy] Board of
30 Higher Education.
31 (cf: P.L.1994,c.48, s.105)

32
33 103. Section 17 of P.L.1982, c.16 (C.18A:64-42) is amended to
34 read as follows:

35 17. The [board of trustees] Board of Higher Education shall,
36 prior to the operation of any auxiliary organization under this act:

37 a. Institute with the approval of the Director of the Division of
38 Budget and Accounting a standard Statewide accounting and
39 reporting system for businesslike management of the operation of
40 auxiliary organizations.
41 b. Implement financial standards which will tend to assure the
42 fiscal viability of auxiliary organizations. These standards shall
43 include proper provisions for professional management, adequate
44 working capital, adequate reserve funds for current operations and
45 capital replacements, insurance, and adequate provisions for new
46 business requirements.

1 c. Institute procedures to assure that transactions of the auxiliary
2 organizations are within the educational purposes of the college and
3 the Board of Higher Education.

4 d. Develop policies for the appropriation of surplus funds not
5 required to implement section 15 of P.L.1982, c.16 (C.18A:64-40).
6 Uses of such funds shall be regularly reported to the board of
7 trustees of the college.

8 e. [Determine] Promulgate regulations determining which
9 college employees may also be employed by the auxiliary
10 organization and the terms and conditions of such employment.

11 f. Promulgate regulations for the effective enforcement of this
12 act.

13 (cf: P.L.1994, c.48, s.106)

14
15 104. Section 18 of P.L.1982, c.16 (C.18A:64-43) is amended to
16 read as follows:

17 18. A certified public accountant shall be selected by each
18 auxiliary organization. [The] Upon being notified of the certified
19 public accountant selected by an auxiliary organization, the office
20 of the chancellor shall forward the applicable auditing and reporting
21 procedures to the selected certified public accountant. In
22 accordance with procedures prescribed by the Board of Higher
23 Education the certified public accountant shall annually audit the
24 auxiliary organization's funds. Auxiliary organizations shall
25 contract for and receive such audit annually, and shall submit the
26 audit to the board of trustees of the college, and to the Board of
27 Higher Education and the Director of the Division of Budget and
28 Accounting.

29 (cf: P.L.1994, c.48, s.107)

30
31 105. Section 6 of P.L.1985, c.161 (C.18A:64-50) is amended to
32 read as follows:

33 6. The association shall encourage and aid all movements for the
34 improvement of education at the member institutions and shall
35 make recommendations to the [Governor, Legislature, Commission
36 on Higher Education and Presidents' Council] Board of Higher
37 Education regarding the coordination of the member institutions
38 on matters of mutual interest and concern.

39 (cf: P.L.1999, c.46, s.39)

40
41 106. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to
42 read as follows:

43 5. Any purchase, contract or agreement of the character
44 described in section 4 of P.L.1986, c.43 (C.18A:64-55) may be
45 made, negotiated or awarded by the State college by resolution at a
46 public meeting of its board of trustees without public advertising for

- 1 bids or bidding therefor if:
 - 2 a The subject matter thereof consists of:
 - 3 (1) Professional services; or
 - 4 (2) Extraordinary unspecifiable services and products which
 - 5 cannot reasonably be described by written specifications, subject,
 - 6 however, to [procedures] the rules and regulations of the Board of
 - 7 Higher Education consistent with open public bidding whenever
 - 8 possible; or (3) Materials or supplies which are not available
 - 9 from more than one potential bidder, including without limitation
 - 10 materials or supplies which are patented or copyrighted; or
 - 11 (4) The doing of any work by employees of the State college; or
 - 12 (5) The printing of all legal notices and legal briefs, records and
 - 13 appendices to be used in any legal proceeding to which the State
 - 14 college may be a party; or
 - 15 (6) Textbooks, copyrighted materials, student produced
 - 16 publications and services incidental thereto, library materials
 - 17 including without limitation books, periodicals, newspapers,
 - 18 documents, pamphlets, photographs, reproductions, microfilms,
 - 19 pictorial or graphic works, musical scores, maps, charts, globes,
 - 20 sound recordings, slides, films, filmstrips, video and magnetic
 - 21 tapes, other printed or published matter and audiovisual and other
 - 22 materials of a similar nature, necessary binding or rebinding of
 - 23 library materials and specialized library services; or
 - 24 (7) Food supplies and services, including food supplies and
 - 25 management contracts for student centers, dining rooms and
 - 26 cafeterias pursuant to rules and regulations of the Board of Higher
 - 27 Education; or
 - 28 (8) The supplying of any product or the rendering of any service
 - 29 by the public utility which is subject to the jurisdiction of the Board
 - 30 of Public Utilities, in accordance with tariffs and schedules of
 - 31 charges made, charged and exacted, filed with that board; or
 - 32 (9) Equipment repair service if in the nature of an extraordinary
 - 33 unspecifiable service and necessary parts furnished in connection
 - 34 with the services; or
 - 35 (10) Specialized machinery or equipment of a technical nature
 - 36 which will not reasonably permit the drawing of specifications, and
 - 37 the procurement thereof without advertising is in the public interest;
 - 38 or
 - 39 (11) Insurance, including the purchase of insurance coverage
 - 40 and consulting services, which exceptions shall be in accordance
 - 41 with the requirements for extraordinary unspecifiable services; or
 - 42 (12) Publishing of legal notices in newspapers as required by
 - 43 law; or
 - 44 (13) The acquisition of artifacts or other items of unique
 - 45 intrinsic, artistic or historic character; or
 - 46 (14) The collection of amounts due on student loans, including
 - 47 without limitation loans guaranteed by or made with funds of the

- 1 United States of America; or
- 2 (15) Professional consulting services; or
- 3 (16) Entertainment, including without limitation theatrical
- 4 presentations, band and other concerts, movies and other
- 5 audiovisual productions; or
- 6 (17) Contracts employing funds created by student activities
- 7 fees charged to students or otherwise raised by students, not under
- 8 the direct control of the college and expended by student
- 9 organizations; or
- 10 (18) Printing, including without limitation catalogs, yearbooks
- 11 and course announcements; or
- 12 (19) Data processing software programs, systems and service
- 13 and the rental or lease of data processing equipment; or
- 14 (20) Personnel recruitment and advertising, including without
- 15 limitation advertising seeking student enrollment; or
- 16 (21) Educational supplies, books, articles of clothing and other
- 17 miscellaneous articles purchased by a State college bookstore for
- 18 resale to college students and employees; or
- 19 (22) Purchase or rental of graduation caps and gowns and award
- 20 certificates or plaques.
- 21 b. It is to be made or entered into with the United States of
- 22 America, the State of New Jersey, a county or municipality or any
- 23 board, body, or officer, agency or authority or any other state or
- 24 subdivision thereof.
- 25 c. The State college has advertised for bids pursuant to section 4
- 26 of P.L.1986, c.43 (C.18A:64-55) on two occasions and (i) has
- 27 received no bids on both occasions in response to its advertisement,
- 28 or (ii) has rejected the bids on two occasions because the State
- 29 college has determined that they are not reasonable as to price, on
- 30 the basis of cost estimates prepared for or by the State college prior
- 31 to the advertising therefor, or have not been independently arrived
- 32 at in open competition, or (iii) on one occasion no bids were
- 33 received pursuant to (i) and on one occasion all bids were rejected
- 34 pursuant to (ii), in whatever sequence; any contract or agreement
- 35 may then be negotiated by a two-thirds affirmative vote of the
- 36 authorized membership of the board of trustees authorizing the
- 37 contract or agreement; provided that:
- 38 (1) A reasonable effort is just made by the contracting agent to
- 39 determine that the same or equivalent materials or supplies at a cost
- 40 which is lower than the negotiated price are not available from any
- 41 agency or authority of the United States, the State of New Jersey or
- 42 of the county in which the State college is located, or any
- 43 municipality in close proximity to the State college;
- 44 (2) The terms, conditions, restrictions and specifications set
- 45 forth in the negotiated contract or agreement are not substantially
- 46 different from those which were the subject of competitive bidding
- 47 pursuant to section 4 of this article; and
- 48 (3) Any minor amendment or modification of any of the terms,

1 conditions, restrictions and specifications, which were the subject of
2 competitive bidding pursuant to section 4 of P.L.1986, c.43
3 (C.18A:64-55), shall be stated in the resolution awarding the
4 contract or agreement; except that if on the second occasion the
5 bids received are rejected as unreasonable as to price, the State
6 college shall notify each responsible bidder submitting bids on the
7 second occasion of its intention to negotiate and afford each bidder
8 a reasonable opportunity to negotiate, but the State college shall not
9 award the contract or agreement unless the negotiated price is lower
10 than the lowest rejected bid price submitted on the second occasion
11 by a responsible bidder, is the lowest negotiated price offered by
12 any reasonable vendor, and is a reasonable price for the work,
13 materials, supplies or services. Whenever a State college shall
14 determine that a bid was not arrived at independently in open
15 competition pursuant to subsection c. (ii) of this section, it shall
16 thereupon notify the Attorney General of the facts upon which its
17 determination is based and, when appropriate, it may institute
18 appropriate proceedings in any State or federal court of competent
19 jurisdiction for a violation of any State or federal antitrust law or
20 laws relating to the unlawful restraint of trade.
21 (cf: P.L.1994, c.48, s.111)

22
23 107. Section 7 of P.L.1986, c.43 (C.18A:64-58) is amended to
24 read as follows:

25 7. No purchase, contract or agreement which is single in
26 character or which necessarily or by reason of the quantities
27 required to effectuate the purpose of the purchase, contract or
28 agreement includes the furnishing of additional services or
29 equipment or buying materials or supplies or the doing of additional
30 work, shall be subdivided so as to bring it or any of the parts thereof
31 under the maximum price or cost limitation set forth in P.L.1986,
32 c.43 (C.18A:64-52 et seq.) or in a regulation of the Board of Higher
33 Education, thus dispensing with the requirement of public
34 advertising and bidding therefor. Where the doing of any work is
35 included in or incident to the performance or completion of any
36 project which is single in character or inclusive of the furnishing of
37 additional work, materials or supplies or which requires the
38 furnishing of more than one article of materials or supplies, all of
39 the work, materials or supplies requisite for the completion of the
40 project shall be included in one purchase, contract or agreement.
41 (cf: P.L.1994, c.48, s.112)

42
43 108. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to
44 read as follows:

45 10. The board of trustees of two or more State colleges may
46 provide jointly by agreement for the purchasing of work, materials,
47 or supplies for their respective colleges, and also may, pursuant to
48 regulations of the Board of Higher Education, enter into a joint

1 purchasing agreement with other units of State or local government.
2 (cf: P.L.1994, c.48, s.113)

3
4 109. Section 12 of P.L.1986, c.43 (C.18A:64-63) is amended to
5 read as follows:

6 12. Joint purchases and all agreements pertaining thereto shall
7 be subject to all provisions of law and the applicable rules and
8 regulations of the Board of Higher Education.
9 (cf: P.L.1994, c.48, s.114)

10
11 110. Section 14 of P.L. 1986, c.43 (C.18A:64-65) is amended to
12 read as follows:

13 14. All advertisements for bids shall be published in a legal
14 newspaper sufficiently in advance of the date fixed for receiving the
15 bids to promote competitive bidding but in no event less than 30
16 days prior to that date for construction projects requiring the
17 approval of the Board of Higher Education and 10 days prior to that
18 date for any [construction projects or any] other contract or
19 purchase. The advertisement shall designate the manner of
20 submitting and of receiving the bids and the time and place at which
21 the bids will be received. If the published specifications provide for
22 receipt of bids by mail, those bids which are mailed to the State
23 college shall be sealed and shall be opened only at such time and
24 place as all bids received are unsealed and announced. At that time
25 and place, the contracting agent of the State college shall publicly
26 receive the bids and thereupon immediately proceed to unseal them
27 and publicly announce the contents, which announcement shall be
28 made in the presence of any parties bidding or their agents who are
29 then and there present. A proper record of the prices and terms shall
30 be made. No bids shall be received after the time designated in the
31 advertisement.
32 (cf: P.L.1994, c.48, s.115)

33
34 111. Section 24 of P.L.1986, c.43 (C.18A:64-75) is amended to
35 read as follows:

36 24. All plans and specifications for the erection, alteration,
37 improvement or repair of college buildings shall be drawn by or
38 under the supervision of an appropriate officer employed by the
39 college to whom these powers shall have been delegated by the
40 Board of Trustees. All capital expenditures in excess of \$500,000
41 shall be subject to the approval of the Board of Higher Education.
42 (cf: P.L.1994, c.48, s.116)

43
44 112. Section 28 of P.L.1986, c.43 (C.18A:64-79) is amended to
45 read as follows:

46 28. A State college may only enter a contract exceeding 12
47 consecutive months for the:

- 1 a. Supplying of
- 2 (1) Fuel for heating purposes for any term not exceeding in the
- 3 aggregate three years; or
- 4 (2) Fuel or oil for use in automobiles, autobuses, motor vehicles
- 5 or equipment for any term not exceeding in the aggregate three
- 6 years; or
- 7 b. Plowing and removal of snow and ice for any term not
- 8 exceeding in the aggregate three years; or
- 9 c. Collection and disposal of garbage and refuse for any term not
- 10 exceeding in the aggregate three years; or
- 11 d. Data processing programs, systems and services or rental or
- 12 lease of data processing equipment for any term of not more than
- 13 five years; or
- 14 e. Insurance for any term of not more than three years; or
- 15 f. Leasing or service of automobiles, motor vehicles, electronic
- 16 communications equipment, machinery and equipment of every
- 17 nature and kind for any term not exceeding in the aggregate five
- 18 years; however, these contracts shall be entered into only subject to
- 19 and in accordance with the rules and regulations promulgated by the
- 20 Board of Higher Education; or
- 21 g. Supplying of any product or rendering of any service by a
- 22 telephone company which is subject to the jurisdiction of the Board
- 23 of Public Utilities, for a term not exceeding five years; or
- 24 h. Providing of food supplies and services, including food
- 25 supplies and management contracts for student centers, dining
- 26 rooms and cafeterias, for a term not exceeding three years; or
- 27 i. Performance of work or services or the furnishing of materials
- 28 or supplies for the purpose of conserving energy in buildings owned
- 29 by, or operations conducted by, the contracting unit, the entire price
- 30 of which is to be established as a percentage of the resultant savings
- 31 in energy costs, for a term not exceeding 10 years; provided that a
- 32 contract is entered into only subject to and in accordance with rules
- 33 and regulations adopted by the Department of Energy establishing a
- 34 methodology for computing energy cost savings; or
- 35 j. Any single project for the construction, reconstruction or
- 36 rehabilitation of a public building, structure or facility, or a public
- 37 works project, including the retention of the services of an architect
- 38 or engineer in connection with the project, for the length of time
- 39 necessary for the completion of the actual construction; or
- 40 k. The management and operation of bookstores for a term not
- 41 exceeding five years.
- 42 All multiyear leases and contracts entered into pursuant to this
- 43 section, except contracts for the leasing or servicing of equipment
- 44 supplied by a telephone company which is subject to the
- 45 jurisdiction of the Board of Public Utilities or contracts and
- 46 agreements for the provision of work or the supplying of equipment
- 47 to promote energy conservation and authorized pursuant to
- 48 subsection i. of this section, shall contain a clause making them

1 subject to the availability and appropriation annually of sufficient
2 funds to meet the extended obligation or contain an annual
3 cancellation clause.

4 (cf: P.L.1994, c.48, s.117)

5
6 113. N.J.S.18A:64A-1 is amended to read as follows:

7 18A:64A-1. As used in this chapter:

8 a. "Base year" means the fiscal year two years prior to that in
9 which the budget is to be implemented; provided, however, for
10 determining the level of State aid for fiscal 1982, the "base year"
11 shall be the fiscal year three years prior to that in which the budget
12 is to be implemented;

13 b. "Capital outlay expense" means those funds devoted to or
14 required for the acquisition, landscaping or improvement of land;
15 the acquisition, construction, reconstruction, improvement,
16 remodeling, alteration, addition or enlargement of buildings or other
17 structures; and the purchase of furniture, apparatus and other
18 equipment;

19 c. "County college" means an educational institution established
20 or to be established by one or more counties, offering programs of
21 instruction, extending not more than two years beyond the high
22 school, which may include but need not be limited to specialized or
23 comprehensive curriculums, including college credit transfer
24 courses, terminal courses in the liberal arts and sciences, and
25 technical institute type programs;

26 d. "Educational and general costs" means expenditures of a
27 county college audited and approved according to regulations
28 established by the [State Treasurer] Board of Higher Education;

29 e. "Local bond law" means the local bond law, chapters 1 and 2
30 of Title 40A of the New Jersey Statutes (N.J.S.40A:1-1 et seq.);

31 f. "Operational expense" means those funds devoted to or
32 required for the regular or ordinary expenses of the college,
33 including administrative, maintenance, minor capital and salary
34 expenses but excluding capital outlay expenses;

35 g. "Elected public official" means a person elected to a public
36 office in the State of New Jersey other than an elected
37 representative serving on a board of education pursuant to the
38 provisions of N.J.S.18A:12-1 and section 1 of P.L.1977, c.30
39 (C.18A:54-16.1).

40 (cf: P.L.1994, c.48, s.119)

41
42 114. N.J.S.18A:64A-2 is amended to read as follows:

43 18A:64A-2. When the board of chosen freeholders of one or
44 more counties, after study and investigation, shall deem it advisable
45 for such county or counties to establish a county college, such board
46 or boards of county freeholders may petition the [Commission on]
47 Board of Higher Education for permission to establish and operate a

1 county college. A report shall be attached to such petition and shall
2 include information on the higher educational needs of the county
3 or counties, a description of the proposed county college, the
4 proposed curriculum, an estimate of the cost of establishing and
5 maintaining such county college, and any other information or data
6 deemed pertinent.

7 Upon receipt of the petition by the Board of Higher Education, it
8 shall be referred to the chancellor who shall make an independent
9 study as to the higher educational needs of the county or counties,
10 the necessity or advisability of establishing the county college, and
11 whether the county or counties could, with the State aid provided
12 for, financially support the college. The chancellor shall submit a
13 report containing his conclusions to the Board of Higher Education
14 and to the petitioning board or boards of chosen freeholders.

15 The [commission] Board of Higher Education, after studying
16 both the petition of the board or boards of chosen freeholders and
17 the report of the chancellor, shall determine whether there is a need
18 for such college and whether the county or counties have the
19 financial capacity to support such college. If the [commission]
20 board finds such a need to exist and further finds that establishing
21 and maintaining such college is financially feasible, it shall approve
22 the petition and shall so notify the board or boards of chosen
23 freeholders.

24 (cf: P.L.1994, c.48, s.120)

25
26 115. N.J.S.18A:64A-3 is amended to read as follows

27 18A:64A-3. Whenever the board or boards of chosen freeholders
28 receive notification that the [Commission on] Board of Higher
29 Education approves the establishment of a county college, each
30 participating board may provide by resolution for the establishment
31 of a county college in accordance with the provisions of this chapter
32 and the regulations of the Board of Higher Education. Prior to the
33 final passage of said resolution, the board of chosen freeholders
34 shall have published, in full, in a newspaper circulating in the
35 county, the resolution together with the time and place of a public
36 hearing to be had upon said resolution. Said publication shall be at
37 least 10 days prior to the time fixed for the public hearing.

38 Within five days after passage, the resolution shall be published
39 in full in a newspaper circulating in the county and a copy of said
40 resolution shall be filed for public inspection with the clerk of the
41 board of chosen freeholders and with the clerk of each municipality
42 in said county. The resolution shall become effective in said county
43 45 days after passage unless there is filed with the county clerk
44 within said 45 days, a petition requesting a referendum in said
45 county signed by either five per cent or 10,000 of the registered
46 voters of said county, whichever is lesser, or such a petition
47 authorized by the governing body of a municipality or

1 municipalities representing in total at least 15% of the population of
2 said county. If such petition is so filed, the proposal for the
3 establishment of a county college shall be submitted to the
4 registered voters of said county at the next general election.

5 Where a county college is to be established by more than one
6 county, similar resolutions authorizing the establishment of such
7 county college shall be passed by the board of chosen freeholders in
8 each participating county. If a petition such as is described above is
9 filed in one or more said participating counties, then the proposal
10 for the establishment of a county college shall be submitted to the
11 registered voters of the county or counties in which such petition or
12 petitions are filed.

13 The county clerk of each participating county shall notify the
14 [commission] chancellor and the board of chosen freeholders of
15 each other participating county upon the elapse of 45 days after the
16 passage of the resolution in said county whether the question of the
17 establishment of a county college is to be submitted to the
18 registered voters of said county at the next general election.

19 (cf: P.L.1994, c.48, s.121)

20

21 116. N.J.S.18A:64A-4 is amended to read as follows:

22 18A:64A-4. If a proposal for the establishment of a county
23 college is to be submitted to the registered voters of the county, the
24 county clerk shall have published at least 10 days before said
25 general election notice thereof in a newspaper circulating in the
26 county and the county clerk shall have printed or cause to be printed
27 on the official ballot to be used at such general election the
28 following:

29 If you favor the proposition printed below, make a cross (X),
30 plus (+) or check (!) mark in the square opposite the word "Yes." If
31 you are opposed thereto, make a cross (X), plus (+) or check (!)
32 mark in the square opposite the word "No."

33 Yes. Shall a county college be established in

34 No. pursuant to chapter 64A of Title 18A of the New Jersey
35 Statutes?

36 If a county college is to be established in one county, the name
37 of the county, and if it is to be established in more than one county,
38 the names of the counties, should be inserted in the question.

39 In any county in which voting machines are used the question
40 shall be placed upon the official ballots to be used upon the voting
41 machines without the foregoing instructions to the voters and shall
42 be voted upon by the use of such machines without marking as
43 aforesaid.

44 If the question of the establishment of a county college is
45 submitted to the people of the county, that county clerk shall send
46 notice of the results of said election to the [commission] chancellor
47 and the board of chosen freeholders of each of the participating

1 counties.
2 (cf: P.L.1994, c.48, s.122)

3

4 117. N.J.S.18A:64A-5 is amended to read as follows:

5 18A:64A-5. If at said election the proposal for the establishment
6 of the county college is approved by a majority of all the votes cast
7 both for and against said question in the county, then the board of
8 chosen freeholders shall proceed to establish a county college.

9 Where the county college is to be established by more than one
10 county, then the boards of chosen freeholders of the participating
11 counties shall not establish a county college until the [commission]
12 chancellor notifies said boards that a similar resolution of the board
13 of chosen freeholders in each participating county has become
14 effective upon the elapse of the 45-day period or the proposal for
15 the establishment of a county college has been approved by a
16 majority of the registered voters of said county at a general election.
17 (cf: P.L.1994, c.48, s.123)

18

19 118. N.J.S.18A:64A-6 is amended to read as follows:

20 18A:64A-6. If a majority of the votes in a county are cast
21 against a proposal for the establishment of a county college, the
22 board of chosen freeholders of such county may not establish a
23 county college unless thereafter the board:

24 a. Submits a petition to the [Commission on] Board of Higher
25 Education in accordance with the provisions of section 18A:64A-2,
26 and

27 b. Submits a proposal for the establishment of a county college
28 at a general election and has it approved by a majority of the votes
29 of the county voting thereon.

30 The board of chosen freeholders shall not resubmit a proposal
31 which has been defeated to the voters of the county before the third
32 general election thereafter; however, an alternate proposal may be
33 submitted at any general election.

34 (cf: P.L.1994, c.48, s.124)

35

36 119. N.J.S.18A:64A-8 is amended to read as follows:

37 18A:64A-8. For each county college there shall be a board of
38 trustees, consisting of the county superintendent of schools and 10
39 persons, eight of whom shall be appointed by the appointing
40 authority of the county with the advice and consent of the board of
41 chosen freeholders, at least two of whom shall be women and two
42 of whom shall be appointed by the Board of Higher Education,
43 subject to the approval of the Governor, according to criteria and
44 for such initial terms as shall be established. However, no trustee
45 shall be appointed after July 1, 1994 who is an employee of a
46 constituent county. The president of the college shall serve as an ex
47 officio member of the board of trustees without vote. In addition,

1 the student body of each county college shall be entitled to elect
2 from the graduating class one representative to serve as a non-
3 voting member on the board of trustees for a term of one year
4 commencing at the next organization of the board following
5 graduation of his class. The Board of Higher Education shall by
6 regulation prescribe the rights and duties of the student
7 representative.

8 The appointing authority of the county shall establish a trustee
9 search committee of not less than five members who shall be
10 residents of the county. The members of the trustee search
11 committee shall not be elected public officials and shall not be
12 eligible for appointment to the board of trustees for a period of six
13 months after their service on the trustee search committee. The
14 trustee search committee shall nominate individuals according to
15 criteria promulgated by the Board of Higher Education for
16 consideration by the appointing authority of the county for
17 appointment to the board of trustees.

18 When a county college is established by more than one county,
19 the board of trustees shall be increased by two members for each
20 additional participating county. The membership of the board of
21 trustees shall be apportioned by the [commission] chancellor among
22 the several counties as nearly as may be according to the number of
23 inhabitants in each county as shown by the last federal census,
24 officially promulgated in this State. Each apportionment shall
25 continue in effect until a reapportionment shall become necessary
26 by reason of the official promulgation of the next federal census or
27 the enlargement of the board by the admission of one or more
28 additional counties as provided for in section 18A:64A-24. Each
29 county shall be entitled to have at least two members and the county
30 superintendent of the schools of said county on the board of
31 trustees.

32 (cf: P.L.1994, c.48, s.125)

33

34 120. N.J.S.18A:64A-9 is amended to read as follows:

35 18A:64A-9. Appointed members of the board of trustees shall
36 have been residents of the county for a period of four years prior to
37 said appointment, and no elected public official or employee of the
38 county college shall serve as a voting member of the board. The
39 term of office of appointed members, except for the first
40 appointments, shall be for four years. Each member shall serve
41 until his successor shall have been appointed and qualified.

42 Vacancies shall be filled in the same manner as the original
43 appointment for the remainder of the unexpired term. Any
44 appointed member may be removed by the board of chosen
45 freeholders of the appointing county for cause upon notice and
46 opportunity to be heard. Members shall serve without compensation
47 but shall be entitled to be reimbursed for all reasonable and

1 necessary expenses.

2 A voting member of a board of trustees shall not be eligible to
3 accept employment as an employee of the college at which he has
4 served as a member of the board for a period of two years following
5 resignation or expiration of his term as a member.

6 In the case of a county college established by one county, the
7 terms of office of members initially appointed to the board of
8 trustees by the appointing authority of the county shall be as
9 follows: two persons shall receive terms of one year; two, terms of
10 two years; two, terms of three years; and two, terms of four years.

11 In the case of a county college established by more than one
12 county, the chancellor shall fix the terms of the members initially
13 appointed to the board of trustees [shall be fixed] so that as nearly
14 as possible, one-quarter of the appointed members will receive
15 terms of four years, one-quarter terms of three years, one-quarter
16 terms of two years and the remainder terms of one year. Such terms
17 shall be allocated by the [commission] chancellor among the
18 participating counties, in accordance with the number of members
19 on the board of trustees apportioned to each county, starting with
20 the terms of four years, by allocating one of such terms to each of
21 the participating counties in alphabetical order of the names of such
22 counties, and continuing, still in such order, with the terms of three
23 years, the terms of two years and the terms of one year.

24 Members initially appointed to the board may serve from the
25 time of their respective appointments, but the term of such office
26 shall be deemed to commence as of November 1 of the year in
27 which the appointment was made.

28 (cf: P.L.1994, c.48, s.126)

29

30 121. N.J.S.18A:64A-11 is amended to read as follows:

31 18A:64A-11. The board of trustees shall be a body corporate
32 and shall be known as the "board of trustees of" (here insert
33 the name of the county college).

34 The board of trustees, in accordance with the rules and
35 regulations of the Board of Higher Education, shall have custody of
36 and be responsible for the property of the college and shall be
37 responsible for the management and control of said college. The
38 board shall make an annual report to the [Commission on]
39 chancellor in the manner prescribed by the Board of Higher
40 Education and to the board of chosen freeholders of each
41 participating county.

42 (cf: P.L.1994, c.48, s.127)

43

44 122. N.J.S.18A:64A-12 is amended to read as follows:

45 18A:64A-12. For the effectuation of the purposes of this
46 chapter, the board of trustees of a county college in addition to such

- 1 other powers expressly granted to it by [law] this chapter and
2 subject to the rules and regulations of the Board of Higher
3 Education, is hereby granted the following powers:
- 4 a. To adopt or change the name of the county college;
 - 5 b. To adopt and use a corporate seal;
 - 6 c. To sue and be sued;
 - 7 d. To determine the educational curriculum and program of the
8 college [consistent with the programmatic mission of the institution
9 or approved by the Commission on Higher Education];
 - 10 e. To appoint and fix the compensation and term of office of a
11 president of the college who shall be the executive officer of the
12 college and an ex officio member of the board of trustees;
 - 13 f. To appoint, upon nomination of the president, members of the
14 administrative and teaching staffs and fix their compensation and
15 terms of employment subject to the provisions of N.J.S.18A:64A-
16 13;
 - 17 g. To appoint or employ, upon nomination of the president, such
18 other officers, agents and employees as may be required to carry out
19 the provisions of this chapter and to fix and determine their
20 qualifications, duties, compensation, terms of office and all other
21 conditions and terms of employment and retention;
 - 22 h. To fix and determine tuition rates and other fees to be paid by
23 students;
 - 24 i. To grant diplomas, certificates or degrees;
 - 25 j. To enter into contracts and agreements with the State or any of
26 its political subdivisions or with the United States, or with any
27 public body, department or other agency of the State or the United
28 States or with any individual, firm or corporation which are deemed
29 necessary or advisable by the board for carrying out the provisions
30 of this chapter;
 - 31 k. To accept from any government or governmental department,
32 agency or other public or private body or from any other source
33 grants or contributions of money or property which the board may
34 use for or in aid of any of its purposes;
 - 35 l. To acquire (by gift, purchase, condemnation or otherwise),
36 own, lease, use and operate property, whether real, personal or
37 mixed, or any interest therein, which is necessary or desirable for
38 college purposes;
 - 39 m. To determine that any property owned by the county college
40 is no longer necessary for college purposes and to sell the same at
41 such price and in such manner and upon such terms and conditions
42 as shall be established by the [board] Board of Higher Education;
 - 43 n. To exercise the right of eminent domain, pursuant to the
44 provisions of Title 20, Eminent Domain, of the Revised Statutes, to
45 acquire any property or interest therein;
 - 46 o. To make and promulgate such rules and regulations, not

1 inconsistent with the provisions of this chapter or with the rules and
2 regulations [promulgated hereunder] of the Board of Higher
3 Education that are necessary and proper for the administration and
4 operation of a county college and to implement the provisions of
5 this chapter;

6 p. To exercise all other powers, not inconsistent with the
7 provisions of this chapter or with the rules and regulations
8 [promulgated hereunder] of the Board of Higher Education which
9 may be reasonably necessary or incidental to the establishment,
10 maintenance and operation of a county college; and

11 q. To establish and maintain a dedicated reserve fund for minor
12 capital needs which in any given year shall not exceed 3% of the
13 replacement value of the college's physical plant.

14 (cf: P.L.1999, c.46, s.41)

15
16 123. N.J.S.18A:64A-14 is amended to read as follows:

17 18A:64A-14. Counties, municipalities, school districts or special
18 schools may sell, give or lease any of their property, including
19 county or municipal funds, to the board of trustees of a county
20 college pursuant to the rules and regulations of the Board of Higher
21 Education.

22 (cf: P.L.1994, c.48, s.129)

23
24 124. N.J.S.18A:64A-17 is amended to read as follows:

25 18A:64A-17. On or before February 1 in each year, the board of
26 trustees of the county college shall prepare and deliver to each
27 member of the board of school estimate an itemized statement of
28 the amount of money estimated to be necessary for the operation
29 and capital outlay expenses for the ensuing year. Said board of
30 trustees shall, at the same time, fix a date, place and time for the
31 holding of a public hearing by the board of school estimate with
32 respect to said itemized statement of the amount of money
33 estimated to be necessary for the operation and capital outlay
34 expenses for the ensuing year and with respect to the various items
35 and purposes for which said money is to be appropriated, which
36 date shall be between February 1 and February 15 and which date
37 shall be not less than seven days after the publication of said
38 itemized statement as herein provided and shall cause notice of such
39 public hearing and said statement to be published at least once in at
40 least one newspaper published in the county not less than seven
41 days prior to the date fixed for such public hearing, and said notice
42 shall also set forth that said itemized statement will be on file and
43 open to examination of the public, between reasonable hours to be
44 fixed therein, and, at a place to be named therein, from the date of
45 said publication until the date of the holding of said public hearing
46 and said board of trustees shall cause said itemized statement to be
47 on file and open to the examination of the public accordingly and to

1 be produced at said public hearing for the information of those
2 attending the same.

3 On the date and at the time and place so fixed by the board of
4 trustees for such public hearing, the board of school estimate shall
5 at a public hearing grant the taxpayers and other interested persons
6 an opportunity to present objections and to be heard with respect to
7 said itemized statement of the amount of money estimated to be
8 necessary for the operation and capital outlay expenses for the
9 ensuing year and with respect to the various items and purposes for
10 which said money is to be appropriated and at or after said public
11 hearing but not later than February 15 of each year, the board of
12 school estimate shall fix and determine, by official action taken at a
13 public meeting of the board, the amount of money necessary for the
14 operation and capital outlay expenses of the college for the ensuing
15 year, exclusive of the amount to be received from the State and
16 from other sources.

17 The board of school estimate shall, on or before February 15 of
18 each year, make a certificate of such amount signed by at least a
19 majority of its members. Copies thereof shall be delivered to the
20 chancellor, to the board of trustees of the college and to each
21 participating board of chosen freeholders.

22 In the case of a county college established by more than one
23 county, the amount to be raised for the annual operation and capital
24 outlay expenses shall be apportioned among the participating
25 counties upon the basis of apportionment valuations, as defined in
26 R.S.54:4-49. In the case of a county college joinder created
27 pursuant to N.J.S.18A:64A-24 subsequent to the enactment of
28 P.L.1998, c.140, the amount to be raised for the annual operation
29 and capital outlay expenses may be apportioned among the
30 participating counties upon the basis of apportionment valuations,
31 as defined in R.S.54:4-49; or, upon the basis of unweighted student
32 credit hours; or upon the basis of any combination of apportionment
33 valuations and unweighted student credit hours. The certificate of
34 the board of school estimate shall certify the proportioned part of
35 the total to be raised by each participating county. In the case of a
36 county college joinder created pursuant to N.J.S.18A:64A-24
37 subsequent to the enactment of P.L.1998, c.140, operational
38 expenses shall include any facility use fee or other charge which
39 may be agreed upon by the participating counties and the board of
40 trustees upon the approval of a majority of the members of the
41 board of school estimate.

42 (cf: P.L.1998, c.140, s.1)

43

44 125. N.J.S.18A:64A-19 is amended to read as follows:

45 18A:64A-19. (1) Whenever the board of trustees of a county
46 college shall decide that it is necessary to raise money for the
47 purpose of acquiring or improving lands or buildings for use by the
48 college or erecting, enlarging, improving, altering, reconstructing,

1 furnishing or equipping buildings or other structures for use by the
2 college, it may, in lieu of proceeding in accordance with
3 N.J.S.18A:64A-16 and 18A:64A-17, at any time prepare and deliver
4 to each member of the board of school estimate a statement of the
5 estimated cost of such purpose and of the amount of money
6 estimated by the board of trustees to be then needed for such
7 purpose. If the amount of money so estimated shall include any
8 funds expected to be received for said purpose as State or federal
9 aid, such statement shall specify the amount and source of said
10 funds and may include an agreement by the board of trustees to
11 repay the county, out of the said funds when received, for any
12 amounts appropriated by any county for the county college in
13 anticipation of said funds. After receipt of such statement, the
14 board of school estimate shall fix and determine the sum of money
15 then needed for the purpose specified in said statement and the
16 amount thereof to be raised by the participating county or counties
17 which shall, if there be two or more such counties, be apportioned
18 among them upon the basis of apportionment valuations as defined
19 in R.S.54:4-49 and which may include amounts expected to be
20 repaid as aforesaid by the board of trustees. In the case of a county
21 college joinder created pursuant to N.J.S.18A:64A-24 subsequent to
22 the enactment of P.L.1998, c.140, the amount to be raised may be
23 apportioned among the participating counties upon the basis of
24 apportionment valuations as defined in R.S.54:4-49; or, upon the
25 basis of unweighted student credit hours; or upon the basis of any
26 combination of apportionment valuations and unweighted student
27 credit hours; or in proportion to the percentage of bonds to be
28 issued by each county for the project as may be agreed upon by the
29 participating counties and the board of trustees. The board of
30 school estimate shall thereupon make a certificate of such sum and
31 amount or amounts signed by at least a majority of its members, and
32 copies thereof and of the statement received from the board of
33 trustees shall be delivered to the chancellor, to the board of trustees
34 and to the board of chosen freeholders of each participating county.

35 (2) The board of chosen freeholders of a participating county
36 upon receipt of any such certificate shall appropriate the amount
37 certified therein for the purpose therein specified, or upon receipt of
38 a certificate as provided in N.J.S.18A:64A-17 shall appropriate the
39 amount of the capital outlay expenses certified therein, either:

40 (a) By the method provided for in N.J.S.18A:64A-18; or

41 (b) By a bond ordinance authorizing the issuance of bonds or
42 notes of the county to finance such appropriation and purpose
43 adopted in accordance with the limitations and any exceptions
44 thereto, and in the manner or mode of procedure, prescribed by the
45 local bond law, and the sale and issuance of said bonds or notes
46 pursuant to the local bond law; provided, however, that no down
47 payment shall be required and the provisions of N.J.S.40A:2-11 of
48 the local bond law shall not be applicable to such bond ordinance

1 and that the purpose for which the bonds or notes are to be issued
2 may be stated and identified as and shall be the purpose specified in
3 said certificate notwithstanding that the appropriation therefor may
4 be sufficient only for planning or other preliminary or initial
5 expenses in connection therewith or may be made in anticipation of
6 State or federal aid expected to be received for said purpose and
7 applied to repayment to the county.

8 (3) The proceeds of the sale of such bonds or notes shall be paid
9 to the treasurer of the county college and shall be paid out by him
10 only on the warrants or orders of the board of trustees of the county
11 college. The treasurer shall in no event disburse such proceeds,
12 except to pay and retire any such notes and pay the expenses of
13 issuing and selling such bonds or notes and for the purpose or
14 purposes for which such bonds or notes were issued. If for any
15 reason any part of such proceeds are not applied to or necessary for
16 such purpose or purposes, the board of trustees of the county
17 college may transfer the balance remaining unapplied to the capital
18 outlay account of the county college.

19 (4) Except with the concurrence and consent of the board of
20 chosen freeholders of the county expressed by resolution, no
21 amount shall be appropriated under this section which, if added to
22 the amount of bonds or notes of the county for county college
23 purposes outstanding or authorized but unissued at the date of such
24 appropriation, shall exceed an amount equal to one half of one per
25 cent of the equalized valuation basis of said county as shown on the
26 annual debt statement of the county last filed pursuant to the local
27 bond law.

28 (cf: P.L.1998, c.140, s.2)

29

30 126. N.J.S.18A:64A-20 is amended to read as follows:

31 18A:64A-20. If the board of trustees shall determine that it is
32 necessary in any school year to raise money in addition to the
33 amount in its annual budget for such year for:

34 (1) current expenses for the operation and maintenance of the
35 college when the amount necessary therefor was underestimated in
36 the budget;

37 (2) repair or utilization of property destroyed or made unsuitable
38 by accident or other unforeseen cause; or

39 (3) meeting emergencies arising since the preparation of such
40 budget;

41 the board shall prepare and deliver to each member of the board
42 of school estimate a statement of the amount of money determined
43 to be necessary therefor.

44 The board of school estimate shall meet within a reasonable time
45 after the delivery of the statement and fix and determine the amount
46 necessary for such purpose or purposes. In the case of a county
47 college established by more than one county, the board shall
48 apportion upon the basis of the apportionment valuations as defined

1 in R.S.54:4-49, such amount among the participating counties. In
2 the case of a county college joinder created pursuant to
3 N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c.140,
4 the amount to be raised may be apportioned among the participating
5 counties upon the basis of apportionment valuations, as defined in
6 R.S.54:4-49; or, upon the basis of unweighted student credit hours;
7 or upon the basis of any combination of apportionment valuations
8 and unweighted student credit hours as determined by the board of
9 school estimate. The board shall then certify the amount so
10 determined and apportioned to the chancellor, to the board of
11 trustees of the college and to each participating board of chosen
12 freeholders.

13 The board of chosen freeholders, upon receipt of such certificate,
14 shall appropriate the amount certified therein and shall raise such
15 amount in the manner provided for by N.J.S.18A:64A-18 and
16 18A:64A-19.
17 (cf: P.L.1998, c.140, s.3)

18

19 127. N.J.S.18A:64A-21 is amended to read as follows:

20 18A:64A-21. Notwithstanding the time limitations specified in
21 N.J.S.18A:64A-17, during the calendar year in which the board or
22 boards of chosen freeholders first establish a county college, the
23 board of trustees of the county college may prepare and deliver to
24 the board of school estimate of the college an estimate of the
25 amount necessary to finance the county college until the first
26 regular budget is adopted and available.

27 The board of school estimate shall meet within a reasonable time
28 after the delivery of said estimate and shall fix and determine the
29 amount necessary to so finance the county college and, if more than
30 one county participated in establishing the county college, shall
31 apportion said amount upon the basis of apportionment valuations
32 as defined in R.S.54:4-49. The board shall then certify the amount
33 so determined to the chancellor, the board of trustees of the college
34 and to the board of chosen freeholders of each participating county.

35 The board of chosen freeholders shall, upon receipt of the
36 certification, appropriate its share of said amount in the manner
37 provided for by N.J.S.18A:64A-18 and 18A:64A-19.
38 (cf: P.L.1994, c.48, s.133)

39

40 128. N.J.S.18A:64A-22 is amended to read as follows:

41 18A:64A-22. [Notwithstanding any other law to the contrary,
42 the Council of County Colleges may submit to the State Treasurer]
43 The Board of Higher Education shall formulate annual budget
44 requests for State support of county colleges. Within the limits of
45 funds appropriated to the Board of Higher Education for such
46 purposes and in accordance with rules and regulations prescribed by
47 the Board of Higher Education, the board of trustees of a county

1 college may [based upon the itemized statement fixed and
2 determined pursuant to N.J.S.18A:64A-17] apply to the [State
3 Treasurer] Board of Higher Education and receive State support:

4 a. For capital projects approved by the Board of Higher
5 Education in amounts not to exceed one-half of the cost of said
6 capital projects, and

7 b. For operational costs to the extent of 43% but not to exceed
8 50% of the educational and general costs of the county colleges in
9 the base year; provided, however, that for the purposes of
10 determining State aid, only credit courses and noncredit remedial,
11 developmental, general education development and adult basic
12 education courses shall be included in calculating such costs. This
13 sum shall be distributed to the county colleges by the [treasurer]
14 Board of Higher Education in consultation with the Council of
15 County Colleges according to a formula that includes categorical
16 support and differential funding based on program costs.

17 No county college shall receive more than 50% of its projected
18 educational and general costs through the provisions of this act.

19 Each county which operates a county college shall continue to
20 provide moneys for the support of the college in an amount no less
21 than those moneys provided in the year in which this act is enacted
22 or 25% of the operational expense in the base State fiscal year,
23 whichever is greater.

24 State support for the operational expenses of county colleges
25 shall be made within limits of State appropriation and only after an
26 annual review and approval by the Board of Higher Education of
27 the financial program for operation of each county college,
28 including the charges to be made for student tuition and fees and the
29 establishment of the county share of the costs.

30 (cf: P.L.1994, c.48, s.134)

31

32 129. Section 2 of P.L.1971, c.12 (C.18A:64A-22.2) is amended
33 to read as follows:

34 2. Whenever the [State Treasurer] Board of Higher Education
35 shall determine that [he] it is unable to provide State support for a
36 capital project of a county college pursuant to N.J.S.18A:64A-22
37 within the limit of available State appropriations, the chancellor
38 shall certify to the State Treasurer the amount of State support
39 recommended for the project and the amount available for the
40 project within the limit of State appropriations. Upon receipt of the
41 certification, the State Treasurer shall determine the amount of
42 bonds and notes entitled to the benefits of this act and the "County
43 College Capital Projects Fund Act," P.L.1997, c.360 (C.18A:72A-
44 12.2 et seq.) and not theretofore allocated to another capital project.
45 The State Treasurer shall examine the certification and determine
46 the necessity or advisability of making available additional State

1 support for the capital project referred to in the certification. To the
2 extent he determines additional support is necessary or advisable,
3 he shall certify to the board of chosen freeholders of the county in
4 which said capital project is located, the county college at which the
5 capital project is located, and the New Jersey Educational Facilities
6 Authority the amount of bonds or notes relating to the capital
7 project which shall be entitled to the benefits of this act and the
8 "County College Capital Projects Fund Act," P.L.1997, c.360
9 (C.18A:72A-12.2 et seq.), which amount shall not exceed the
10 amount of bonds and notes entitled to the benefit of those acts and
11 not theretofore allocated to another capital project. A copy of such
12 certification shall be filed by the State Treasurer with the chancellor
13 and with the Director of the Division of Local Finance.
14 (cf: P.L.1997, c.360, s.8)

15
16 130. N.J.S.18A:64A-23 is amended to read as follows:

17 18A:64A-23. a. Each county college shall, to the extent its
18 facilities will permit and subject to regulations of the Board of
19 Higher Education, accept students who are residents of any other
20 county in the State.

21 b. Any person desiring to enroll in a county college as a
22 nonresident student shall apply to the chief fiscal officer of his
23 county of residence for a certificate of residence showing that said
24 person is a resident of said county. The chief fiscal officer of each
25 county shall, upon application and submission to him of satisfactory
26 evidence of such residence, issue said certificate provided that (1)
27 the county does not sponsor a county college or contribute to the
28 support of a county assisted college, or (2) the local county or
29 county assisted college certifies that it does not offer the particular
30 course or program of study desired by the applicant, or (3) the local
31 county or county assisted college certifies that it cannot admit the
32 applicant into a particular course or the desired program of study,
33 pursuant to criteria established by the [Commission on] Board of
34 Higher Education. If the chief fiscal officer of a county refuses to
35 issue such a certificate, the applicant may appeal to the board of
36 chosen freeholders of the county within 10 days of the receipt of
37 notice of such refusal. The board of chosen freeholders shall make
38 a determination after a hearing, upon 10 days' notice to such chief
39 fiscal officer and the applicant, and such determination shall be
40 final and binding on the county.

41 Upon his registration for each college year, the nonresident
42 student shall file with the college such a certificate of residence
43 issued not earlier than two months prior thereto and such certificate
44 of residence shall be valid for the current or next academic year
45 succeeding the date of issuance, as the case may be.

46 c. Any county college so admitting nonresident students shall
47 charge to and collect from each county within the State which has

1 issued a certificate or certificates of residence pursuant to
2 subsection b. and on the basis of which such nonresident students
3 are attending such college, the sending county's share of the
4 operating expenses of such county college, as certified by the board
5 of school estimate and as paid by the receiving county for resident
6 students, computed on a per full-time equated (FTE) student basis
7 and multiplied by cost ratios as determined by the [State Treasurer
8 pursuant to N.J.S.18A:64A-22] Board of Higher Education for
9 various instructional categories. Any county college shall
10 additionally charge and collect the sum of \$1.00 per credit hour for
11 each student so enrolled to compensate for minor capital costs of
12 the college, which moneys shall be expended according to
13 regulations promulgated by the Board of Higher Education.

14 d. Within 10 days after the commencement of each college term,
15 the county college shall charge the county's per FTE student share
16 of operating expenses of such college for that term as aforesaid to
17 each county which has issued a certificate or certificates of
18 residence pursuant to subsection b., on the basis of which
19 nonresident students are attending such county college. The amount
20 so charged to the county issuing the certificate or certificates shall
21 be paid within 30 days of the date of the billing.

22 (cf: P.L.1994, c.48, s.137)

23
24 131. Section 4 of P.L.1983, c.470 (C.18A:64A-23.4) is amended
25 to read as follows:

26 4. The [Commissioner of Labor] Board of Higher Education
27 shall promulgate rules and regulations necessary to effectuate the
28 purposes of this act. [Regulations of the State Board of Higher
29 Education implementing this act shall remain in full force and effect
30 until modified or repealed by the Commissioner of Labor.]

31 (cf: P.L.1994, c.48, s.138)

32
33 132. N.J.S.18A:64A-24 is amended to read as follows:

34 18A:64A-24. If the board of trustees of a county college shall
35 determine that it is in the best interest of the college to allow one or
36 more additional counties to join in the operation of said county
37 college and the board or boards of chosen freeholders of the county
38 or counties then operating the county college shall approve, said
39 board of trustees and the chancellor, pursuant to the rules and
40 regulations of the Board of Higher Education, shall fix the terms
41 and conditions under which said additional county or counties may
42 participate in the operation of the county college.

43 (cf: P.L.1994, c.48, s.139)

44
45 133. Section 3 of P.L.1982, c.189 (C.18A:64A-25.3) is
46 amended to read as follows:

1 3. a. Any purchase, contract or agreement for the performance
2 of any work or the furnishing or hiring of materials or supplies, the
3 cost or price of which, together with any sums expended for the
4 performance of any work or services in connection with the same
5 project or the furnishing of similar materials or supplies during the
6 same fiscal year, paid with or out of college funds, does not exceed
7 the total sum of \$25,000 or, commencing January 1, 2003, the
8 amount determined pursuant to subsection b. of this section in any
9 fiscal year may be made, negotiated and awarded by a contracting
10 agent, when so authorized by resolution of the board of trustees of
11 the county college, without public advertising for bids and bidding
12 therefor.

13 b. Commencing January 1, 2003 and every two years thereafter,
14 the Governor, in consultation with the Department of the Treasury,
15 shall adjust the threshold amount set forth in subsection a. of this
16 section in direct proportion to the rise or fall of the Consumer Price
17 Index for all urban consumers in the New York and Northeastern
18 New Jersey and the Philadelphia areas as reported by the United
19 States Department of Labor. The adjustment shall become effective
20 on July 1 of the year in which it is reported.

21 c. Any purchase, contract or agreement made pursuant to this
22 section may be awarded for a period of 24 consecutive months,
23 notwithstanding that such 24 -month period does not coincide with
24 the fiscal year. The Department of Higher Education shall adopt and
25 promulgate rules and regulations concerning the methods of
26 accounting for all contracts that do not coincide with the fiscal year.
27 (cf: P.L.2001, c.281, s.1)
28

29 134. Section 5 of P.L.1982, c.189 (C.18A:64A-25.5) is
30 amended to read as follows:

31 5. Any purchase, contract or agreement of the character
32 described in section 4 may be made, negotiated or awarded by the
33 county college by resolution at a public meeting of its board of
34 trustees without public advertising for bids or bidding therefor if:

35 a. The subject matter thereof consists of:

36 (1) Professional services; or

37 (2) Extraordinary unspecifiable services and products which
38 cannot reasonably be described by written specifications, subject
39 however, to [procedures] the rules and regulations of the Board of
40 Higher Education consistent with open public bidding whenever
41 possible; or

42 (3) Materials or supplies which are not available from more than
43 one potential bidder, including without limitation materials or
44 supplies which are patented or copyrighted; or

45 (4) The doing of any work by employees of the county college;
46 or

47 (5) The printing of all legal notices and legal briefs, records and

- 1 appendices to be used in any legal proceeding to which the county
2 college may be a party; or
- 3 (6) Textbooks, copyrighted materials, student produced
4 publications and services incidental thereto, library materials
5 including without limitation books, periodicals, newspapers,
6 documents, pamphlets, photographs, reproductions, microfilms,
7 pictorial or graphic works, musical scores, maps, charts, globes,
8 sound recordings, slides, films, filmstrips, video and magnetic
9 tapes, other printed or published matter and audiovisual and other
10 materials of a similar nature, necessary binding or rebinding of
11 library materials and specialized library services; or
- 12 (7) Food supplies and services including food supplies and
13 management contracts for student centers, dining rooms and
14 cafeterias, pursuant to rules and regulations of the Board of Higher
15 Education; or
- 16 (8) The supplying of any product or the rendering of any service
17 by the public utility which is subject to the jurisdiction of the Board
18 of Public Utilities, in accordance with tariffs and schedules of
19 charges made, charged and exacted, filed with said board; or
- 20 (9) Equipment repair service if in the nature of an extraordinary
21 unspecifiable service and necessary parts furnished in connection
22 with such services; or
- 23 (10) Specialized machinery or equipment of a technical nature
24 which will not reasonably permit the drawing of specifications, and
25 the procurement thereof without advertising is in the public interest;
26 or
- 27 (11) Insurance, including the purchase of insurance coverage
28 and consulting services, which exceptions shall be in accordance
29 with the requirements for extraordinary unspecifiable services; or
- 30 (12) Publishing of legal notices in newspapers, as required by
31 law; or
- 32 (13) The acquisition of artifacts or other items of unique
33 intrinsic, artistic or historic character; or
- 34 (14) The collection of amounts due on student loans, including
35 without limitation loans guaranteed by or made with funds of the
36 United States of America; or
- 37 (15) Professional consulting services; or
- 38 (16) Entertainment, including without limitation theatrical
39 presentations, band and other concerts, movies and other
40 audiovisual productions; or
- 41 (17) Contracts employing funds created by student activities
42 fees charged to students or otherwise raised by students, not under
43 the direct control of the college and expended by student
44 organizations; or
- 45 (18) Printing, including without limitation catalogs, yearbooks
46 and course announcements; or
- 47 (19) Providing goods or services for the use, support or
48 maintenance of proprietary computer hardware, software

- 1 peripherals and system development for the hardware; or
- 2 (20) Personnel recruitment and advertising, including without
- 3 limitation advertising seeking student enrollment; or
- 4 (21) Educational supplies, books, articles of clothing and other
- 5 miscellaneous articles purchased by a county college bookstore, or
- 6 by a service or management company under contract with a county
- 7 college to operate a county college book store for resale to college
- 8 students and employees; or
- 9 (22) Purchase or rental of graduation caps and gowns and award
- 10 certificates or plaques; or
- 11 (23) Expenses for travel or conferences; or
- 12 (24) Items available from vendors at costs below State contract
- 13 pricing for the same product or service, which meets or exceeds the
- 14 State contract terms or conditions.
- 15 b. It is to be made or entered into with the United States of
- 16 America, the State of New Jersey, a county or municipality or any
- 17 board, body, or officer, agency or authority or any other state or
- 18 subdivision thereof.
- 19 c. The county college has advertised for bids pursuant to section
- 20 4 of P.L.1982, c.189 (C.18A:64A-25.4) on two occasions and (i)
- 21 has received no bids on both occasions in response to its
- 22 advertisement, or (ii) has rejected such bids on two occasions
- 23 because the county college has determined that they are not
- 24 reasonable as to price, on the basis of cost estimates prepared for or
- 25 by the county college prior to the advertising therefor, or have not
- 26 been independently arrived at in open competition, or (iii) on one
- 27 occasion no bids were received pursuant to (i) and on one occasion
- 28 all bids were rejected pursuant to (ii), in whatever sequence; any
- 29 such contract or agreement may then be negotiated by a two-thirds
- 30 affirmative vote of the authorized membership of the board of
- 31 trustees authorizing such contract or agreement; provided, however,
- 32 that:
- 33 (1) A reasonable effort is made by the contracting agent to
- 34 determine that the same or equivalent materials or supplies at a cost
- 35 which is lower than the negotiated price are not available from any
- 36 agency or authority of the United States, the State of New Jersey or
- 37 from the county in which the county college is located, or any
- 38 municipality in close proximity to the county college;
- 39 (2) The terms, conditions, restrictions and specifications set
- 40 forth in the negotiated contract or agreement are not substantially
- 41 different from those which were the subject of competitive bidding
- 42 pursuant to section 4 of P.L.1982, c.189 (C.18A:64A-25.4); and
- 43 (3) Any relevant amendment or modification of any of the
- 44 terms, conditions, restrictions and specifications, which were the
- 45 subject of competitive bidding pursuant to section 4 of P.L.1982,
- 46 c.189 (C.18A:64A-25.4), shall be stated in the resolution awarding
- 47 such contract or agreement; provided, further, however, that if on
- 48 the second occasion the bids received are rejected as unreasonable

1 as to price, the county college shall notify each responsible bidder
2 submitting bids on the second occasion of its intention to negotiate
3 and afford each such bidder a reasonable opportunity to negotiate,
4 but the county college shall not award such contract or agreement
5 unless the negotiated price is lower than the lowest rejected bid
6 price submitted on the second occasion by a responsible bidder, is
7 the lowest negotiated price offered by any responsible vendor, and
8 is a reasonable price for such work, materials, supplies or services.

9 Whenever a county college shall determine that a bid was not
10 arrived at independently in open competition pursuant to subsection
11 c. (ii) of this section, it shall thereupon notify the county prosecutor
12 of the county in which the county college is located and the
13 Attorney General of the facts upon which its determination is based
14 and, when appropriate, it may institute appropriate proceedings in
15 any State or federal court of competent jurisdiction for a violation
16 of any State or federal antitrust law or laws relating to the unlawful
17 restraint of trade.

18 (cf: P.L.2001, c.281, s.2)

19
20 135. Section 7 of P.L.1982, c.189 (C.18A:64A-25.7) is amended
21 to read as follows:

22 7. No purchase, contract or agreement which is single in
23 character or which necessarily or by reason of the quantities
24 required to effectuate the purpose of the purchase, contract or
25 agreement includes the furnishing of additional services or
26 equipment or buying materials or supplies or the doing of additional
27 work, shall be subdivided so as to bring it or any of the parts thereof
28 under the maximum price or cost limitation set forth in section 3 of
29 P.L.1982, c.189 (C.18A:64A-25.3) or in a regulation of the Board
30 of Higher Education, thus dispensing with the requirement of public
31 advertising and bidding therefor. Where the doing of any work is
32 included in or incident to the performance or completion of any
33 project which is single in character or inclusive of the furnishing of
34 additional work, materials or supplies or which requires the
35 furnishing of more than one article of materials or supplies, all of
36 the work, materials or supplies requisite for the completion of such
37 project shall be included in one purchase, contract or agreement.

38 (cf: P.L.1994, c.48, s.143)

39
40 136. Section 28 of P.L.1982, c.189 (C.18A:64A-25.28) is
41 amended to read as follows:

42 28. Duration of certain contracts. A county college may only
43 enter into a contract exceeding 24 consecutive months for the:

44 a. Supplying of:

45 (1) Fuel for heating purposes for any term not exceeding in the
46 aggregate three years; or

47 (2) Fuel or oil for use in automobiles, autobuses, motor vehicles
48 or equipment for any term not exceeding in the aggregate three

- 1 years; or
- 2 b. Plowing and removal of snow and ice for any term not
- 3 exceeding in the aggregate three years; or
- 4 c. Collection and disposal of garbage and refuse for any term not
- 5 exceeding in the aggregate three years; or
- 6 d. Providing goods or services for the use, support or
- 7 maintenance of proprietary computer hardware, software
- 8 peripherals and system development for the hardware for any term
- 9 of not more than five years; or
- 10 e. Insurance, including the purchase of insurance coverages,
- 11 insurance consultant or administrative services, and including
- 12 participation in a joint self-insurance fund, risk management
- 13 programs or related services provided by a county college insurance
- 14 group, or participation in an insurance fund established by a county
- 15 pursuant to N.J.S.40A:10-6, for any term of not more than three
- 16 years; or
- 17 f. Leasing or service of automobiles, motor vehicles, electronic
- 18 communications equipment, machinery and equipment of every
- 19 nature and kind for any term not exceeding in the aggregate five
- 20 years; provided the contracts shall be entered into only subject to
- 21 and in accordance with rules and regulations promulgated by the
- 22 Board of Higher Education; or
- 23 g. Supplying of any product or rendering of any service by a
- 24 company providing voice, data, transmission or switching services,
- 25 for a term not exceeding five years; or
- 26 h. The providing of food supplies and services, including food
- 27 supplies and management contracts for student centers, dining
- 28 rooms and cafeterias, for a term not exceeding three years; or
- 29 i. The performance of work or services or the furnishing of
- 30 materials or supplies for the purpose of conserving energy in
- 31 buildings owned by, or operations conducted by, the contracting
- 32 unit, the entire price of which is to be established as a percentage of
- 33 the resultant savings in energy costs, for a term not exceeding 10
- 34 years; provided that a contract is entered into only subject to and in
- 35 accordance with guidelines promulgated by the Board of Public
- 36 Utilities establishing a methodology for computing energy cost
- 37 savings; or
- 38 j. Any single project for the construction, reconstruction or
- 39 rehabilitation of a public building, structure or facility, or a public
- 40 works project including the retention of the services of an architect
- 41 or engineer in connection with the project, for the length of time
- 42 necessary for the completion of the actual construction; or
- 43 k. The management and operation of bookstores for a term not
- 44 exceeding five years; or
- 45 l. Custodial or janitorial services for any term not exceeding in
- 46 the aggregate three years; or
- 47 m. Child care services for a term not exceeding three years; or
- 48 n. Security services for a term not exceeding three years; or

1 o. Ground maintenance services for a term not exceeding three
2 years; or

3 p. Laundering, dry-cleaning or rental of uniforms for a term not
4 exceeding three years.

5 All multi-year leases and contracts entered into pursuant to this
6 section, except contracts and agreements for the provision of work
7 or the supplying of equipment to promote energy conservation and
8 authorized pursuant to subsection i. of this section, and except
9 contracts for insurance coverages, insurance consultant or
10 administrative services, participation or membership in a joint self-
11 insurance fund, risk management programs or related services of a
12 county college insurance group, and participation in an insurance
13 fund established by a county pursuant to N.J.S.40A:10-6 or a joint
14 insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-
15 36 et seq.), shall contain a clause making them subject to the
16 availability and appropriation annually of sufficient funds to meet
17 the extended obligation or contain an annual cancellation clause.
18 (cf: P.L.2001, c.281, s.7)

19

20 137. N.J.S.18A:64A-27 is amended to read as follows:

21 18A:64A-27. The council shall consist of the presidents and
22 chairmen of the boards of trustees of the several county community
23 colleges and of the county college commissions. A trustee board
24 chairman may designate another member of the board as an
25 alternate to attend and to vote at council meetings in the chairman's
26 absence. The chancellor shall be an additional member ex officio
27 without vote.

28 Members shall serve without compensation but shall be entitled
29 to be reimbursed for all reasonable and necessary expenses.

30 (cf: P.L.1994, c.48, s.146)

31

32 138. N.J.S.18A:64A-28 is amended to read as follows:

33 18A:64A-28. The council shall organize annually during the
34 month of December by the election of a chairman, vice chairman
35 and such other officers as the council shall determine. Such officers
36 shall serve until the following [annual organizational] December
37 meeting and until their successors are elected and qualified.
38 Vacancies in such offices shall be filled in the same manner for the
39 unexpired terms only. The council may also meet at such other
40 times and at such places within the State as it shall deem necessary.
41 (cf: P.L.1994, c.48, s.147)

42

43 139. Section 8 of P.L.1989, c.141 (C.18A:64A-28.4) is amended
44 to read as follows:

45 8. The council shall encourage and aid movements which it
46 deems necessary for the improvement of county college education
47 and shall, from time to time, make recommendations to the

1 [Governor, Legislature and Commission on Higher Education]
2 Board of Higher Education regarding the coordination of the county
3 colleges on matters of mutual interest and concern.
4 (cf: P.L.1994, c.48, s.148)

5
6 140. N.J.S.18A:64A-29 is amended to read as follows:

7 18A:64A-29. [The] Under the guidance of the Board of Higher
8 Education and with assistance from its staff, the council will seek
9 to ensure acceptable and effective lines of development in
10 admissions policy, academic standards, programs, financing,
11 [including recommending to the State Treasurer a formula for the
12 allocation of annual appropriations among the county colleges and
13 making recommendations for capital funding.] and community
14 relations in the several county colleges.

15 The council will serve as a means of communication between the
16 county colleges, and [act as] staff from the Board of Higher
17 Education will constitute for the council and for the individual
18 county colleges a resource center to aid them in planning, act as a
19 clearing house of information, and provide continuing field
20 services.

21 The council will act as an advisory body to the [Governor,
22 Legislature, Commission on Higher Education and Presidents'
23 Council] Board of Higher Education in the carrying out of [their
24 respective] its duties and responsibilities deriving from this chapter.
25 (cf: P.L.1999, c.46, s.42)

26
27 141. Section 1 of P.L.1974, c.89 (C.18A:64A-30) is amended
28 to read as follows:

29 1. The board of chosen freeholders of any county which has not
30 established a county college may, with the consent of the
31 [Commission on] Board of Higher Education, establish a
32 community college agency.
33 (cf: P.L.1994, c.48, s.150)

34
35 142. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to
36 read as follows:

37 3. The community college commission shall consist of the
38 county superintendent of schools and nine public members who are
39 residents of the county and have resided therein for a period of four
40 years prior to their appointment having no official connection with
41 educational institutions contracting with the commission. No
42 elected public official shall serve as a voting member of the
43 commission. The president of the commission shall be an ex officio
44 member of the commission without vote.

45 Seven of the public members shall be appointed by the

1 appointing authority of the county, with the advice and consent of
2 the board of chosen freeholders, and two of the members shall be
3 appointed by the Board of Higher Education, subject to the approval
4 of the Governor, for such initial terms as shall be established by the
5 board. Members shall be appointed for terms of four years each,
6 except that the initial appointments shall be made in four classes as
7 nearly equal as possible in number, one class to serve for one year,
8 one class to serve for two years, one class to serve for three years,
9 and one class to serve for four years. The term of all members of
10 the commission shall begin on July 1. Members initially appointed
11 to the commission may serve from the time of their respective
12 appointments, but the term of such office shall be deemed to
13 commence as of July 1 of the year in which the appointment was
14 made. Each member shall serve until his successor shall have been
15 appointed and qualified. Vacancies shall be filled in the same
16 manner as the original appointments and for the remainder of the
17 unexpired terms. Any appointed member may be removed by the
18 appointing authority of the county for cause upon notice and
19 opportunity to be heard. The members of the commission shall
20 serve without compensation for their services, but shall be entitled
21 to receive reimbursement for all reasonable and necessary expenses
22 incurred by virtue of services as a member of the commission.

23 A voting member of a community college commission shall not
24 be eligible to accept employment of the college at which he has
25 served as a member of the commission for a period of two years
26 following resignation or expiration of his term as a member.

27 The appointing authority of the county shall establish a trustee
28 search committee of not less than five members who shall be
29 residents of the county. The members of the trustee search
30 committee shall not be elected public officials and shall not be
31 eligible for appointment to the board of trustees for a period of six
32 months after their service on the trustee search committee. The
33 trustee search committee shall nominate persons according to
34 criteria promulgated by the Board of Higher Education for
35 consideration by the appointing authority of the county for
36 appointment to the board of trustees.

37 (cf: P.L.1994, c.48, s.151)

38

39 143. Section 7 of P.L.1974, c.89 (C.18A:64A-36) is amended to
40 read as follows:

41 7. The commission shall make an annual report on academic and
42 fiscal affairs to the board of chosen freeholders and to the Board of
43 Higher Education, and annually recommend the funds necessary to
44 be included in the county budget pursuant to N.J.S.18A:64A-15
45 through 20 for the purpose of public higher education in accordance
46 with the needs for support and facilities as determined by the
47 commission. The first year's estimate of expenses shall be prepared
48 and delivered pursuant to N.J.S.18A:64A-21.

1 (cf: P.L.1994, c.48, s.152)

2

3 144. Section 8 of P.L.1974, c.89 (C.18A:64A-37) is amended to
4 read as follows:

5 8. [A] In accordance with rules and regulations adopted by the
6 Board of Higher Education governing such commissions, a
7 community college commission shall be eligible to receive State
8 support for operational and capital costs pursuant to
9 N.J.S.18A:64A-22, and to the extent State concurrence may be
10 required, any federal support that may be available under the higher
11 education assistance acts or any other appropriate federal acts.
12 Nothing in this act shall prevent the commission from receiving any
13 other public funds that may be available.

14 (cf: P.L.1994, c.48, s.153)

15

16 145. Section 1 of P.L.1982, c.42 (C.18A:64A-50) is amended to
17 read as follows:

18 1. Notwithstanding any provisions of chapter 64A of Title 18A
19 of the New Jersey Statutes to the contrary, any private institution of
20 higher education and any post-secondary institute of a county board
21 of vocational education may, prior to July 1, 1994, combine to form
22 a county college upon petition to and approval by the Board of
23 Higher Education and without the need of a referendum.

24 (cf: P.L.1994, c.48, s.154)

25

26 146. Section 6 of P.L.1982, c.42 (C.18A:64A-55) is amended to
27 read as follows:

28 6. The board of trustees shall include seven public trustees,
29 consisting of the county superintendent of schools, four members
30 appointed by the board of chosen freeholders, and two citizens of
31 the county appointed by the [Governor] Board of Higher Education,
32 and four trustees appointed by the board of governors from among
33 its members. However, no trustee shall be appointed after July 1,
34 1994 who is an employee of a constituent county. In addition, the
35 student body shall be entitled to elect from the graduating class one
36 representative to serve as a nonvoting member of the board of
37 trustees for a term of one year commencing at the next organization
38 of the board following graduation of his class. The Board of Higher
39 Education shall by regulation prescribe the rights and duties of the
40 student representative.

41 All appointive members shall be residents of the county for a
42 period of four years prior to appointment and no elected public
43 official or employee of the county college shall serve as a voting
44 member of the board. The terms of office of the appointive
45 members shall be four years, except for the first appointment.
46 Terms of those initially appointed by the chairman of the board of
47 chosen freeholders shall expire, respectively, one, two, three and

1 four years after appointment. Of those appointed by the [Governor]
2 Board of Higher Education, one person shall be appointed for a
3 term of two years and one for a term of four years. Of the members
4 appointed by the board of governors, one person shall be appointed
5 for a term of one year, one for a term of two years, one for a term of
6 three years, and one for a term of four years.

7 Each member shall serve until his successor is appointed and
8 qualified.

9 Vacancies shall be filled in the same manner as the original
10 appointment for the unexpired term. Upon notice and opportunity
11 to be heard, an appointee may be removed for cause by the body
12 originally making the appointment. Members shall serve without
13 compensation but shall be entitled to be reimbursed for all
14 reasonable and necessary expenses.

15 (cf: P.L.1994,c.48, s.155)

16 147. Section 8 of P.L.1982, c.42 (C.18A:64A-57) is amended to
17 read as follows:

18 8. The board of trustees shall have general supervision over and
19 be vested with the conduct of the college. [It] Subject to rules and
20 regulations of the Board of Higher Education, it shall have the
21 authority and responsibility to:

22 a. Adopt and use a corporate seal;

23 b. Sue or be sued;

24 c. Determine the educational curriculum and program of the
25 college;

26 d. With the advice and consent of the board of governors, upon
27 expiration of the term of the current president of the private
28 institution, appoint and fix the compensation and term of office of a
29 president of the college, who shall be the executive officer of the
30 college;

31 e. Appoint, upon nomination of the president, members of the
32 administrative and teaching staff and fix their compensation and
33 terms of employment, subject to the provisions of general law;

34 f. Employ other officers, agents and employees, as may be
35 required to carry out the provisions of this act and fix and determine
36 their qualifications, duties, compensation, terms of office and all
37 other conditions and terms of employment;

38 g. Fix and determine tuition rates and other fees to be paid by
39 students;

40 h. Grant diplomas, certificates or degrees;

41 i. Enter into contracts and agreements with the State or any of its
42 political subdivisions or with the United States, or with any public
43 body, department or other agency of the county, State or United
44 States, or with any individual firm or corporation, which is deemed
45 necessary or advisable by the board for carrying out the provisions
46 of this act;

47 j. Accept from any government or governmental department,

1 agency or other public or private body or from any other source
2 grants or contributions of money or property, which the board of
3 trustees may use for its purposes;

4 k. Disburse all moneys appropriated to the college by the county
5 and State, moneys received from tuition, fees, auxiliary services and
6 other sources, and from or by the direction of the board of
7 governors;

8 l. Direct and control the expenditures of the college as to funds
9 received from the board of governors and other sources in
10 accordance with the terms of any applicable trusts, gifts, bequests,
11 or other special provisions;

12 m. Acquire by gift, purchase, condemnation or otherwise, own,
13 lease, use and operate property, whether real, personal or mixed, or
14 any interest therein, which is necessary or desirable for college
15 purposes;

16 n. Determine that any property owned and controlled by the
17 board of trustees of the county college is no longer necessary for
18 college purposes and sell the same at the price and in the manner
19 and upon the terms and conditions as shall be established by the
20 [board] Board of Higher Education;

21 o. Make and promulgate rules and regulations not inconsistent
22 with the provisions of general law or of this act or with the rules
23 and regulations [promulgated hereunder] of the Board of Higher
24 Education that are necessary and proper for the administration or
25 operation of the county college;

26 p. Exercise all other powers not inconsistent with the provisions
27 of this act [or with rules and regulations promulgated hereunder,] or
28 with general law, or with the rules and regulations of the Board of
29 Higher Education which may be reasonable, necessary or incidental
30 to the establishment, maintenance and operation of a county
31 college; and

32 q. Establish and maintain a dedicated reserve fund for minor
33 capital needs, which in any given year shall not exceed 3% of the
34 replacement value of the college's physical plant.

35 (cf: P.L.1994, c.48, s.156)

36
37 148. Section 10 of P.L.1982, c.42 (C.18A:64A-59) is amended
38 to read as follows:

39 10. In consideration of the utilization by the county for purposes
40 of higher education of privately donated properties and funds and
41 the prospect of future private donations, the State and the county by
42 this act agree with the current board of trustees and its successor
43 that:

44 a. If the property and funds controlled by the current trustees
45 and its successor board of governors is not properly applied in
46 accordance with the provisions of section 8 of this act for the
47 purposes of higher education and in accordance with the terms of

1 any applicable testament or trust or other special provisions; or
2 b. if the county shall not make provisions sufficient to enable
3 the current board of trustees and its successors to discharge its trust
4 to apply the trust assets as described in section 9 of this act for
5 public higher education through the conduct of a college with high
6 educational standards, then the board of governors, after
7 consideration and on not less than 60 days' prior written notice to
8 the board of trustees and to the [Governor] Board of Higher
9 Education, shall have and may exercise the right to withhold or
10 withdraw the use of the properties and funds described in section 9
11 of this act or any part thereof, subject to adjudication by the courts
12 of the State and subject to their proper application for the purposes
13 of public higher education and in accordance with the terms of any
14 applicable testamentary trust or other special provision.
15 (cf: P.L.1994, c.48, s.157)

1 149. Section 12 of P.L.1982, c.42 (C.18A:64A-61) is amended
2 to read as follows:

3 12. In accordance with law, the board of trustees shall make an
4 annual report to the chancellor in the manner prescribed by the
5 Board of Higher Education and to the board of chosen freeholders
6 of the county.

7 (cf: P.L.1994, c.48, s.158)

9 150. Section 27 of P.L.1982, c.42 (C.18A:64A-76) is amended
10 to read as follows:

11 27. This act shall not abrogate the powers of the Governor ~~or the~~
12 Board of Higher Education to supervise and control the college in
13 accordance with existing law.

14 (cf: P.L.1994, c.48, s.159)

16 151. Section 11 of P.L.1995, c.400 (C.18A:64E-22) is amended
17 to read as follows:

18 11. The board of trustees shall advise the Governor and
19 Legislature, in consultation with the [Commission on Higher
20 Education and the President's Council and successor bodies] Board
21 of Higher Education, to the end that the facilities and services of the
22 university may be utilized so as to increase the efficiency of the
23 public education system and provide, maintain and improve upon
24 the quality of higher education for the people of the State. The
25 board of trustees shall make recommendations to the Governor and
26 the Legislature respecting the needs for the facilities and services of
27 the university as an educational instrumentality of the State for that
28 purpose.

29 (cf: P.L.1995, c.400, s.11)

31 152. Section 2 of P.L.1970, c.102 (C.18A:64G-2) is amended to
32 read as follows:

33 2. The Legislature and Governor of the State of New Jersey
34 hereby find that the establishment and operation of programs of
35 medical, dental, nursing, health related professions and health
36 sciences education is in the best interest of the State to provide
37 greater numbers of trained medical personnel to assist in the
38 staffing of the hospitals and public institutions and agencies of the
39 State and to prepare greater numbers of students for the general
40 practice of medicine, dentistry, nursing and the health related
41 professions, and find, declare and affirm, as a matter of public
42 policy of the State, that it is the responsibility of the State to
43 provide funds necessary to establish and operate such programs of
44 education, in the most economical and efficient manner, and that, in
45 furtherance of such policy, the school of medicine heretofore
46 established by Rutgers, The State University, (hereinafter called the
47 "Rutgers Medical School") and the New Jersey College of Medicine

1 and Dentistry shall be combined into a single entity to be known as
2 the University of Medicine and Dentistry of New Jersey.

3 The university shall be comprised of the Graduate School of
4 Biomedical Sciences, the School of Health Related Professions, the
5 New Jersey Dental School, the School of Osteopathic Medicine, the
6 New Jersey Medical School and the Robert Wood Johnson Medical
7 School, and all other departments or schools established by the
8 university in accordance with [law] the review and approval
9 procedures of the Board of Higher Education.

10 The Legislature and Governor further find and declare that the
11 continuing development of the university as a premier academic
12 health center, able to provide state of the art education, research and
13 patient care services and able to fully participate in today's health-
14 care environment, is in the best interest of the State. Because of the
15 importance of each element of the health-care delivery system, it is
16 the university's obligation to monitor, to identify and to coordinate
17 with the appropriate State agencies and boards to meet the health-
18 care manpower needs of New Jersey as they arise. A key element
19 necessary to the achievement of many of these goals is the
20 structural flexibility to form productive and varied relationships
21 with other health-care organizations, research institutions and
22 private individuals, firms and corporations.

23 The Legislature and Governor further find that such public-
24 private relationships should be encouraged since these cooperative
25 efforts will enable the university to supplement the resources
26 available from the State and thereby provide the university with an
27 economic and efficient means to develop and offer an appropriate
28 range of health-care services.

29 (cf: P.L.1994, c.48, s.164)

30
31 153. Section 3 of P.L.1970, c.102 (C.18A:64G-3) is amended to
32 read as follows:

33 3. There is hereby established in the Department of Higher
34 Education a body corporate and politic to be known as the
35 "University of Medicine and Dentistry of New Jersey." The exercise
36 by the university of the powers conferred by this act in the
37 presentation and operation of programs of medical, dental, nursing
38 and health related professions and health sciences education shall
39 be deemed to be public and essential governmental functions
40 necessary for the welfare of the State and the people of New Jersey.
41 (cf: P.L.1994, c.48, s.165)

42
43 154. Section 22 of P.L.1981, c.325 (C.18A:64G-3.6) is amended
44 to read as follows:

45 22. The general powers of supervision and control of the
46 [Chairman of the Commission on Higher Education at the request of
47 the Governor] Board of Higher Education over the University of

1 Medicine and Dentistry of New Jersey include the power to visit the
2 university to examine into its manner of conducting its affairs and
3 to enforce an observance of its laws and regulations and the laws of
4 the State.

5 (cf: P.L.1994, c.48, s.166)

6
7 155. Section 7 of P.L.1992, c.84 (C.18A:64G-3.9) is amended to
8 read as follows:

9 7. a. Except in the case of existing university programs, the
10 university shall award associate degrees only in new programs
11 jointly proposed and implemented with institutions fully authorized
12 and accredited to award degrees at that level.

13 b. For the awarding of the baccalaureate degree, the university
14 shall develop and maintain joint degree programs for health related
15 professions and new nursing education programs with fully
16 authorized and accredited institutions and shall be limited to
17 offering upper division courses. Exceptions may be made in
18 accordance with [the approval] duly adopted regulations of the
19 [Commission on] Board of Higher Education, except as provided in
20 this act. In instances where the university has been authorized to
21 offer a baccalaureate degree program jointly with another
22 institution, it may independently award a second baccalaureate
23 degree for that program for students who enter the program already
24 possessing a baccalaureate degree from a regionally accredited
25 college or university.

26 (cf: P.L.1994, c.48, s.167)

27
28 156. Section 4 of P.L.1970, c.102 (C.18A:64G-4) is amended to
29 read as follows:

30 4. a. The government, control, conduct, management and
31 administration of the university shall be vested in the board of
32 trustees of the university. The membership of the board of trustees
33 shall consist of the Chancellor of Higher Education and the
34 Commissioner of Health, who shall serve ex officio, without vote,
35 and 11 voting members, each of whom shall be appointed by the
36 Governor, with the advice and consent of the Senate, for a term of
37 five years and shall serve until his successor is appointed and has
38 qualified. Any vacancies in the voting membership of the board
39 occurring other than by expiration of term shall be filled in the same
40 manner as the original appointment but for the unexpired term only.
41 Each voting member of the board of trustees before entering upon
42 his duties shall take and subscribe an oath to perform the duties of
43 his office faithfully, impartially and justly to the best of his ability.
44 A record of such oath shall be filed in the office of the Secretary of
45 State. Each voting member of the board may be removed from
46 office by the Governor, for cause, after a public hearing.

47 b. The members of the board of trustees shall meet at the call of

1 the Governor for purposes of organizing. The board shall thereafter
2 meet at such times and places as it shall designate.

3 c. The Governor shall designate one of the voting members as
4 chairman of the board. The board shall select such other officers
5 from among its members as shall be deemed necessary.

6 d. The board shall have the power to appoint and regulate the
7 duties, functions, powers and procedures of committees, standing or
8 special, from its members and such advisory committees or bodies,
9 as it may deem necessary or conducive to the efficient management
10 and operation of the university, consistent with this act and other
11 applicable statutes.

12 (cf: P.L.1994, c.48, s.168)

13
14 157. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to
15 read as follows:

16 6. The board of trustees of the university, within the general
17 policies and guidelines set by the Board of Higher Education, shall
18 have the general supervision over and be vested with the conduct of
19 the university, including its health care facilities regardless of the
20 source of funding. It shall have the power and duty to:

21 (a) Adopt and use a corporate seal;

22 (b) Determine the educational curriculum and program of the
23 university;

24 (c) Determine policies for the organization, administration, and
25 development of the university;

26 (d) Study the educational and financial needs of the university,
27 annually acquaint the Governor and Legislature with the condition
28 of the university, and prepare and submit an annual request for
29 appropriation to the [Division of Budget and Accounting in the
30 Department of the Treasury] Board of Higher Education in
31 accordance with law;

32 (e) Disburse all moneys appropriated to the university by the
33 Legislature and all moneys received from tuition, fees, auxiliary
34 services and other sources;

35 (f) Direct and control expenditures and transfers of funds
36 appropriated to the university in accordance with the provisions of
37 the State budget and appropriation acts of the Legislature, and, as to
38 funds received from other sources, direct and control expenditures
39 and transfers in accordance with the terms of any applicable trusts,
40 gifts, bequests, or other special provisions, reporting changes and
41 additions thereto and transfers thereof to the Director of the
42 Division of Budget and Accounting in the Department of the
43 Treasury and to the Chancellor of Higher Education. All accounts
44 of the university shall be subject to audit by the State at any time;

45 (g) In accordance with the provisions of the State budget and
46 appropriation acts of the Legislature, appoint and fix the
47 compensation and term of office of a president of the university

- 1 who shall be the executive officer of the university;
- 2 (h) In accordance with the provisions of the State budget and
3 appropriation acts of the Legislature, appoint, upon nomination of
4 the president, such deans and other members of the academic,
5 administrative and teaching staffs as shall be required and fix their
6 compensation and terms of employment;
- 7 (i) In accordance with the provisions of the State budget and
8 appropriation acts of the Legislature, appoint, remove, promote and
9 transfer such other officers, agents, or employees as may be
10 required to carry out the provisions of this act and assign their
11 duties, determine their salaries, and prescribe qualifications for all
12 positions and in accordance with the salary schedules of the Civil
13 Service Commission wherever possible;
- 14 (j) Fix and determine, after consultation with the Board of
15 Higher Education, tuition rates, and other fees to be paid by
16 students;
- 17 (k) Grant diplomas, certificates or degrees;
- 18 (l) Enter into contracts and agreements with the State or any of
19 its political subdivisions or with the United States, or with any
20 public body, department or other agency of the State or the United
21 States or with any individual, firm or corporation which are deemed
22 necessary or advisable by the board for carrying out the provisions
23 of this act. A contract or agreement pursuant to this subsection may
24 require a municipality to undertake obligations and duties to be
25 performed subsequent to the expiration of the term of office of the
26 elected governing body of such municipality which initially entered
27 into or approved said contract or agreement, and the obligations and
28 duties so incurred by such municipality shall be binding and of full
29 force and effect, notwithstanding that the term of office of the
30 elected governing body of such municipality which initially entered
31 into or approved said contract or agreement, shall have expired;
- 32 (m) Accept from any government or governmental department,
33 agency or other public or private body or from any other source
34 grants or contributions of money or property which the board may
35 use for or in aid of any of its purposes;
- 36 (n) (1) Acquire (by gift, purchase, condemnation or otherwise),
37 own, lease, dispose of, use and operate property, whether real,
38 personal or mixed, or any interest therein, which is necessary or
39 desirable for university purposes;
- 40 (2) Adopt standing operating rules and procedures for the
41 purchase of all equipment, materials, supplies and services;
42 however, no contract on behalf of the university shall be entered
43 into for the purchase of services, materials, equipment and supplies,
44 for doing of any work, or for the hiring of equipment or vehicles,
45 where the sum to be expended exceeds \$12,500.00 or the amount
46 determined by the Governor as provided herein, unless the
47 university shall first publicly advertise for bids and shall award the
48 contract to that responsible bidder whose bid, conforming to the

1 invitation for bids, will be most advantageous to the university,
2 price and other factors considered. Such advertising shall not be
3 required in those exceptions created by the board of trustees of the
4 university, which shall be in substance those exceptions contained
5 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the
6 supplying of any product or the rendering of any service by a public
7 utility subject to the jurisdiction of the Board of Public Utilities of
8 this State and tariffs and schedules of the charges, made, charged,
9 or exacted by the public utility for any such products to be supplied
10 or services to be rendered are filed with the said board.
11 Commencing January 1, 1985 and every two years thereafter, the
12 Governor, in consultation with the Department of the Treasury,
13 shall adjust the threshold amount set forth in this paragraph in direct
14 proportion to the rise or fall of the consumer price index for all
15 urban consumers in the New York City and the Philadelphia areas
16 as reported by the United States Department of Labor. The
17 Governor shall notify the university of the adjustment. The
18 adjustment shall become effective on July 1 of the year in which it
19 is reported.

20 This subsection shall not prevent the university from having any
21 work done by its own employees, nor shall it apply to repairs, or to
22 the furnishing of materials, supplies or labor, or the hiring of
23 equipment or vehicles, when the safety or protection of its or other
24 public property or the public convenience requires or the exigency
25 of the university's service will not admit of such advertisement. In
26 such case, the university shall, by resolution passed by the
27 affirmative vote of its board of trustees, declare the exigency or
28 emergency to exist, and set forth in the resolution the nature and
29 approximate amount to be expended; shall maintain appropriate
30 records as to the reason for such awards; and shall report regularly
31 to its board of trustees on all such purchases, the amounts and the
32 reasons therefor;

33 (3) Employ architects to plan buildings; secure bids for the
34 construction of buildings and for the equipment thereof; make
35 contracts for the construction of buildings and for equipment; and
36 supervise the construction of buildings. All capital expenditures in
37 excess of \$2,000,000 shall be subject to the approval of the Board
38 of Higher Education except that commencing January 1, 2003 and
39 every two years thereafter, the Governor, in consultation with the
40 Department of the Treasury, shall adjust the threshold amount set
41 forth in this paragraph in direct proportion to the rise or fall of the
42 consumer price index for all urban consumers in the New York City
43 and the Philadelphia areas as reported by the United States
44 Department of Labor. The Governor shall notify the university of
45 the adjustment. The adjustment shall become effective on July 1 of
46 the year in which it is reported;

47 (4) Manage and maintain, and provide for the payment of all
48 charges on and expenses in respect of, all properties utilized by the

1 university; and

2 (5) Invest certain moneys in such obligations, securities and
3 other investments as the board shall deem prudent, consistent with
4 the purposes and provisions of this act and in accordance with State
5 and federal law, as follows:

6 Investment in not for profit corporations or for profit
7 corporations organized and operated pursuant to the provisions of
8 subsection (v) of this section may utilize income realized from the
9 sale or licensing of intellectual property as well as the reinvestment
10 of earnings on intellectual property. Investment in not for profit
11 corporations may also utilize income from the operation of faculty
12 practice plans of the university and income from overhead grant
13 fund recovery as permitted by federal law as well as other
14 university funds except those specified in paragraph 5 of subsection
15 (v) of this section.

16 (o) Borrow money and to secure the same by a mortgage on its
17 property or any part thereof, and to enter into any credit agreement
18 for the needs of the university, as deemed requisite by the board, in
19 such amounts and for such time and upon such terms as may be
20 determined by the board, provided that no such borrowing shall be
21 deemed or construed to create or constitute a debt, liability, or a
22 loan or pledge of the credit or be payable out of property or funds,
23 other than moneys appropriated for that purpose, of the State;

24 (p) Exercise the right of eminent domain, pursuant to the
25 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
26 (C.20:3-1 et seq.), to acquire any property or interest therein;

27 (q) Adopt bylaws and make and promulgate such rules,
28 regulations and orders, not inconsistent with the provisions of this
29 act as are necessary and proper for the administration and operation
30 of the university and to implement the provisions of this act;

31 (r) Authorize any new program, educational department or
32 school [not inconsistent with the programmatic mission of the
33 institution or approved by the Commission on Higher Education]
34 which will require, at the time of establishment or thereafter, an
35 additional expenditure of money, if the establishment thereof is
36 approved by the Board of Higher Education and provision is made
37 therefor by law;

38 (s) Function as a public employer under the "New Jersey
39 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
40 et seq.) and conduct all labor negotiations, and with the
41 participation of the Governor's Office of Employee Relations act as
42 the chief spokesperson with respect to all matters under negotiation;

43 (t) Sue and be sued in its own name;

44 (u) [Retain independent counsel including representation by the
45 Attorney General in accordance with subsection h. of section 6 of
46 P.L.1994, c.48 (C.18A:3B-6)] Notwithstanding the provisions of

1 section 7 of P.L.1970, c.102 (C.18A:64G-7), retain independent
2 counsel to represent a joint venture, subsidiary corporation,
3 partnership or other jural entity entered into or owned wholly or in
4 part by the university when the enterprise involves development,
5 manufacture, or marketing of products, technology, or scientific
6 information, and retain independent counsel to represent any
7 separate corporation created by the university pursuant to paragraph
8 (1) of subsection (v) of this section; however, the Attorney General
9 shall represent the university as a venturer, partner, or in the case of
10 a corporation, in its shareholder capacity during the incorporation
11 phase and thereafter;

12 (v) (1) Participate as the general partner or as a limited partner,
13 either directly or through a subsidiary corporation created by the
14 university, in limited partnerships, general partnerships, or joint
15 ventures engaged in the development, manufacture, or marketing of
16 products, technology, scientific information or health care services
17 and create or form for profit or not for profit corporations to engage
18 in such activities; provided that any such participation shall be
19 consistent with the mission of the university and the board shall
20 have determined that such participation is prudent. Nothing herein
21 shall be construed to authorize any change in the legal status of
22 University Hospital;

23 (2) The decision to participate in any activity described in
24 paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102
25 (C.18A:64G-6), including the creation or formation of for profit or
26 not for profit corporations, shall be articulated in the minutes of the
27 Board of Trustees meeting in which the action was approved. A
28 true copy of the minutes shall be delivered to the Governor. No
29 such action shall have affect until 30 days, Saturdays, Sundays and
30 public holidays excepted, after the copy of the minutes shall have
31 been delivered to the Governor. If, within the 30-day period, the
32 Governor returns the minutes of the meeting with a veto of the
33 action taken by the board, the action taken by the board shall be null
34 and void and of no effect;

35 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)
36 shall continue to apply to the university, its employees and officers;

37 (4) Nothing herein shall be deemed or construed to create or
38 constitute a debt, liability, or a loan or pledge of the credit or be
39 payable out of property or funds of the State;

40 (5) Funds directly appropriated to the university from the State
41 or derived from the university's academic programs or derived from
42 payment for coverage provided by the self insurance fund for claims
43 accruing prior to the effective date of this act shall not be utilized
44 by the profit or not for profit corporations organized and operated
45 pursuant to this subsection in the development, manufacture or
46 marketing of products, technology or scientific information;

47 (6) Employees of any joint venture, subsidiary corporation,
48 partnership or other jural entity entered into or owned wholly or in

1 part by the university shall not be deemed public employees;

2 (7) A joint venture, subsidiary corporation, partnership or other
3 jural entity entered into or owned wholly or in part by the university
4 shall not be deemed an instrumentality of the State of New Jersey;

5 (8) Income realized by the university as a result of participation
6 in the development, manufacture or marketing of products,
7 technology, or scientific information may be invested or reinvested
8 pursuant to paragraph (5) of subsection (n) of section 6 of P.L.1970,
9 c.102 (C.18A:64G-6) or any other provision of this act or State or
10 federal law or retained by the board for use in furtherance of any of
11 the purposes of this act or of other applicable statutes;

12 (9) The board shall annually report to the Chancellor of Higher
13 Education and the State Treasurer on the operation of all joint
14 ventures, subsidiary corporations, partnerships or such other jural
15 entities entered into or owned wholly or in part by the university;

16 (w) (1) Procure and enter into contracts for any type of
17 insurance and indemnify against loss or damage to property from
18 any cause, including loss of use and occupancy, against death or
19 injury of any person, against employees' liability, against any act of
20 any member, officer, employee or servant of the university, whether
21 part-time, full-time, compensated or non-compensated in the
22 performance of the duties of his office or employment or any other
23 insurable risk. In addition, the university shall carry its own
24 liability insurance or maintain an actuarially sound program of self
25 insurance. Any joint venture, subsidiary corporation, or partnership
26 or such other jural entity entered into or owned wholly or in part by
27 the university shall carry insurance or maintain reserves in such
28 amounts as are determined by an actuary to be sufficient to meet its
29 actual or accrued claims;

30 (2) Moneys in the fund known as the Self-Insurance Trust Fund
31 administered by the State Treasurer shall continue to be available to
32 the university solely to indemnify and defend claims against the
33 university and its employees, officers and servants but only to the
34 extent that [the University has elected on behalf of itself and its
35 employees to obtain representation from the Attorney General
36 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-
37 6) and] such entity or individuals would have been entitled to
38 defense and indemnification pursuant to the "New Jersey Tort
39 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
40 employee but for the provision of subsection (t) of section 6 of
41 P.L.1970, c.102 (C.18A:64G-6). Any expenditure of such funds
42 shall be made only in accordance with the provisions of the "New
43 Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not
44 limited to the provisions of chapters 10, 10A and 11 of Title 59 of
45 the New Jersey Statutes. Nothing herein shall be construed to
46 authorize the use of the Self-Insurance Trust Fund to indemnify or
47 insure in any way, directly or indirectly the activities of any joint

1 venture, partnership or corporation entered into or created by the
2 university pursuant to paragraphs (1) and (2) of subsection (v) of
3 section 6 of P.L.1970, c.102 (C.18A:64G-6); and

4 (x) Create auxiliary organizations subject to the provisions of
5 P.L.1982, c.16 (C.18A:64-26 et seq.).
6 (cf: P.L.1999, c.46, s.43)

7
8 158. Section 7 of P.L.1970, c.102 (C.18A:64G-7) is amended to
9 read as follows:

10 7. The board of trustees, in addition to the other powers and
11 duties provided herein, shall have and exercise the powers, rights
12 and privileges that are incident to the proper government, conduct
13 and management of the university and the control of its properties
14 and funds and such powers granted to the university or the board or
15 reasonably implied, may be exercised without recourse or reference
16 to any department or agency of the State, except as otherwise
17 provided by this act. In addition, the board may retain independent
18 counsel with the approval of the Attorney General.

19 (cf: P.L.1994, c.48, s.170)
20

21 159. Section 8 of P.L.1970, c.102 (C.18A:64G-8) is amended to
22 read as follows:

23 8. All functions, powers and duties relating to the investment or
24 reinvestment of funds other than those funds specified in paragraph
25 (5) of subsection (n) of section 6 of P.L.1970, c.102 (C.18A:64G-6)
26 within the jurisdiction of the board of trustees including the
27 purchase, sale or exchange of any investments or securities [may]
28 shall be exercised and performed by the Director of the Division of
29 Investment in accordance with the provisions of chapter 270 of the
30 laws of 1950 (C.52:18A-79 et seq.) [if so authorized by the board.
31 Sections 9 and 10 of P.L.1970, c.102 (C.18A:64G-9 and 18A:64G-
32 10) shall only be applicable in the event of such an election].
33 Before any such investment, reinvestment, purchase, sale or
34 exchange shall be made by the director for or on behalf of the board
35 of trustees, the Director of the Division of Investment shall submit
36 the details thereof to the board, which shall, itself or by its finance
37 committee, within 48 hours, exclusive of Sundays and public
38 holidays, after such submission to it, file with the director its
39 written acceptance or rejection of such proposed investment,
40 reinvestment, purchase, sale or exchange; and the director shall
41 have authority to make such investment, reinvestment, purchase,
42 sale or exchange for or on behalf of the board, unless there shall
43 have been filed with him a written rejection thereof by the board or
44 its finance committee as herein provided. The board of trustees
45 shall determine from time to time the cash requirements of the
46 various funds and accounts established by it and the amount
47 available for investment, all of which shall be certified to the State

1 Treasurer and the Director of the Division of Investment.

2 The finance committee of the board of trustees shall consist of
3 three members of the board who shall be appointed in the same
4 manner and for the same term as other committees of the board are
5 appointed.

6 (cf: P.L.1994, c.48, s.300)

7

8 160. Section 2 of P.L.1977, c.390 (C.18A:64H-2) is amended to
9 read as follows:

10 2. There is hereby established the Advisory Graduate Medical
11 Education Council of New Jersey, which shall be responsible to the
12 [Commission on] Board of Higher Education. The purpose of this
13 council shall be to make recommendations for the support, through
14 federal, State and private funds, of graduate medical education
15 programs in private nonprofit and public hospitals in the State, and
16 to make recommendations for the development and implementation
17 of new graduate medical education programs which will meet the
18 needs of the citizens of the State. The functions of the council shall
19 include, but not be limited to:

20 a. Obtaining and evaluating information concerning the graduate
21 medical manpower needs of the citizens of the State;

22 b. Recommending standards and criteria for participation by
23 private nonprofit and public hospitals in the State;

24 c. Reviewing individual institutional applications and
25 recommending awards of support to particular institutions based on
26 conformance with the identified needs of the citizens of the State
27 and the standards and criteria recommended by the council;

28 d. Annually reviewing the educational programs provided by
29 participating hospitals;

30 e. Annually reporting to the Governor and the Education
31 Committees of the New Jersey Legislature on the council's
32 activities pursuant to the provisions of this act.

33 (cf: P.L.1994, c.48, s.171)

34

35 161. Section 3 of P.L.1977, c.390 (C.18A:64H-3) is amended to
36 read as follows:

37 3. As used in this act:

38 a. "Council" means the Advisory Graduate Medical Education
39 Council of New Jersey.

40 b. [(Deleted by amendment, P.L.1994, c.48).] "Chancellor"
41 means the Chancellor of Higher Education.

42 c. "Graduate medical education" means internship and residency
43 programs fully or provisionally approved by either the Council on
44 Medical Education of the American Medical Association and the
45 appropriate physicians specialty board or the Office of Education of
46 the American Osteopathic Association.

47 d. "Medical" and "physician" refer to doctors of medicine and

1 doctors of osteopathy.
2 (cf: P.L.1994, c.48, s.172)

3

4 162. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to
5 read as follows:

6 4. The council shall consist of [14] 15 members, 11 voting
7 members and [three] four nonvoting members; four members of the
8 council shall be appointed by the Governor and 11 shall be ex
9 officio members. The appointments shall consist of three
10 representatives of the public and one student currently enrolled in a
11 graduate medical training program; the appointed members shall be
12 voting members of the council. The president of the University of
13 Medicine and Dentistry of New Jersey, who shall serve as
14 chairperson; a dean from one of the medical schools of the
15 University of Medicine and Dentistry of New Jersey, to be selected
16 by the president of the University of Medicine and Dentistry of
17 New Jersey; the dean of the School of Graduate Medical Education
18 of Seton Hall University; the president of the New Jersey Hospital
19 Association; the president of the Association of Hospital Directors
20 of Medical Education of New Jersey; the president of the New
21 Jersey Association of Osteopathic Physicians and Surgeons; the
22 president of the Medical Society of New Jersey or their designated
23 representatives shall be ex officio, voting members of the council.
24 The Chancellor of Higher Education; the Commissioner of Health;
25 the president of the State Board of Medical Examiners and the
26 Commissioner of Human Services or their designated
27 representatives shall be ex officio, nonvoting members. The
28 appointed members shall serve for a three-year term or until a
29 successor is appointed. For those first appointed, two shall be
30 appointed for a one-year term; one shall be appointed for a two-year
31 term; and one shall be appointed for a three-year term. Any
32 vacancies in the voting membership other than by expiration of term
33 shall be filled in the same manner as the original appointment but
34 for the unexpired term only. To assist the council in carrying out
35 the intent of this act:

36 a. The council may appoint advisory committees representative
37 of the medical and health care professions, educators, and students,
38 representatives of medical and health care facilities and consumers.
39 The advisory committees shall provide advice and assistance to the
40 council for the council's performance of its designated functions.

41 b. The council may employ an executive director and additional
42 staff to provide expertise in the gathering and analysis of data and
43 administration. The executive director shall have the right to speak
44 on all matters at meetings of the council but shall have no vote. The
45 council and the advisory committees shall serve without
46 compensation, but shall be reimbursed for necessary expenses

1 incurred in the performance of their duties.
2 (cf: P.L.1994, c.48, s.173)

3

4 163. Section 5 of P.L.1977, c.390 (C.18A:64H-5). is amended to
5 read as follows:

6 5. The [Commission on] Board of Higher Education, upon the
7 advice of the Advisory Council, with the concurrence of the
8 Commissioner of Health, shall:

9 a. Plan for the development and implementation of graduate
10 medical education programs in the State;

11 b. Set standards for qualification for participation by public and
12 private nonprofit hospitals in the State;

13 c. Establish standards for the use and expenditures of funds
14 appropriated pursuant to this act;

15 d. Determine the number and type of graduate medical education
16 programs which should be supported in particular hospitals in
17 relation to total State needs.

18 (cf: P.L.1994, c.48, s.174)

19

20 164. Section 8 of P.L.1977, c.390 (C.18A:64H-8) is amended to
21 read as follows:

22 8. The [Commission on] Board of Higher Education shall
23 promulgate such rules as are necessary to carry out the purpose of
24 this act.

25 (cf: P.L.1994, c.48, s.175)

26

27 165. Section 3 of P.L.1981, c.148 (C.18A:64I-3) is amended to
28 read as follows:

29 3. The Board of [Trustees of Montclair State University] Higher
30 Education shall include in its annual request for appropriations,
31 submitted to the Governor pursuant to section 14 of P.L. , c. (C.
32)(now pending before the Legislature as this bill), a request for
33 such sums as may be necessary to maintain the New Jersey School
34 of Conservation. Such funding shall be separate from and in
35 addition to the regular formula support provided to Montclair State
36 University and shall not limit the funding provided to higher
37 education as a sector.

38 (cf: P.L.1994, c.48, s.176)

39

40 166. N.J.S.18A:65-14 is amended to read as follows:

41 18A:65-14. The membership of the board of governors shall be
42 classified as follows and consist of:

43 a. two ex officio members, without vote, serving by virtue of
44 their respective offices during the terms thereof, viz.,

45 i. the chancellor, and

46 ii. the president of the corporation[, serving as an ex officio non-

1 voting member]; and

2 b. 11 voting members,

3 i. six of whom shall be appointed by the Governor of the State,
4 with the advice and consent of the Senate, and

5 ii. five of whom shall be appointed by the board of trustees,
6 from among their members elected and serving under the provisions
7 of subsection I.c. or I.d. of 18A:65-15.

8 All members shall serve for terms of six years, except that the
9 terms of those initially appointed by the Governor which began on
10 September 1, 1956, shall expire respectively (as designated by him)
11 one, two, three, four, five and six years after June 30, 1956, and
12 terms of those initially appointed by the board of trustees which
13 began on September 1, 1956, shall expire respectively (as
14 designated by the board) two, three, four, five and six years after
15 June 30, 1956; all of whose respective successors shall be appointed
16 to serve six-year terms. Governors may succeed themselves for not
17 more than one additional term after having served one full six-year
18 term (including an initial term beginning on September 1, 1956, and
19 expiring on June 30, 1962).
20 (cf: P.L.1994, c.48, s.177)

21

22 167. N.J.S.18A:65-15 is amended to read as follows:

23 18A:65-15. I. The membership of the board of trustees shall be
24 classified as follows and consist of:

25 a. two ex officio trustees, without vote, serving by virtue of their
26 respective offices during the terms thereof, viz.,

27 i. the chancellor, and

28 ii. the president of the corporation[, serving as an ex officio non-
29 voting member];

30 b. 11 public trustees, appointed and to be appointed by the
31 Governor of the State, with the advice and consent of the Senate,
32 viz., i. five public trustees, serving under section 4 of chapter 49
33 of the Laws of 1945 for five-year terms expiring respectively, one,
34 two, three, four, and five years after June 30, 1956, whose
35 respective successors shall be appointed upon the expiration of such
36 terms and annually thereafter to serve five-year terms; and

37 ii. six public trustees appointed governors under subsection b.i.
38 of section 18A:65-14 and serving by virtue thereof for and during
39 their respective initial and subsequent terms as governors;

40 c. not less than 12 nor more than 20 trustees who shall be alumni
41 or alumnae of Rutgers, The State University, as may be determined
42 from time to time by the board of trustees, elected by the board in
43 accordance with such rules, regulations and schedules, and
44 modifications thereof, as may be prepared and adopted from time to
45 time by the board, the terms of such alumni trustees or alumnae
46 trustees to be six years for full terms, with power in the board to
47 provide for shorter or interim terms when deemed by it to be

1 advisable.

2 d. Charter trustees:

3 i. in the number of trustees serving as such on August 31, 1956
4 without definite term, who shall continue to serve indefinitely;
5 provided, that upon the occurrence of any vacancy among such
6 charter trustees, no successor shall be elected to fill such vacancy
7 until such time as the number of such trustees has been reduced
8 below 25, and thereafter vacancies within that number shall be
9 filled by the board subject to the following paragraph II; ii. two
10 women elected by the board of trustees serving six-year terms
11 expiring respectively on June 30, 1963 and 1965 and one woman
12 elected by the board of trustees serving a five-year term expiring
13 June 30, 1961, whose respective successors shall be elected by the
14 board upon the expiration of such terms and thereafter to serve six-
15 year terms.

16 II. All trustees elected or appointed for terms commencing on or
17 after September 1, 1956, other than those serving ex officio
18 pursuant to subsections I.a. and I.b.i. of this section, shall serve for
19 terms of six years (subject to the provisions of subsection I.c. of this
20 section and of subsection (a) of section 18A:65-16, and may
21 succeed themselves for not more than one additional term after
22 having served one full six-year term.

23 III. The ex officio members of the board of trustees as
24 constituted on August 31, 1956, pursuant to the charter, statutes, or
25 resolutions of the board from time to time adopted, ceased to be
26 such members on August 31, 1956, with the exception of the
27 president of the corporation who continued as ex officio trustee and
28 ex officio governor, without voting power as hereinabove provided
29 and the Commissioner of Education who so continued until July 1,
30 1967.

31 (cf: P.L.1994, c.48, s.178)

32

33 168. N.J.S.18A:65-16 is amended to read as follows:

34 18A:65-16. (a) The terms of all governors and trustees which are
35 limited shall, unless otherwise expressly provided herein,
36 commence on July 1 in the first year, and end on June 30 in the last
37 year, of such term.

38 (b) In case a governor or a trustee is elected president or
39 appointed chancellor and he thereby becomes a nonvoting governor
40 or trustee ex officio, a vacancy in his prior office as governor or
41 trustee shall thereby occur.

42 (c) In case a trustee is appointed a governor by the Governor of
43 the State, and he thereby becomes a trustee during his term as
44 governor, a vacancy in his prior office as trustee shall thereby
45 occur.

46 (d) Any vacancy occurring during the term of any governor or
47 trustee (other than by the expiration of his term) shall be filled for
48 the unexpired term only, in the same manner and subject to the

1 same provisions, as in the case of his appointment or election;
2 subject, however, to the provisions of subsection I.d. of section
3 18A:65-15.

4 (cf: P.L.1994, c.48, s.179)
5

6 169. N.J.S.18A:65-17 is amended to read as follows:

7 18A:65-17. No person, other than the chancellor or the
8 president, shall be eligible to membership on the board of
9 governors, if he is a salaried official of the State of New Jersey, or
10 shall be eligible to membership on either the board of governors or
11 the board of trustees, if he is receiving remuneration for services
12 from the corporation or the university. If any member of either
13 board shall become ineligible by reason of the foregoing, a vacancy
14 in his prior office as governor or trustee, as the case may be, shall
15 thereby occur.

16 (cf: P.L.1994, c.48, s.180)
17

18 170. N.J.S.18A:65-25 is amended to read as follows:

19 18A:65-25. The board of governors shall have general
20 supervision over and be vested with the conduct of the university. It
21 shall have the authority and responsibility to:

22 a. Determine policies for the organization, administration and
23 development of the university;

24 b. Study the educational and financial needs of the university,
25 annually acquaint the Governor and Legislature with the condition
26 of the university, and prepare and, jointly with the Board of Higher

27 Education, present the annual budget to the Governor[, the
28 Division of Budget and Accounting in the Department of the
29 Treasury] and the Legislature, in accordance with law;

30 c. Disburse all moneys appropriated to the university by the
31 Legislature, moneys received from tuition, fees, auxiliary services
32 and other sources, and from or by direction of the board of trustees;

33 d. Direct and control expenditure and transfer of funds
34 appropriated to the corporation and the university by the State in
35 accordance with the provisions of the State budget and
36 appropriation acts of the Legislature; and, as to funds received from
37 the trustees and other sources, direct and control expenditures and
38 transfers in accordance with the terms of any applicable trusts, gifts,
39 bequests, or other special provisions, reporting changes and
40 additions thereto and transfers thereof to the Director of the
41 Division of Budget and Accounting in the State Department of the
42 Treasury. All accounts of the university shall be subject to audit by
43 the State at any time;

44 e. Borrow money for the needs of the corporation and the
45 university, as deemed requisite by the board, in such amounts and
46 for such time and upon such terms as may be determined by the
47 board, with the consent and advice of the board of trustees;

1 provided, that no such borrowing shall be deemed or construed to
2 create or constitute a debt, liability, or a loan or pledge of the credit,
3 or be payable out of property or funds (other than moneys
4 appropriated for that purpose) of the State;

5 f. 1. Purchase all lands, buildings, equipment, materials and
6 supplies; and

7 2. Employ architects to plan buildings; secure bids for the
8 construction of buildings and for the equipment thereof; make
9 contracts for the construction of buildings and for equipment; and
10 supervise the construction of buildings;

11 g. Manage and maintain, and provide for the payment of all
12 charges on and expenses in respect of, all properties utilized by the
13 university;

14 h. In accordance with the provisions of the budget, have the sole
15 power (subject to the provisions of section 18A:65-31) to elect,
16 appoint, remove, promote or transfer all corporate, official,
17 educational and civil administrative personnel, and fix and
18 determine their salaries in accordance with salary schedules adopted
19 by the board of governors and approved by the Board of Higher
20 Education. Such salary schedules shall prescribe qualifications for
21 the various classifications and shall limit the percentage of the
22 educational staff that may be appointed or promoted to any given
23 classification;

24 i. In accordance with the provisions of the budget, appoint,
25 remove, promote and transfer all other officers, agents, or
26 employees, assign their duties, determine their salaries, and
27 prescribe qualifications for all positions, and in accordance with the
28 salary schedules of the State Civil Service Commission wherever
29 possible; and

30 j. Authorize any new educational department or school
31 [consistent with the institution's programmatic mission or approved
32 by the Commission on Higher Education] which will require, at the
33 time of establishment, or which may thereafter require, an
34 additional expenditure of money beyond that appropriated, if the
35 establishment thereof is approved by the Board of Higher Education
36 and provision is made therefor in the annual or a supplemental
37 appropriation act or a special act of the Legislature or otherwise.

38 (cf: P.L.1994, c.48, s.181)

39
40 171. N.J.S.18A:65-27 is amended to read as follows:

41 18A:65-27. I. It is hereby declared to be the public policy of the
42 State of New Jersey that:

43 a. the corporation and the university shall be and continue to be
44 given a high degree of self-government and that the government and
45 conduct of the corporation and the university shall be free of
46 partisanship; and

47 b. resources be and continue to be provided and funds be and

1 continue to be appropriated by the State adequate for the conduct of
 2 a State university with high educational standards and to meet the
 3 cost of increasing enrollment and the need for proper facilities.

4 II. In consideration of the utilization by the State for the
 5 purposes of public higher education of privately donated properties
 6 and funds valued as at September 1, 1956 at approximately
 7 \$50,000,000, and the prospect of future private donations, the State
 8 by this chapter agrees with the board of trustees and its successors
 9 that:

10 a. if the properties and funds controlled by the trustees shall not
 11 be properly applied in accordance with the provisions of subsection
 12 d. of section 18A:65-25 for the purpose of higher education and in
 13 accordance with the terms of any applicable testamentary, trust, or
 14 other special provision; or

15 b. if, without the consent of the board of trustees,

16 (1) the university is not continued to be designated and
 17 maintained as the State University of New Jersey, or

18 (2) the name of the university shall be changed, or

19 (3) a vacancy in the office of the president of the university shall
 20 be filled otherwise than by appointment of the board of governors
 21 with the advice and consent of the board of trustees, or

22 (4) the provisions for the essential self-government of the
 23 university, viz., the provisions of sections 18A:65-12 to 18A:65-16,
 24 inclusive, 18A:65-19, 18A:65-24 to 18A:65-26, inclusive, 18A:65-
 25 28, subsection b. of 18A:65-29, 18A:65-30, subsection c. of
 26 18A:65-31, 18A:65-33, 18A:65-6, 18A:65-9 and 18A:65-4, or any
 27 of them or of this section 18A:65-27, are amended or altered in any
 28 substantial respect or repealed; or

29 c. if provision shall not be made by the State sufficient to enable
 30 the board of trustees to discharge its trust to apply the trust assets
 31 described in subsection 2 of section 18A:65-26 for public higher
 32 education through the conduct of a university with high educational
 33 standards, the board of trustees, after careful consideration and on
 34 not less than 60 days' prior written notice to the board of governors
 35 and to the [Governor] Board of Higher Education, shall have and
 36 may exercise the right to withhold or withdraw the use of the
 37 properties and funds above described in subsection 2 of section
 38 18A:65-26, or any part of them, (aa) subject to adjudication by the
 39 courts of the State, and (bb) subject to their proper application for
 40 the purposes of public higher education and in accordance with the
 41 terms of any applicable testamentary, trust or other special
 42 provision.

43 (cf: P.L.1994, c.48, s.182)

45 172. N.J.S.18A:65-33.1 is amended to read as follows:

46 18A:65-33.1. The corporation shall have the care, custody and
 47 control of such property as the State now has or shall hereafter

1 acquire at the university, subject to the visitorial powers of the
2 [Chairman of the Commission on Higher Education at the request of
3 the Governor] Board of Higher Education.
4 (cf: P.L.1994, c.48, s.183)
5

6 173. N.J.S.18A:65-34 is amended to read as follows:

7 18A:65-34. The visitorial general powers of supervision and
8 control of the [Chairman of the Commission on Higher Education at
9 the request of the Governor] Board of Higher Education over
10 Rutgers, The State University, are continued and are defined as the
11 powers to visit the university to examine into its manner of
12 conducting its affairs and to enforce an observance of its laws and
13 regulations and the laws of the State.
14 (cf: P.L.1994, c.48, s.184)
15

16 174. N.J.S.18A:65-35 is amended to read as follows:

17 18A:65-35. The board of governors shall advise[, in
18 consultation with the Commission on Higher Education and the
19 Presidents' Council,] with the Board of Higher Education to the end
20 that the facilities and services of the university may be so utilized as
21 to increase the efficiency of the public school system and provide
22 higher education for the people of the State, and the Board of
23 Higher Education shall investigate and, jointly with the board of
24 governors, shall make recommendations to the Governor and the
25 Legislature[,] respecting the needs for the facilities and services[,]
26 of the university[,] as an instrumentality of the State for said
27 purposes.
28 (cf: P.L.1994, c.48, s.185)
29

30 175. N.J.S.18A:65-61 is amended to read as follows:

31 18A:65-61. The care, custody and control of any building used
32 jointly by any State college and the corporation shall be vested in
33 the board of trustees of the State college or in the corporation, as
34 the case may be. The care, custody and control of any building of a
35 State college wholly utilized by the corporation shall be exercised
36 by the corporation subject to the visitorial power [granted herein] of
37 the Board of Higher Education and the care, custody and control of
38 any building of the corporation wholly utilized for any State college
39 shall be exercised by the board of trustees of the State college.
40 (cf: P.L.1994, c.48, s.186)
41

42 176. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to
43 read as follows:

44 3. As used in this act:

45 a. "Accumulated deductions" means those contributions as

1 defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84
2 (C.43:15A-6).

3 b. "Base salary" means a participant's regular base or contractual
4 salary. It shall exclude bonus, overtime or other forms of extra
5 compensation such as (1) longevity lump sum payments, (2) lump
6 sum terminal sick leave or vacation pay, (3) the value of
7 maintenance, (4) individual pay adjustments made within or at the
8 conclusion of the participant's final year of service, (5) retroactive
9 salary adjustments or other pay adjustments made in the
10 participant's final year of service unless such adjustment was made
11 as a result of a general pay adjustment for all personnel of the
12 department or institution, (6) any unscheduled individual
13 adjustment made in the final year to place the member at the
14 maximum salary level within his salary range and (7) any pay for
15 services rendered during the summer vacation period by a
16 participant who is required to work only 10 months of the year.

17 c. "Base annual salary" means the base salary upon which
18 contributions by the member and his employer to the alternate
19 benefit program were based during the last year of creditable
20 service.

21 d. [(Deleted by amendment, P.L.1994, c.48)] "Board of Higher
22 Education" means the board described in section 6 of P.L. , c.
23 (C.)(now pending before the Legislature as this bill) and the
24 agency responsible for the establishment of the alternate benefits
25 program of the State and county colleges.

26 e. "University of Medicine and Dentistry" means the University of
27 Medicine and Dentistry of New Jersey established pursuant to the
28 terms of section 3 of P.L.1970, c.102 (C.18A:64G-3).

29 f. "County colleges" means the colleges so defined in
30 N.J.S.18A:64A-1.

31 g. "Division of Pensions" means the division established in the
32 Department of the Treasury pursuant to section 1 of P.L.1955, c.70
33 (C.52:18A-95) and is the agency responsible for the administration
34 of the alternate benefit program of the Department of Higher
35 Education, the State and county colleges and for the administration
36 of the group life and disability insurances of all alternate benefit
37 programs established in the State for public employees.

38 h. "Full-time officers" and "full-time members of the faculty"
39 shall include the president, vice president, secretary and treasurer of
40 the respective school. Also included are employees of the
41 Department of Higher Education whose positions are so designated
42 by the Board of Higher Education. All other employees of the
43 Department of Higher Education shall, if otherwise eligible, be
44 enrolled in the Public Employees' Retirement System or transferred
45 from the Teachers' Pension and Annuity Fund to that system. "Full-
46 time" shall also include eligible full-time officers and full-time
47 members of the faculty who are granted sabbaticals or leaves of

1 absence with pay where the compensation paid is 50% or more of
2 the base salary at the time the leave commences and the period of
3 eligibility terminates with the end of the school year following the
4 year in which the sabbatical began. "Part-time" shall be defined as
5 an appointment where the employee receives a salary or wages for a
6 period of less than 50% of the normal work week. These
7 definitions shall apply to teaching or administrative staff members
8 or to employees serving in a dual capacity where the appointment
9 includes teaching as well as administrative duties.

10 i. "Group Annuity Plan" refers to the Group Annuity Contract
11 R-134 between the Board of Trustees of the New Jersey Institute of
12 Technology and the Prudential Insurance Company of America.

13 j. "Member" or "participant" means a full-time officer or a full-
14 time member of the faculty participating in the alternate benefit
15 program.

16 k. "New Jersey Institute of Technology" means the Newark
17 College of Engineering.

18 l. "Pension reserve" means those moneys as defined in
19 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

20 m. "Rutgers, The State University" means the institution of
21 higher education described in chapter 65 of Title 18A of the New
22 Jersey Statutes.

23 n. "State Colleges" means the colleges so described in chapter
24 64 of Title 18A of the New Jersey Statutes.

25 o. "Mutual fund company" means an investment company or
26 trust regulated by the federal "Investment Company Act of 1940,"
27 15 U.S.C. s. 80a-1 et seq.
28 (cf: P.L.1994, c.48, s.187)
29

30 177. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to
31 read as follows:

32 4. All full-time officers and all full-time members of the faculty
33 of the University of Medicine and Dentistry of New Jersey, Rutgers,
34 The State University, the Newark College of Engineering, the State
35 and county colleges and all regularly appointed teaching and
36 administrative staff members in applicable positions, as determined
37 by the [Director of the Division of Pensions in the Department of
38 the Treasury] Board of Higher Education, shall be eligible and shall
39 participate in the alternate benefit program, except those persons
40 appointed in a part-time or temporary capacity, physicians and
41 dentists holding employment in positions titled intern, resident or
42 fellow on or after the effective date of this amendatory act, persons
43 compensated on a fee basis, persons temporarily in the United
44 States under an F or J visa and members of the Teachers' Pension
45 and Annuity Fund, the Public Employees' Retirement System, the
46 Police and Firemen's Retirement System or the Group Annuity Plan,
47 who did not elect to transfer to the alternate benefit program in

1 accordance with the provisions of chapter 64C or 65 of Title 18A of
2 the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or
3 c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181 (C.18A:66-154 et
4 seq.). An eligible person who has been enrolled in the alternate
5 benefit program for at least one year pursuant to this section may
6 continue to be enrolled in the program, notwithstanding promotion
7 or transfer to a position within the institution not otherwise eligible
8 for the program.

9 Any person participating in the alternate benefit program shall be
10 ineligible for membership in the Teachers' Pension and Annuity
11 Fund, the Public Employees' Retirement System, the Police and
12 Firemen's Retirement System or the Group Annuity Plan and any
13 person electing to participate in the alternate benefit program shall
14 thereby waive all rights and benefits provided by the Teachers'
15 Pension and Annuity Fund, the Public Employees' Retirement
16 System, the Police and Firemen's Retirement System or the Group
17 Annuity Plan as a member of said fund, system or plan, except as
18 herein and otherwise provided by law or under terms of the Group
19 Annuity Plan.

20 Any person required to participate in the alternate benefit
21 program by reason of employment, who at the time of such
22 employment is a member of the Teachers' Pension and Annuity
23 Fund, shall be permitted to transfer his membership in said fund to
24 the Public Employees' Retirement System, by waiving all rights and
25 benefits which would otherwise be provided by the alternate benefit
26 program. Any such new employee who is a member of the Public
27 Employees' Retirement System will be permitted to continue his
28 membership in that system, by waiving all rights and benefits which
29 would otherwise be provided by the alternate benefit program.
30 Such waivers shall be accomplished by filing forms satisfactory to
31 the Division of Pensions within 30 days of the beginning date of
32 employment.

33 Any person receiving a benefit by reason of his retirement from
34 any retirement or pension system of the State of New Jersey or any
35 political subdivision thereof shall be ineligible to participate in the
36 alternate benefit program.

37 No person eligible for participation in the alternate benefit
38 program shall be eligible for, or receive, benefits under chapters 4
39 and 8B of Title 43 of the Revised Statutes.

40 The alternate benefit programs established pursuant to this act
41 are deemed to be pension funds or retirement systems for purposes
42 of P.L.1968, c.23 (C.43:3C-1 et seq.).

43 (cf: P.L.1994, c.48, s.188)

44
45 178. Section 6 of P.L.1969, c.242 (C.18A:66-172) is amended to
46 read as follows:

47 6. Participants in the alternate benefit program shall be allowed
48 to allocate portions of their own contributions and the contributions

1 of their employer, including amounts used by the employer to
2 purchase an annuity pursuant to a salary reduction agreement under
3 section 24 of P.L.1969, c.242 (C.18A:66-190), to accounts with two
4 or more insurers or mutual fund companies designated pursuant to
5 the provisions of section 3 of P.L.1993, c.385 (C.18A:66-172.1) as
6 companies from which alternate benefit contracts may be
7 purchased, and shall, subject to such rules and regulations as the
8 Division of Pensions may adopt, be permitted to direct the
9 withdrawal of such contributions from their account with one such
10 company for deposit in an account with another such company.
11 Since the establishment of the alternate benefit programs for the
12 several public institutions of higher education in New Jersey is
13 designed to provide mobility of pension credit from within the
14 academic community in and outside the State, and since it is
15 imperative that eligibility for participation in this program be of
16 uniform application in the several schools, it shall be the
17 responsibility of the [Director of the Division of Pensions] Board of
18 Higher Education to establish regulations which shall provide for
19 such uniformity.
20 (cf: P.L.1994, c.48, s.189)

21
22 179. Section 3 of P.L.1993, c.385 (C.18A:66-172.1) is amended
23 to read as follows:

24 3. There is established in but not of the Division of Pensions in
25 the Department of the Treasury the Pension Provider Selection
26 Board, which shall consist of the Director of the Division of
27 Pensions or a representative of that director; the Director of the
28 Division of Investment or a representative of that director; the
29 Commissioner of the Department of Insurance or a representative of
30 that commissioner; the Director of the Division of Purchase and
31 Property or a representative of that director; the Chancellor or
32 Higher Education and a person appointed by the [Director of the
33 Division of Pensions] Chancellor of Higher Education who is an
34 active participant or receiving a benefit from the alternate benefit
35 program.

36 The Pension Provider Selection Board shall select through a
37 competitive bidding process at least three unrelated insurance or
38 mutual fund companies licensed or otherwise authorized to transact
39 business in New Jersey from which alternate benefit contracts will
40 be purchased. These new insurers or mutual fund companies shall
41 be selected by competitive bidding in accordance with all applicable
42 State laws and regulations not later than the 270th day following the
43 effective date of P.L.1993, c.385 (C.18A:66-172.1 et al.). The
44 selected carriers shall be authorized to receive contributions within
45 60 days of their selection. Each contract shall be awarded for a
46 period not to exceed six years with a renewal option for a period not
47 to exceed three years. All carriers shall be subject to a performance

1 review by the Pension Provider Selection Board every seven years
2 and must meet such standards as the Pension Provider Selection
3 Board shall establish by regulation in order to be renewed for
4 another term of seven years as carriers. Removal of a carrier for
5 cause during a seven-year term is not waived. In establishing by
6 regulation the criteria for the initial selection and any performance
7 review of a carrier, the Pension Provider Selection Board shall
8 consider, among other things, the following:

9 a. the portability of the contracts offered or to be offered by the
10 company, based on the number of states in which the company
11 provides contracts under similar plans;

12 b. the efficacy of the contracts in the recruitment and retention
13 of employees for the various State public institutions of higher
14 education;

15 c. the nature and extent of the rights and benefits to be provided
16 by the contracts for participating employees and their beneficiaries;

17 d. the relation of the rights and benefits to the amount of
18 contributions to be made pursuant to the provisions of this article;

19 e. the suitability of the rights and benefits to the needs and
20 interests of participating employees and the various State public
21 institutions of higher education;

22 f. the ability of the company to provide the rights and benefits
23 under such contracts;

24 g. the financial soundness of the company, the extent of the
25 company's financial commitment to the contracts, and whether the
26 company meets the minimum financial criteria established by the
27 Division of Pensions;

28 h. the company's overall quality of service, its investment
29 performance considering return on investments and risk, the
30 administrative fee to be charged to participating employees, and the
31 offering of a balanced array of investment opportunities; and

32 i. the nature of the informational or promotional materials to be
33 provided to prospective participants.

34 The Pension Provider Selection Board may not designate a
35 company which serves as a disbursement system for other providers
36 or which charges third party administrative fees.

37 A company that has been designated as of January 1, 1993 by the
38 Division of Pensions as a designated provider shall continue to be
39 so designated until its status as a designated provider is terminated
40 for cause by the division or by the Pension Provider Selection
41 Board.

42 (cf: P.L.1994, c.48, s.193)

43
44 180. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to
45 read as follows:

46 8. (a) The University of Medicine and Dentistry of New Jersey,
47 Rutgers, The State University and the New Jersey Institute of
48 Technology shall reduce the compensation of each participant in the

1 alternate benefit program and pay over to the insurers or mutual
2 fund companies for the benefit of the participant an employee
3 contribution for the retirement annuity contract or contracts equal to
4 5% of the participant's base salary. The intervals for deductions or
5 reductions and payments shall be determined by the respective
6 school governing bodies.

7 The Division of Pensions shall provide for reductions from the
8 compensation of each participant in the alternate benefit program
9 employed by the Department of Higher Education, the State and
10 county colleges of an employee contribution equal to 5% of the
11 participant's base salary and pay this amount to the insurers or
12 mutual fund companies for the individual's retirement annuity
13 contract or contracts. The intervals for deductions or reductions
14 and payments shall be determined by the Division of Pensions.

15 The Division of Pensions may require that all participant
16 contributions be made in accordance with section 414(h) of the
17 federal Internal Revenue Code (26 U.S.C. s.414(h)).

18 (b) Based on a certification to the Division of Pensions by the
19 University of Medicine and Dentistry of New Jersey, Rutgers, The
20 State University and the New Jersey Institute of Technology of the
21 number and base salary of participants, the division shall authorize
22 the State to make payment of the employer contributions to the
23 alternate benefit program at a rate equal to 8% of the employee's
24 base salary, which moneys shall be paid to the designated insurers
25 or mutual fund companies for the benefit of each participant.

26 Based on a certification by the Division of Pensions of the
27 number and base salary of participants employed by the Department
28 of Higher Education, the State and county colleges, the State shall
29 make payment of the employer contributions to the alternate benefit
30 program at a rate equal to 8% of the employee's base salary, which
31 moneys shall be paid to the designated insurers or mutual fund
32 companies for the benefit of each participant.

33 (c) For the member of the Public Employees' Retirement System
34 employed by the county colleges, who is defined in the regulations
35 of the [Division of Pensions] Board of Higher Education has a full-
36 time faculty member and who is permitted to transfer his
37 membership and does so, the State shall pay the employer
38 contribution to the alternate benefit program at a rate equal to 8% of
39 the member's base salary. If the member continues membership in
40 the Public Employees' Retirement System, the State shall pay the
41 employer contribution to the retirement system on his behalf and
42 such employer contribution shall be at a rate equal to the normal
43 contribution made by the State on behalf of nonveteran members of
44 the Public Employees' Retirement System.

45 (d) For any nonacademic employee of a county college, as
46 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is
47 eligible for the program according to the regulations of the

1 [Director of the Division of Pensions] Board of Higher Education,
2 the county college shall pay the employer contribution to the
3 retirement system on the employee's behalf in the same manner as
4 the State, pursuant to this section.

5 (cf: P.L.1994, c.48, s.190)

6
7 181. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended
8 to read as follows:

9 24. The Board of Trustees of the University of Medicine and
10 Dentistry of New Jersey, the Board of Governors of Rutgers, The
11 State University, the Board of Trustees of the New Jersey Institute
12 of Technology and the [boards of trustees of] Board of Higher
13 Education on behalf of the Department of Higher Education and the
14 State and county colleges, are hereby authorized to enter into
15 agreement with each employee participating in the alternate benefit
16 program whereby the employee agrees to take a reduction in salary
17 with respect to amounts earned after the effective date of such
18 agreement in return for the agreement of the respective institution to
19 use a corresponding amount to purchase an annuity for such
20 employee so as to obtain the benefits afforded under section 403(b)
21 of the federal Internal Revenue Code, as amended. Any such
22 agreement shall specify the amount of such reduction, the effective
23 date thereof, and shall be legally binding and irrevocable with
24 respect to amounts earned while the agreement is in effect;
25 provided, however, that such agreement may be terminated after it
26 has been in effect for a period of not less than one year upon notice
27 in writing by either party, and provided further that not more than
28 one such agreement shall be entered into during any taxable year of
29 the employee. For the purposes of this section, any annuity or other
30 contract which meets the requirements of section 403(b) of the
31 federal Internal Revenue Code, as amended, may be utilized. The
32 amount of the reduction in salary under any agreement entered into
33 between the institutions and any employee pursuant to this section
34 shall not exceed the limitations set forth in P.L.93-406
35 (Employment Retirement Income Security Act of 1974) and Section
36 415(c) of the Internal Revenue Code of 1954 as amended for such
37 year.

38 Amounts payable pursuant to this section by an institution on
39 behalf of an employee for a pay period shall be transmitted and
40 credited not later than the fifth business day after the date on which
41 the employee is paid for that pay period.

42 (cf: P.L.1999, c.247, s.2)

43
44 182. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended
45 to read as follows:

46 25. No retirement, death or other benefit shall be payable by the
47 State, the University of Medicine and Dentistry, Rutgers, The State

1 University, the New Jersey Institute of Technology, the Board or
2 the Department of Higher Education or the Division of Pensions
3 under the alternate benefit program. Benefits shall be payable to
4 participating employees and their beneficiaries only by the
5 designated insurers or mutual fund companies under the terms of
6 the contracts.

7 (cf: P.L.1994, c.48, s.192)

8
9 183. N.J.S.18A:67-2 is amended to read as follows:

10 18A:67-2. No institution which proposes to offer courses of
11 study above high school grade, which courses satisfy in whole or in
12 part the requirements for a college or university degree, shall adopt
13 or use any title or name commonly accepted as descriptive of
14 collegiate or university institutions without the approval of the
15 [Commission on] Board of Higher Education made under rules
16 relating to names and titles of institutions adopted by the
17 [commission] board.

18 (cf: P.L.1994, c.48, s.194)

19
20 184. N.J.S.18A:68-3 is amended to read as follows:

21 18A:68-3. a. No corporation shall furnish instruction or
22 learning in the arts, sciences, or professions for the purposes of
23 admitting any person to the grade of a degree, or shall confer or
24 participate in conferring a degree, giving to any person a diploma of
25 graduation or of proficiency in a course of study, in learning, or in
26 scientific arts or methods, within this State, until it shall have filed
27 a certified copy of its certificate of incorporation with the
28 [Commission on] Board of Higher Education and obtained from the
29 [commission] board a license to carry on the business under such
30 rules as the [commission] board may prescribe.

31 b. The cost for consultants utilized by the [Commission on]
32 Board of Higher Education and other out-of-pocket expenses
33 incurred by the [commission] board for licensure and related
34 reviews shall be paid by the institution seeking a license or license
35 renewal.

36 (cf: P.L.1999, c.46, s.44)

37
38 185. N.J.S.18A:68-4 is amended to read as follows:

39 18A:68-4. Any license issued under this article may be revoked
40 by the [Commission on] Board of Higher Education.

41 (cf: P.L.1994, c.48, s.196)

42
43 186. N.J.S.18A:68-5 is amended to read as follows:

44 18A:68-5. When it shall appear that any corporation is carrying
45 on the business of such instruction or teaching, or conferring any

1 such degree, or giving any such diploma without such license, the
2 [Commission on] Board of Higher Education, represented by the
3 Attorney General, may institute a civil action in the Superior Court
4 to restrain the corporation from the transaction of any such business
5 or the exercise of any such franchise within this State until it shall
6 have obtained such license or the approval of the [commission]
7 board. The court may proceed in the action in a summary manner
8 or otherwise. The costs in any such action, to be fixed by the court,
9 shall be paid by the corporation before the dissolution of any
10 injunctive order or judgment.

11 (cf: P.L.1994, c.48, s.197)

12

13 187. N.J.S.18A:68-6 is amended to read as follows:

14 18A:68-6. No school, corporation, association or institution of
15 learning conducted within this State [and licensed by the
16 Commission on Higher Education], nor any officer or member
17 thereof, in recognition of the attainment or proficiency of any
18 person in pursuing or graduating from any course or courses of
19 study, arts, or learning conducted by it or another such school
20 corporation, association or institution, shall admit any such person
21 to the grade of a degree by conferring, or participating in
22 conferring, any degree upon any person [unless that degree program
23 is consistent with the programmatic mission of the institution or is
24 approved by the commission] without first submitting the basis or
25 conditions thereof to the Board of Higher Education, and obtaining
26 its approval thereof, and of the practice of conferring and bestowing
27 the degrees.

28 Nothing contained in this section shall apply to any school,
29 corporation, association or institution of learning, or officer or
30 member thereof, which was established and conducted within this
31 State on April 1, 1887, and was then in the course of admitting
32 persons to the grade of a degree by conferring the same upon them
33 in recognition of their attainments or proficiencies, nor to any
34 school conducted under the public school system.

35 (cf: P.L.1994, c.48, s.198)

36

37 188. N.J.S.18A:68-7 is amended to read as follows:

38 18A:68-7. The approval given by the [Commission on] Board of
39 Higher Education of the basis or conditions for the admission to the
40 grade of a degree may be revoked for proper cause by the
41 [commission] board after hearing upon 20 days' notice of the time
42 and place of such hearing given to any such school, corporation,
43 association or institution of learning by service upon any officer or
44 member thereof, and proof made at such hearing to the satisfaction
45 of the [commission] board, that the standards presented for

1 admission to such grade of a degree or for the conferring of such
2 degree are not being satisfactorily complied with by such school,
3 corporation, association or institution of learning, or by the officers
4 or members thereof. The [commission] board shall keep a record of
5 such approvals and revocations in a book to be provided and used
6 solely for that purpose, which book shall be kept at its office in
7 Trenton and may be inspected by any person upon request.

8 (cf: P.L.1994, c.48, s.199)

9 189. N.J.S.18A:68-9 is amended to read as follows:

10 18A:68-9. An officer or member of a school, corporation,
11 association or institution of learning who by vote or in any other
12 manner or capacity, or a school, corporation, association or
13 institution of learning which shall admit or participate in admitting
14 a scholar, student, or subscriber to any grade of a degree by
15 conferring or participating in conferring any degree upon him,
16 contrary to the provisions of this chapter, or who shall sign any
17 certificate or diploma as evidence of the conferring of such degree
18 shall be liable to a penalty of not more than \$300.00 for each
19 offense, to be enforced and collected by and in the name of the
20 [Commission on] Board of Higher Education in a summary
21 proceeding in accordance with chapter 58 of Title 2A of the New
22 Jersey Statutes, the penalty enforcement law. Process shall be either
23 in the nature of a summons or warrant.

24 (cf: P.L.1994, c.48, s.200)

25
26 190. N.J.S.18A:68-11 is amended to read as follows:

27 18A:68-11. All moneys recovered under the provisions of this
28 article shall be payable by the Board of Higher Education to the
29 State Treasurer.

30 (cf: P.L.1994, c.48, s.201).

31
32 191. Section 2 of P.L.1977, c.123 (C.18A:68-11.2) is amended
33 to read as follows:

34 2. As used in this act:

35 a. "Institution of higher education" means an institution of
36 collegiate grade in New Jersey approved or licensed by the
37 [Commission on] Board of Higher Education or otherwise
38 authorized under N.J.S.18A:68-6 and accredited by the Middle
39 States Association of Colleges and Secondary Schools.

40 b. "Educational loan" means either (1) a loan which is made for
41 the purpose of defraying the cost of attendance by one or more
42 students at the institution of higher education making such loan or
43 (2) a loan to an employee of an institution of higher education for
44 the purpose of defraying the costs of post-secondary school
45 education of the employee or of the spouse or child of the
46 employee.

47 (cf: P.L.1994, c.48, s.202)

1
2 192. N.J.S.18A:71A-2 is amended to read as follows:
3 18A:71A-2. As used in this act, unless the context indicates
4 another or different meaning, the following words shall have the
5 following meanings:
6 "Authority" means the Higher Education Student Assistance
7 Authority established pursuant to this act, or any body, entity,
8 commission, or department succeeding to the principal functions
9 thereof or to whom the powers conferred upon the authority by this
10 act shall be given by law.
11 "Board" means the governing body of the authority appointed or
12 elected pursuant to N.J.S.18A:71A-4 of this article.
13 "Bond" means bonds, notes or other obligations of the authority
14 issued pursuant to this act.
15 ["Commission" means the New Jersey Commission on Higher
16 Education.]
17 "Chancellor" means the chancellor of the Department of Higher
18 Education.
19 "Department" means the Department of Higher Education.
20 "Eligible institution" means, unless otherwise defined by this act
21 or by the authority by regulation, an institution having a
22 participation agreement with the authority which is further defined
23 in 20 U.S.C. s.1071 et seq., and which includes an institution of
24 higher education, a proprietary institution of higher education, a
25 postsecondary vocational institution and a vocational school,
26 provided that the institution or school is licensed or approved by the
27 appropriate agency or department and accredited or preaccredited
28 by a nationally recognized accrediting association.
29 "Executive director" means the chief executive and
30 administrative officer of the authority.
31 "Fund" means the Higher Education Student Assistance Fund.
32 "Lender" or "eligible lender" includes the authority and any
33 institution authorized to make loans under 20 U.S.C. s.1071 et seq.
34 which has entered into a participation agreement with the authority.
35 "Member" means an individual appointed or elected to the board
36 of the authority or serving ex-officio on the board.
37 "State college" means any college or university created pursuant
38 to chapter 64 of Title 18A of the New Jersey Statutes.
39 (cf: N.J.S.18A:71A-2)
40
41 193. N.J.S.18A:71A-4 is amended to read as follows:
42 18A:71A-4 a. The Board of the Higher Education Student
43 Assistance Authority shall consist of 18 members as follows: the
44 State Treasurer, ex-officio, or a designee; the [chairperson]
45 Chancellor of the [Commission on] Department of Higher
46 Education, ex-officio or a designee [from among the public

1 members of the commission]; the chairperson of the Board of
2 Directors of the Educational Opportunity Fund, ex-officio, or a
3 designee from among the public members of the board; five
4 representatives from eligible institutions in this State, including one
5 from Rutgers, the State University, one from either the New Jersey
6 Institute of Technology or the University of Medicine and Dentistry
7 of New Jersey, one from the county colleges, one from the State
8 colleges, and one from the independent institutions of higher
9 education in the State; two students from different collegiate
10 institutional sectors; seven public members who shall be residents
11 of this State, including one who shall represent a lender party to a
12 participation agreement with the authority; and the executive
13 director of the authority, or designee, who shall be an ex-officio,
14 non-voting member of the board.

15 b. The seven public members, including the lender member,
16 shall be appointed by the Governor with the advice and consent of
17 the Senate. No more than four of the public members shall be
18 members of the same political party. The institutional
19 representatives shall be nominated by the respective institution in
20 the case of Rutgers, the State University, New Jersey Institute of
21 Technology, and University of Medicine and Dentistry of New
22 Jersey. The remaining institutional representatives shall be
23 nominated by the respective sector association. Institutional
24 representatives shall be appointed by the Governor with the advice
25 and consent of the Senate. The student members shall be the
26 individuals that the Student Advisory Committee elects as its
27 chairperson and vice-chairperson. The Student Advisory
28 Committee shall be created by the board to include students from all
29 collegiate institutional sectors. The necessary appointments shall
30 be made within 45 days of the enactment of P.L.1999, c.46
31 (N.J.S.18A:71A-1 et al.).

32 c. Public and institutional members of the board shall serve a
33 term of four years and until a successor is appointed and qualified,
34 except in the case of the first members so appointed, four of whom
35 shall be appointed for a term of four years, four of whom shall be
36 appointed for a term of three years, two of whom shall be appointed
37 for a term of two years, and two of whom shall be appointed for a
38 term of one year. Student members shall serve a term of office not
39 to exceed two years. Any vacancy in the membership of the board,
40 occurring otherwise than by expiration of term, shall be filled in the
41 same manner as the original appointment or election was made, but
42 for the unexpired term only.
43 (cf: N.J.S.18A:71A-4)

44
45 194. N.J.S.18A:71B-1 is amended to read as follows:

46 18A:71B-1 Unless otherwise restricted by the authority by
47 regulation, "eligible institution" for purposes of this chapter only

1 means an institution of higher education in this State that is licensed
2 by the [Commission on] Department of Higher Education and
3 accredited or preaccredited by a nationally recognized accrediting
4 association. Eligible institution shall also include certain
5 proprietary institutions but only for certain degree granting
6 programs as approved by the commission.

7 (cf: N.J.S.18A:71B-1)

8
9 195. N.J.S.18A:71B-13 is amended to read as follows:

10 18A:71B-13 Any revisions to criteria, methodology and
11 guidelines in effect at the date this act becomes effective shall, after
12 consultation with the [Commission on] Department of Higher
13 Education, be submitted to the Legislature by the authority, together
14 with appropriate supporting information, and the criteria,
15 methodology, and guidelines shall be deemed approved by the
16 Legislature at the end of 60 calendar days after the date on which
17 they are transmitted to the Legislature, or if the Legislature is not in
18 session on the sixtieth day, then on the next succeeding day on
19 which it is meeting, unless between the date of transmittal and the
20 end of the 60-day period the Legislature passes a concurrent
21 resolution rejecting the criteria, methodology and guidelines in
22 which case the criteria, methodology and guidelines then in effect
23 shall continue in effect.

24 (cf: N.J.S.18A:71B-13)

25
26 196. N.J.S.18A:71B-21 is amended to read as follows:

27 18A:71B-21 a. The amount of a tuition aid grant awarded under
28 this article to any student attending an eligible institution shall be
29 established by the authority, but shall not exceed the maximum
30 amount of tuition normally charged at a public institution of higher
31 education for students attending that institution or 50% of the
32 average tuition normally charged at the independent institutions of
33 higher education for students attending those institutions. The
34 amount of a State tuition aid grant awarded under this act to any
35 student attending an institution of higher education in any state
36 other than New Jersey pursuant to this section shall not exceed \$500
37 in an academic year. The amount of grant to be paid for each
38 semester or its equivalent shall be based on the financial need for
39 the grant, as determined by standards and procedures established by
40 the authority, and subject to the amount of appropriations available
41 therefor.

42 b. Appropriations for each program category of tuition aid
43 grants shall be separately made by line item.

44 c. State tuition aid grants shall be awarded by the authority to all
45 eligible applicants without any limitation on the number to be
46 awarded in any year other than the amount of appropriations
47 available therefor. In the event that the amount appropriated is

1 insufficient for full awards to all eligible applicants, the authority,
2 in consultation with the [Commission on] Department of Higher
3 Education, shall reduce awards equitably among eligible students
4 according to such procedures and guidelines as it shall establish.
5 Any revisions of procedures and guidelines in effect as of the
6 effective date of this act shall be submitted on or before March 1 of
7 the prebudget year by the executive director of the authority to the
8 Joint Budget Oversight Committee of the Legislature, or its
9 successor, together with supporting information. The revised
10 criteria and guidelines may be approved or disapproved by the Joint
11 Budget Oversight Committee, or its successor, at any time;
12 provided that if at the end of a 60-calendar day period after the date
13 on which the revisions are transmitted to the committee, the
14 committee has taken no action, the proposed revised criteria and
15 guidelines shall be deemed to be approved by the committee.
16 (cf: N.J.S.18A:71B-21)

17
18 197. Section 2 of P.L.2001, c.442 (C.18A:71B-23.2) is amended
19 to read as follows:

20 2. As used in this act:

21 "Institution of higher education" means an institution of higher
22 education licensed by the appropriate agency or department and
23 accredited or preaccredited by a nationally recognized accrediting
24 association. An institution of higher education shall also include
25 certain proprietary institutions, but only for degree granting
26 programs approved by the [Commission on] Department of Higher
27 Education or other proprietary institutions as determined by the
28 authority.

29 "Authority" means the Higher Education Student Assistance
30 Authority established pursuant to N.J.S.18A:71A-1 et seq.
31 (cf: P.L.2001, c.442, s.2)

32
33 198. N.J.S.18A:71B-30 is amended to read as follows:

34 18A:71B-30 a. The State Treasurer, in consultation with the
35 [commission] department, shall also provide for additional financial
36 incentives to be provided to holders of Garden State Savings Bonds
37 to encourage the enrollment of students at institutions of higher
38 education located in the State of New Jersey. These financial
39 incentives shall be in such forms as determined by the State
40 Treasurer in consultation with issuing officials at the time of the
41 authorization of the Garden State Savings Bonds and shall at a
42 minimum provide that each participating institution shall guarantee
43 that the value of Garden State Savings Bonds redeemed for the
44 purposes of the payment of tuition, fees, and other educational costs
45 at the institution, shall, at the time of matriculation of the student,
46 be increased by not less than six percent of the face value of the
47 bonds at the time of redemption. Two percent of the incentive

1 amount shall be paid by the State, and four percent by participating
2 institutions.

3 b. Every public institution of higher education in New Jersey
4 shall participate in the financial incentive program. Independent
5 institutions of higher education in New Jersey may elect to
6 participate in the program. Each independent institution which
7 elects to participate shall enter into a contract with the Department
8 of the Treasury which shall, at a minimum, define the terms of
9 participation and establish conditions under which an institution
10 may withdraw from the program. Any independent institution that
11 withdraws from the program shall guarantee to provide the financial
12 incentives in effect for all bonds purchased during the period in
13 which the institution was a participant in the program.

14 c. The original purchaser and any member of the immediate
15 family of the original purchaser of a Garden State Savings Bond
16 shall be eligible for the financial incentive program established
17 pursuant to this section.

18 (cf: N.J.S.18A:71B-30)

19

20 199. N.J.S.18A:71B-33 is amended to read as follows:

21 18A:71B-33 The State Treasurer shall, in consultation with the
22 [commission] department, approve the following:

23 a. additional financial incentives as provided in this article;

24 b. limits that may be imposed on the amount of Garden State
25 Savings Bonds that may be purchased by individual households;

26 c. minimum denominations to market the Garden State Savings
27 Bonds so that they are affordable by individuals; however, each
28 issue shall be offered with sufficient bonds at a purchase price of
29 \$100 to satisfy demand.

30 In addition, the State Treasurer shall evaluate the feasibility of
31 staggered or periodic forms of payments for Garden State Savings
32 Bonds and shall advise the issuing officials regarding the
33 evaluation.

34 (cf: N.J.S.18A:71B-33)

35

36 200. N.J.S.18A:71B-34 is amended to read as follows:

37 18A:71B-34 The [commission] department and the State
38 Treasurer shall assess the effectiveness of the program and
39 recommend any necessary changes to the issuing officials regarding
40 future bond sales after the initial sale of Garden State Savings
41 Bonds.

42 (cf: N.J.S.18A:71B-34)

43

44 201. N.J.S.18A:71B-36 is amended to read as follows:

45 18A:71B-36 As used in this article:

46 "Account" means an individual trust account or savings account
47 established in accordance with this article;

1 "Authority" means the Higher Education Student Assistance
2 Authority;

3 "Contributor" means the person or organization contributing to
4 and maintaining an account and having the right to withdraw funds
5 from the account before the account is disbursed to or for the
6 benefit of the designated beneficiary;

7 "Designated beneficiary" means: a. the individual designated at
8 the time the account is opened as the individual whose higher
9 education expenses are expected to be paid from the account; b. the
10 replacement beneficiary if the change in designated beneficiary
11 would not result in a distribution that is included in federal gross
12 income under section 529 of the federal Internal Revenue Code of
13 1986, 26 U.S.C.s.529; and c. in the case of an interest in the
14 program purchased by a state or local government or an
15 organization described in paragraph (3) of subsection (c) of section
16 501 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.501
17 and exempt from taxation under subsection (a) of section 501 of the
18 federal Internal Revenue Code of 1986, 26 U.S.C.s.501, as a part of
19 a scholarship program operated by the government or organization,
20 the individual receiving the interest as a scholarship;

21 "Higher education institution" means an eligible educational
22 institution as defined in or for purposes of section 529 of the federal
23 Internal Revenue Code of 1986, 26 U.S.C.s.529. Higher education
24 institution shall include a proprietary institution if expenses for
25 tuition at the institution would be considered qualified higher
26 education expenses under section 529 of the federal Internal
27 Revenue Code of 1986, 26 U.S.C.s.529, but only for degree
28 granting programs licensed or approved by the [Commission on]
29 Department of Higher Education or for other proprietary institutions
30 as determined by the authority;

31 "Investment Manager" means the Division of Investment in the
32 Department of the Treasury or the private entities authorized to do
33 business in this State that may be designated by the authority to
34 invest the funds of the trust pursuant to the terms of this article;

35 "Member of the family" means a member of the family as
36 defined in or for purposes of section 529 of the federal Internal
37 Revenue Code of 1986, 26 U.S.C.s.529;

38 "Nonqualified withdrawal" means a withdrawal from an account
39 other than: a. a qualified withdrawal; b. a withdrawal made as the
40 result of the death or disability of the designated beneficiary of an
41 account; c. a withdrawal made on account of a scholarship (or
42 allowance or payment described in subparagraph (B) or (C) of
43 paragraph (1) of subsection (d) of section 135 of the federal Internal
44 Revenue Code of 1986, 26 U.S.C.s.135) received by the designated
45 beneficiary, but only to the extent of the amount of that scholarship,
46 allowance or payment; d. a rollover or change in designated
47 beneficiary which would not result in a distribution includible in

1 federal gross income under section 529 of the federal Internal
2 Revenue Code of 1986, 26 U.S.C.s.529; or e. any other withdrawal
3 if the failure of the program to impose a more than de minimis
4 penalty on the withdrawal would cause the program not to be a
5 qualified State tuition program under section 529 of the federal
6 Internal Revenue Code of 1986, 26 U.S.C.s.529;

7 "Program" means the "New Jersey Better Educational Savings
8 Trust (NJBEST) Program" established pursuant to this article;

9 "Qualified higher education expenses" means expenses described
10 in paragraph (3) of subsection (e) of section 529 of the federal
11 Internal Revenue Code of 1986, 26 U.S.C.s.529 incurred in
12 connection with the enrollment of a designated beneficiary at a
13 higher education institution;

14 "Qualified withdrawal" means a withdrawal from an account to
15 pay the qualified higher education expenses of the designated
16 beneficiary of the account; but a withdrawal shall not be considered
17 a qualified withdrawal if the failure of the program to impose a
18 more than de minimis penalty on the withdrawal would cause the
19 program not to qualify as a qualified State tuition program under
20 section 529 of the federal Internal Revenue Code of 1986,
21 U.S.C.s.529;

22 "Trust" means the "New Jersey Better Educational Savings
23 Trust" established pursuant to N.J.S.18A:71B-37.
24 (cf: N.J.S.18A:71B-36)

25
26 202. Section 3 of P.L.2001, c.262 (C.18A:71B-66) is amended
27 to read as follows:

28 3. As used in sections 1 through 17 of this act:

29 "Advance payment contract" means a contract entered into by the
30 board and a purchaser pursuant to the provisions of this act;

31 "Board" means the Prepaid Higher Education Expense Board
32 established pursuant to section 6 of this act;

33 "Eligible independent institution of higher education" means
34 those institutions of higher education incorporated and located in
35 this State, which, by virtue of law or character or license, are
36 nonprofit educational institutions empowered to grant academic
37 degrees and which provide a level of education which is equivalent
38 to the education provided by the State's public institutions of higher
39 education as attested by the receipt of and continuation of regional
40 accreditation by the Middle States Association of Colleges and
41 Schools, and which are eligible to receive State aid under the
42 provisions of the Constitution of the United States and the
43 Constitution of the State of New Jersey and whose students are
44 eligible to receive benefits under section 529 of the federal Internal
45 Revenue Code of 1986, 26 U.S.C. s.529. "Eligible independent
46 institution of higher education" shall include a proprietary
47 institution if expenses for tuition at the institution would be
48 considered qualified higher education expenses under section 529 of

1 the federal Internal Revenue Code of 1986, 26 U.S.C.s.529, but
2 only for degree granting programs licensed or approved by the
3 [Commission on] Department of Higher Education or for other
4 proprietary institutions as determined by the board. "Eligible
5 independent institution of higher education" does not include any
6 educational institution dedicated primarily to the preparation or
7 training of ministers, priests, rabbis, or other professional persons in
8 the field of religion;

9 "Fund" means the Prepaid Higher Education Expense Trust Fund
10 established pursuant to section 5 of this act;

11 "Institution of higher education" means an eligible educational
12 institution as defined in or for purposes of section 529 of the federal
13 Internal Revenue Code of 1986, 26 U.S.C.s.529;

14 "Program" means the New Jersey Prepaid Higher Education
15 Expense Program established pursuant to section 4 of this act;

16 "Public institution of higher education" means Rutgers, The State
17 University, the State colleges or universities established pursuant to
18 chapter 64 of Title 18A of the New Jersey Statutes, the New Jersey
19 Institute of Technology, the University of Medicine and Dentistry
20 of New Jersey, the county colleges and any other public university
21 or college now or hereafter established or authorized by State law.
22 A public institution of higher education is an institution whose
23 students are eligible to receive benefits under section 529 of the
24 federal Internal Revenue Code of 1986, 26 U.S.C. s.529;

25 "Purchaser" means a person who makes or is obligated to make
26 payments in accordance with an advance payment contract;

27 "Qualified beneficiary" means: a. a resident of this State at the
28 time a purchaser enters into an advance payment contract on behalf
29 of the resident; or b. a nonresident who is the child of a
30 noncustodial parent who is a resident of the State at the time that
31 the noncustodial parent enters into an advance payment contract on
32 behalf of the child;

33 "Tuition" means the charges imposed by an institution of higher
34 education for enrollment at the institution. The Prepaid Higher
35 Education Expense Board shall determine whether mandatory fees
36 charged by institutions of higher education shall be included in the
37 definition of tuition.

38 (cf: P.L.2001, c.262, s.3)

39
40 203. Section 6 of P.L.2001, c.262 (C.18A:71B-69) is amended
41 to read as follows:

42 6. a. The Prepaid Higher Education Expense Board is
43 established as a body corporate and politic in the [Executive Branch
44 of State Government and for the purposes of complying with the
45 provisions of Article V, Section IV, paragraph 1 of the New Jersey
46 Constitution, the board is allocated in, but not of, the] Department

1 of [State] Higher Education. [Notwithstanding this allocation, the
2 board shall be independent of any supervision or control by the
3 department or by any board or officer thereof.]

4 b. The board shall consist of [11] 10 members, including the
5 State Treasurer or a designee, the [executive director of the
6 Commission on] Chancellor of the Department of Higher
7 Education or a designee, the executive director of the Higher
8 Education Student Assistance Authority or a designee[, the chair of
9 the New Jersey Presidents' Council or a designee]; and seven
10 members appointed by the Governor without regard for political
11 affiliation, one upon the recommendation of the Speaker of the
12 General Assembly, one upon the recommendation of the Minority
13 Leader of the General Assembly, one upon the recommendation of
14 the President of the Senate, and one upon the recommendation of
15 the Minority Leader of the Senate. Each member appointed by the
16 Governor shall possess knowledge, skill, and experience in the
17 areas of accounting, actuary, risk management or investment
18 management. Members appointed by the Governor shall serve
19 terms of three years, except that in making the initial appointments,
20 the Governor shall appoint two members to serve for one year, two
21 members to serve for two years, and three members to serve for
22 three years. Any member appointed to fill a vacancy on the board
23 shall be appointed in a like manner and shall serve until a successor
24 qualifies. Members of the board shall serve without compensation
25 but shall be reimbursed for any necessary expenses incurred in the
26 performance of their duties.

27 c. The Governor shall appoint a member of the board to serve as
28 the initial chair of the board. Thereafter, the board shall elect a
29 chair annually. The board shall annually elect a board member to
30 serve as vice-chair and shall designate a secretary-treasurer who
31 need not be a member of the board. The secretary-treasurer shall
32 keep a record of the proceedings of the board and shall be the
33 custodian of all printed material filed with or by the board and of its
34 official seal. Notwithstanding the existence of vacancies on the
35 board, a majority of the members shall constitute a quorum. The
36 board shall take no official action in the absence of a quorum. The
37 board shall meet, at a minimum, on a quarterly basis at the call of
38 the chair.

39 d. Neither the members of the board, nor any officer or
40 employee of the board shall be liable personally for the debts,
41 liabilities or obligations of the program established pursuant to this
42 act.

43 (cf: P.L.2001, c.262, s.6)

44

45 204. Section 8 of P.L.2001, c.262 (C.18A:71B-71) is amended

1 to read as follows:

2 8. a. The board, acting with the approval of the State Investment
3 Council in the Division of Investment, shall establish a
4 comprehensive investment plan for the purposes of this act and
5 annually review the plan to assure that the program remains
6 actuarially sound. The comprehensive investment plan shall specify
7 the investment policies to be utilized by the board in its
8 administration of the fund. The board may place assets of the fund
9 in savings accounts or use the funds to purchase fixed or variable
10 life insurance or annuity contracts, securities, evidence of
11 indebtedness or other investment products, pursuant to the
12 comprehensive investment plan and in such proportions as may be
13 designated or approved under that plan. The board shall be subject
14 to the "prudent person" standard of care applicable to the Division
15 of Investment in the Department of the Treasury pursuant to
16 subsection b. of section 11 of P.L.1950, c.270 (C.52:18A-89). The
17 insurance, annuity, savings or investment products shall be
18 underwritten and offered in compliance with the applicable federal
19 and State laws and regulations and by persons who are duly
20 authorized by applicable federal and State authorities.

21 b. The board may delegate responsibility for administration of
22 the program to a person the board determines to be qualified.
23 Directly or through the person, the board may contract, in
24 accordance with the provisions of P.L.1954, c.48 (C.52:34-6 et
25 seq.), with a private corporation or institution authorized to do
26 business in this State to provide such services as may be a part of
27 the program or as may be deemed necessary for implementation of
28 the program, including, but not limited to, providing consolidated
29 billing, individual and collective record keeping and accounting,
30 asset purchase, control and safekeeping, investment management,
31 marketing, administration, program operations, and other services
32 deemed necessary and proper to carry out the purposes of this act.
33 In the event that the board delegates a private entity as the
34 investment manager, the assets of the fund shall be invested in
35 accordance with an investment plan approved by the State
36 Investment Council in the Division of Investment.

37 The board shall determine whether the services deemed
38 necessary and proper to carry out the purposes of this act shall be
39 provided by a single or multiple entities.

40 c. The board shall annually prepare or cause to be prepared a
41 report setting forth in appropriate detail an accounting of the fund
42 and a description of the financial condition of the program at the
43 close of each fiscal year. The report shall be submitted to the
44 Governor, the President of the Senate, the Speaker of the General
45 Assembly, the State Treasurer, the [executive director of the New
46 Jersey Commission on] Chancellor of the Department of Higher
47 Education and the executive director of the Higher Education

1 Student Assistance Authority on or before August 1 each year. In
2 addition, the board shall make the report available to purchasers of
3 advance payment contracts. The board shall provide to the
4 [Commission on] Department of Higher Education by August 1
5 each year complete advance payment contract sales information,
6 including projected higher education enrollments of qualified
7 beneficiaries.

8 d. The accounts of the funds shall be subject to annual audits by
9 the State Auditor or a designee. In addition, the board shall
10 commission an annual independent audit of the program. The
11 results of the independent audit shall be provided to the Governor,
12 the President of the Senate, the Speaker of the General Assembly,
13 the State Treasurer, the [executive director of the New Jersey
14 Commission on] Chancellor of the Department of Higher Education
15 and the executive director of the Higher Education Student
16 Assistance Authority. If the board delegates responsibility for the
17 administration of the comprehensive investment plan pursuant to
18 subsection b. of this section, the cost of the independent audit shall
19 be borne by that person.

20 e. The board may make available insurance coverage written
21 exclusively for the purpose of protecting advance payment
22 contracts, and the purchasers or beneficiaries thereof, which may be
23 issued in the form of a group term life policy to purchasers of
24 advance payment contracts.

25 f. Materials produced for the purpose of marketing the program
26 shall be submitted to the board for review and approval. Marketing
27 materials shall not be made available or distributed to the public
28 prior to the materials being approved by the board. An institution
29 of higher education may distribute marketing materials produced for
30 the program. The State and the board shall not be liable for
31 misrepresentation of the program by a marketing agent.

32 g. Statements, reports on distributions and information returns
33 relating to accounts shall be prepared, distributed, and filed to the
34 extent required by section 529 of the federal Internal Revenue Code
35 of 1986, 26 U.S.C. s.529.
36 (cf: P.L.2001, c.262, s.8).

37
38 205. Section 16 of P.L.2001, c.262 (C.18A:71B-79) is amended
39 to read as follows:

40 16. a. A qualified beneficiary who graduates from high school
41 with a 3.0 cumulative grade point average on a 4.0 scale in an
42 academic program or a 3.2 cumulative grade point average on a 4.0
43 scale in a vocational-educational program, based upon grades in
44 core curriculum content subject areas as determined by the board, or
45 who graduates in the top 15% of his high school graduating class
46 shall be admitted to a public institution of higher education. In
47 order to be admitted to a public institution of higher education

1 pursuant to this section, the qualified beneficiary shall meet all of
2 the institution's requirements for admittance. This provision shall
3 not be construed to promise or guarantee that a qualified beneficiary
4 shall be admitted to a particular public institution of higher
5 education.

6 b. In order to effectuate the provisions of subsection a. of this
7 section, the board, in consultation with the [Commission on]
8 Department of Higher Education, shall develop a process to assist
9 qualified beneficiaries in applying to all public institutions of higher
10 education.

11 (cf: P.L.2001, c.262, s.16)

12
13 206. N.J.S.18A:71C-24 is amended to read as follows:

14 18A:71C-24 Unless restricted by the authority by regulations,
15 "eligible institution" means, for the purposes of this article only, an
16 institution of higher education licensed by the appropriate agency or
17 department and accredited or preaccredited by a nationally
18 recognized accrediting association. Eligible institutions shall also
19 include certain proprietary institutions but only for degree granting
20 programs approved by the [commission] department or for other
21 proprietary institutions as determined by the authority.

22 (cf: N.J.S.18A:71C-24)

23
24 207. N.J.S.18A:72A-4 is amended to read as follows:

25 18A:72A-4 (a) There is hereby established in [but not of] the
26 Department of [the Treasury] Higher Education a public body
27 corporate and politic, with corporate succession to be known as the
28 "New Jersey educational facilities authority." [Notwithstanding this
29 allocation, the authority shall be independent of any supervision or
30 control by the department or any officer thereof.] The authority
31 shall constitute a political subdivision of the State established as an
32 instrumentality exercising public and essential governmental
33 functions, and the exercise by the authority of the powers conferred
34 by this chapter shall be deemed and held to be an essential
35 governmental function of the State.

36 (b) The authority shall consist of seven members, two of whom
37 shall be the chairman of the [Commission on Higher Education]
38 chancellor, ex officio, and the State Treasurer, ex officio, or when
39 so designated by them, their deputies and five citizens of the State
40 to be appointed by the Governor with the advice and consent of the
41 Senate for terms of five years; provided that the terms of the
42 members first appointed shall be arranged by the Governor so that
43 one of such terms shall expire on April 30 in each successive year
44 ensuing after such appointments. Each member shall hold office for
45 the term of his appointment and shall continue to serve during the

1 term of his successor unless and until his successor shall have been
2 appointed and qualified. Any vacancy among the members
3 appointed by the Governor shall be filled by appointment for the
4 unexpired term only. A member of the authority shall be eligible
5 for reappointment.

6 (c) Any member of the authority appointed by the Governor may
7 be removed from office by the Governor for cause after a public
8 hearing.

9 (d) The members of the authority shall serve without
10 compensation, but the authority may reimburse its members for
11 necessary expenses incurred in the discharge of their duties.

12 (e) The authority, upon the first appointment of its members and
13 thereafter on or after April 30 in each year, shall annually elect
14 from among its members a chairman and a vice chairman who shall
15 hold office until April 30 next ensuing and shall continue to serve
16 during the terms of their respective successors unless and until their
17 respective successors shall have been appointed and qualified. The
18 authority may also appoint, retain and employ, without regard to the
19 provisions of Title 11, Civil Service, of the Revised Statutes, such
20 officers, agents, employees and experts as it may require, and it
21 shall determine their qualifications, terms of office, duties, services
22 and compensation.

23 (f) The powers of the authority shall be vested in the members
24 thereof in office from time to time and a majority of the total
25 authorized membership of the authority shall constitute a quorum at
26 any meeting thereof. Action may be taken and motions and
27 resolutions adopted by the authority at any meeting thereof by the
28 affirmative vote of a majority of the members present, unless in any
29 case the bylaws of the authority shall require a larger number. No
30 vacancy in the membership of the authority shall impair the right of
31 a quorum to exercise all the rights and perform all the duties of the
32 authority.

33 (g) Before the issuance of any bonds under the provisions of this
34 chapter, the members and the officer of the authority charged with
35 the handling of the authority's moneys shall be covered by a surety
36 bond or bonds in a penal sum of not less than \$25,000.00 per person
37 conditioned upon the faithful performance of the duties of their
38 respective offices, and executed by a surety company authorized to
39 transact business in the State of New Jersey as surety. Each such
40 bond shall be submitted to the Attorney General for his approval
41 and upon his approval shall be filed in the Office of the Secretary of
42 State prior to the issuance of any bonds by the authority. At all
43 times after the issuance of any bonds by the authority the officer of
44 the authority and each member charged with the handling of the
45 authority's moneys shall maintain such surety bonds in full force
46 and effect. All costs of such surety bonds shall be borne by the
47 authority.

48 (h) Notwithstanding any other law to the contrary, it shall not be

1 or constitute a conflict of interest for a trustee, director, officer or
2 employee of a participating college to serve as a member of the
3 authority; provided such trustee, director, officer or employee shall
4 abstain from discussion, deliberation, action and vote by the
5 authority under this chapter in specific respect to such participating
6 college of which such member is a trustee, director, officer or
7 employee.

8 (i) A true copy of the minutes of every meeting of the authority
9 shall be forthwith delivered by and under the certification of the
10 secretary thereof, to the Governor. No action taken at such meeting
11 by the authority shall have force or effect until 10 days, Saturdays,
12 Sundays and public holidays excepted, after such copy of the
13 minutes shall have been so delivered. If, in said 10-day period, the
14 Governor returns such copy of the minutes with veto of any action
15 taken by the authority or any member thereof at such meeting, such
16 action shall be null and of no effect. If the Governor shall not
17 return the minutes within said 10-day period, any action therein
18 recited shall have force and effect according to the wording thereof.
19 At any time prior to the expiration of the said 10-day period, the
20 Governor may sign a statement of approval of any such action of
21 the authority, in which case the action so approved shall not
22 thereafter be disapproved.

23 Notwithstanding the foregoing provisions of this subsection (i),
24 with regard to the sale of bonds of the authority, the authority shall
25 furnish to the Governor a certified copy of the minutes of the
26 meeting at which the bonds are sold and the Governor shall indicate
27 approval or disapproval of the action prior to the issuance of the
28 bonds.

29 The powers conferred in this subsection (i) upon the Governor
30 shall be exercised with due regard for the rights of the holders of
31 bonds of the authority at any time outstanding, and nothing in, or
32 done pursuant to, this subsection (i) shall in any way limit, restrict
33 or alter the obligation or powers of the authority or any
34 representative or officer of the authority to carry out and perform in
35 every detail each and every covenant, agreement or contract at any
36 time made or entered into by or on behalf of the authority with
37 respect to its bonds or for the benefit, protection or security of the
38 holders thereof.

39 (cf: P.L.1999, c.217, s.11)

40
41 208. N.J.S.18A:72A-24 is amended to read as follows:

42 18A:72A-24. The [Governor] Board of Higher Education, or the
43 chancellor, or their representatives, may visit, examine into and
44 inspect, the authority as an institution under the educational
45 supervision of the State, and may require, as often as desired, duly
46 verified reports therefrom giving such information and in such form
47 as the [Governor] board or chancellor shall prescribe.

1 (cf: P.L.1994, c.48, s.237)

2

3 209. N.J.S.18A:72A-26 is amended to read as follows:

4 18A:72A-26. In order to provide new dormitories and to enable
5 the construction and financing thereof, to refinance indebtedness
6 hereafter created by the authority for the purpose of providing a
7 dormitory or dormitories or additions or improvements thereto, or
8 for any one or more of said purposes, but for no other purpose
9 unless authorized by law, each of the following bodies shall have
10 the powers hereafter enumerated to be exercised upon such terms
11 and conditions, including the fixing of any consideration or rental to
12 be paid or received, as it shall determine by resolution as to such
13 property and each shall be subject to the performance of the duties
14 hereafter enumerated, that is to say, the [treasurer] Board of Higher
15 Education as to such as are located on land owned by, or owned by
16 the State and held for, the Department of Higher Education or on
17 lands of the institutions under the jurisdiction of the Department of
18 Higher Education or by the authority, the board of governors of the
19 university, the board of trustees of the New Jersey Institute of
20 Technology or the University of Medicine and Dentistry of New
21 Jersey, the board of trustees of a State college or the board of
22 trustees of a county college as to such as are located on land owned
23 by the university or by the particular college respectively, namely:

24 a. The power to sell and to convey to the authority title in fee
25 simple in any such land and any existing dormitories thereon owned
26 by the Department of Higher Education or owned by the State and
27 held for the department or of any of the institutions under the
28 jurisdiction of the Department of Higher Education or owned by the
29 board of trustees of a county college or the power to sell and to
30 convey to the authority such title as the university or the college
31 respectively may have in any such land and any existing dormitories
32 thereon.

33 b. The power to lease to the authority any land and any existing
34 dormitories thereon so owned for a term or terms not exceeding 50
35 years each.

36 c. The power to lease or sublease from the authority, and to
37 make available, any such land and existing dormitories conveyed or
38 leased to the authority under subsections a. and b. of this section,
39 and any new dormitories erected upon such land or upon any other
40 land owned by the authority, any rentals to be payable, as to the
41 university or as to any such college from available funds other than
42 moneys appropriated to it by the State.

43 d. The power and duty, upon receipt of notice of any assignment
44 by the authority of any lease or sublease made under subsection c.
45 of this section, or of any of its rights under any such lease or
46 sublease, to recognize and give effect to such assignment, and to
47 pay to the assignee thereof rentals or other payments then due or

1 which may become due under any such lease or sublease which has
2 been so assigned by the authority.

3 (cf: P.L.1994, c.48, s.238)

4
5 210. N.J.S.18A:72A-27.1 is amended to read as follows:

6 18A:72A-27.1. In addition to the powers and duties with respect
7 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the
8 [treasurer] Board of Higher Education, the board of governors of
9 the university, the board of trustees of the New Jersey Institute of
10 Technology, the board of trustees of a State college, the board of
11 trustees of a county college and the board of trustees of the
12 University of Medicine and Dentistry of New Jersey shall also have
13 the same power and be subject to the same duties in relation to any
14 conveyance, lease or sublease made under subsection a., b., or c. of
15 [section] N.J.S.18A:72A-26, with respect to revenue producing
16 facilities; that is to say, structures or facilities which produce
17 revenues sufficient to pay the rentals due and to become due under
18 any lease or sublease made under subsection c. of [section]
19 N.J.S.18A:72A-26 including, without limitation, student unions and
20 parking facilities.

21 (cf: P.L.1994, c.48, s.239)

22
23 211. Section 2 of P.L.1988, c.159 (C.18A:72A-27.3) is amended
24 to read as follows:

25 2. The board of trustees of the public institution of higher
26 education shall submit a copy of a resolution approving any non-
27 revenue producing facility project to the President of the Senate and
28 the Speaker of the General Assembly and shall submit
29 informational copies of the proposal to the members of the Senate
30 Budget and Appropriations Committee and the Assembly
31 Appropriations Committee and to the [Commission on] Department
32 of Higher Education. The submission shall include all appropriate
33 supporting information including, but not limited to, a description
34 of the project, its impact, cost and construction schedule, and a
35 detailed explanation of the sources of revenue which will be
36 dedicated to the financing of the project. If the Legislature does not
37 disapprove the proposal by the adoption of a concurrent resolution
38 within 45 days, the proposal shall be deemed to be approved.

39 (cf: P.L.1999, c.217, s.14)

40
41 212. N.J.S.18A:72A-29 is amended to read as follows:

42 18A:72A-29 All [lands and other assets real or personal
43 presently titled in the name of the State Board of Higher Education
44 or the State Department of Higher Education, which are occupied
45 by a public institution of higher education shall be titled in the
46 name of the State of New Jersey only. All conveyances, leases and

1 subleases, pursuant to this chapter shall be made, executed and
2 delivered in the name of the State and shall be signed by the State
3 Treasurer and sealed with the seal of the State] powers conferred
4 and duties imposed upon the Board of Higher Education or the
5 Department of Higher Education pursuant to this chapter shall be
6 exercised and performed by resolution of that board and all
7 conveyances, leases and subleases, pursuant to this chapter shall be
8 made, executed and delivered in the name of the department and
9 shall be signed by the chancellor and sealed with the seal of the
10 department.

11 To the extent not otherwise expressly provided under existing
12 law, all powers and duties conferred upon the university pursuant to
13 this chapter shall be exercised and performed by resolution of its
14 board of governors and all powers and duties conferred upon any of
15 said colleges pursuant to this chapter shall be exercised and
16 performed by resolution of its board of trustees.

17 All conveyances, leases and subleases made pursuant to this
18 chapter, when duly authorized by the university, shall be made,
19 executed and delivered in the name of the university and shall be
20 signed by its president or a vice president and sealed with the seal
21 of the university and all conveyances, leases and subleases made
22 pursuant to this chapter, when duly authorized by any of said
23 colleges, shall be made, executed and delivered in the name of the
24 college and shall be signed by the president or a vice president and
25 sealed with the seal of the college.

26 (cf: P.L.1999, c.46, s.50)

27

28 213. Section 5 of P.L.1997, c.238 (C.18A:72A-63) is amended
29 to read as follows:

30 5. The use of a grant from the technology fund shall require a
31 matching amount from an institution equal to the amount of the
32 grant provided. The initial grants from the technology fund shall be
33 allocated as follows:

34 a. a minimum of \$12,600,000 for the acquisition of higher
35 education technology infrastructure at the State colleges;

36 b. a minimum of \$7,722,000 for the acquisition of higher
37 education technology infrastructure at Rutgers, The State
38 University;

39 c. a minimum of \$4,306,500 for the acquisition of higher
40 education technology infrastructure at the University of Medicine
41 and Dentistry of New Jersey;

42 d. a minimum of \$2,821,500 for the acquisition of higher
43 education technology infrastructure at the New Jersey Institute of
44 Technology;

45 e. a minimum of \$12,600,000 for the acquisition of higher
46 education technology infrastructure at the county colleges;

47 f. a minimum of \$4,950,000 for the acquisition of higher

1 education technology infrastructure at private institutions of higher
2 education;

3 g. a maximum of \$5,000,000 for interconnectivity among the
4 higher education institutions. Expenditures shall be based on an
5 inter-institutional needs assessment. If, as a result of the needs
6 assessment, less than \$5,000,000 is expended from the funds
7 allocated in this subsection, the remaining funds shall be allocated
8 among the institutions designated in subsections a. through f. of this
9 section based on the percentage of the total funds allocated in each
10 of the subsections a. through f.; and

11 h. a minimum of \$5,000,000 for non-matching public library
12 grants or for Statewide library technology initiatives through the
13 New Jersey State Library.

14 The [Commission on] Department of Higher Education may
15 reallocate any balance in the amount authorized in subsections a.
16 through g. of this section, which has not been approved by the
17 commission for a grant within 18 months of the effective date of
18 P.L.1997, c.238 (C.18A:72A-59 et seq.).

19 The [commission] department shall determine the allocation of
20 moneys deposited into the technology fund resulting from the
21 issuance by the authority of new bonds because of the retirement of
22 bonds previously issued by the authority.

23 Acquisition of technology infrastructure funded by grants from
24 the technology fund shall follow the principles of affirmative action
25 and equal opportunity employment. In furtherance of these
26 principles, the [commission] department shall continue its policy of
27 encouraging institutions to solicit bids from, and award contracts to,
28 minority and women-owned businesses.

29 (cf: P.L.1997, c.238, s.5)

30

31 214. Section 6 of P.L.1997, c.238 (C.18A:72A-64) is amended
32 to read as follows:

33 6. a. The governing board of a public or private institution of
34 higher education may determine, by resolution, to apply for a grant
35 from the technology fund. Upon adoption of the resolution, the
36 board shall file an application with the [Commission on]
37 Department of Higher Education, which application shall include a
38 complete description of the technology infrastructure to be acquired
39 and an identification of the sources of revenue to be used for the
40 required institutional match.

41 b. The [commission] department shall review the application
42 and, by resolution, approve or disapprove the grant. For each grant
43 which is approved, the [commission] department shall establish the
44 amount and shall forward a copy of the resolution along with the
45 amount of the grant to the authority.

46 c. Each grant awarded under this act shall be contingent upon

1 the recipient governing board entering into a contract or contracts
2 for the acquisition of technology infrastructure within one year of
3 the date on which the funds of the grant are made available to the
4 institution.

5 (cf: P.L.1997, c.238, s.6)

6
7 215. Section 9 of P.L.1997, c.238 (C.18A:72A-67) is amended
8 to read as follows:

9 9. The authority shall not enter into an agreement with an
10 institution of higher education unless the [Commission on]
11 Department of Higher Education has [adopted a resolution which
12 approves] approved the acquisition of the higher education
13 technology infrastructure by the institution.

14 (cf: P.L.1997, c.238, s.9)

15
16 216. Section 11 of P.L.1997, c.238 (C.18A:72A-69) is amended
17 to read as follows:

18 11. In order to ensure the most effective utilization of the
19 moneys in the technology fund and to guide governing boards
20 which elect to apply for a grant, the [Commission on] Department
21 of Higher Education shall establish criteria for approval and shall
22 specify the information to be included in a grant application.

23 (cf: P.L.1997, c.238, s.11)

24
25 217. Section 12 of P.L.1997, c.238 (C.18A:72A-70) is amended
26 to read as follows:

27 12. The [Commission on] Department of Higher Education, in
28 consultation with the New Jersey Educational Facilities Authority,
29 shall adopt, pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations
31 necessary to carry out the provisions of this act.

32 (cf: P.L.1997, c.238, s.12)

33
34 218. Section 13 of P.L.1997, c.238 (C.18A:72A-71) is amended
35 to read as follows:

36 13. The [Commission on] Department of Higher Education
37 shall annually submit a report to the Governor and the Legislature
38 on the higher education technology infrastructure purchases at
39 public and private institutions of higher education, which have been
40 approved by the commission and financed by the New Jersey
41 Educational Facilities Authority pursuant to this act.

42 (cf: P.L.1997, c.238, s.13)

43
44 219. Section 4 of P.L.1999, c.217 (C.18A:72A-75) is amended
45 to read as follows:

46 4. The capital improvement fund shall be used to provide grants

1 to New Jersey's four-year public and private institutions of higher
2 education for the cost, or a portion of the cost, of the renewal,
3 renovation, improvement, expansion, construction, and
4 reconstruction of facilities and technology infrastructure. Each
5 institution shall use the grants for existing renewal and renovations
6 needs at instructional, laboratory, communication, research, and
7 administrative facilities. An institution may use up to 5% of a grant
8 within student-support facilities for fire code renovations, health-
9 safety code renovations and other State and federal code-related
10 renovations. If all such renewal and renovation is completed or is
11 accounted for through other funding sources, or if an institution is
12 granted an exemption by the [Commission on] Department of
13 Higher Education for the purpose of maximizing federal grant fund
14 recoveries or for the purpose of replacing a building when projected
15 renewal and renovation costs exceed the projected cost of
16 replacement, then grant funds may be used for the improvement,
17 expansion, construction, and reconstruction of instructional,
18 laboratory, communication, and research facilities, or technology
19 infrastructure.

20 As used in this act:

21 "renewal and renovation" means making the changes necessary
22 to address deferred capital maintenance needs, to meet all State and
23 federal health, safety, fire, and building code standards, or to
24 provide a safe and appropriate educational or working environment;

25 "student-support facilities" mean student resident halls, student
26 dining facilities, student activity centers, and student health centers;
27 and

28 "technology infrastructure" means video, voice, and data
29 telecommunications equipment and linkages with a life expectancy
30 of at least 10 years.

31 (cf: P.L.1999, c.217, s.4)

32

33 220. Section 5 of P.L.1999, c.217 (C.18A:72A-76) is amended
34 to read as follows:

35 5. a. An amount not to exceed \$550,000,000 in the capital
36 improvement fund shall be allocated as follows:

37 \$169,000,000 for Rutgers, The State University;

38 \$95,062,500 for the University of Medicine and Dentistry of
39 New Jersey;

40 \$60,937,500 for the New Jersey Institute of Technology;

41 \$175,000,000 for the State colleges and universities; and

42 \$50,000,000 for the private institutions of higher education.

43 b. The [commission] department may reallocate any balance in
44 an amount authorized in subsection a. of this section which has not
45 been approved by the [commission] department for grants within 24
46 months of the adoption of regulations by the [commission]

1 department. The [commission] department may allocate any
2 additional moneys in the capital improvement fund to institutions
3 for capital improvement projects as the [commission] department
4 determines and shall determine the allocation of moneys deposited
5 into the fund resulting from the issuance by the authority of new
6 bonds because of the retirement of bonds previously issued by the
7 authority.

8 c. The facilities and technology infrastructure funded by grants
9 from the capital improvement fund shall follow the principles of
10 affirmative action and equal opportunity employment. In
11 furtherance of these principles, the [commission] department shall
12 continue its policy of encouraging institutions to solicit bids from,
13 and award contracts to, minority and women-owned businesses.
14 (cf: P.L.1999, c.217, s.5)

15
16 221. Section 6 of P.L.1999, c.217 (C.18A:72A-77) is amended
17 to read as follows:

18 6. a. The governing board of a four-year public or private
19 institution of higher education may determine, by resolution, to
20 apply for a grant from the capital improvement fund. Upon
21 adoption of the resolution, the board shall file an application with
22 the [commission] department, which application shall include a
23 complete description of the project to be financed and an
24 identification of any additional sources of revenue to be used.

25 b. In order to ensure the most effective utilization of the moneys
26 in the capital improvement fund and to guide governing boards
27 which elect to apply for a grant, the [commission] department shall
28 establish a list of grant criteria and shall specify the information to
29 be included in a grant application.

30 c. The [commission] department shall review the application
31 and, by resolution, approve or disapprove the grant. When a grant
32 is approved, the [commission] department shall establish the
33 amount and shall forward a copy of the resolution along with the
34 amount of the grant to the authority.

35 d. The [commission] department shall submit to the Legislature
36 a copy of the resolution approving the grant along with the amount
37 of the grant. If the Legislature does not disapprove the grant by the
38 adoption of a concurrent resolution within 45 days, the grant shall
39 be deemed to be authorized.

40 e. When a grant is awarded pursuant to this act, it shall be
41 contingent upon the governing board of the recipient institution
42 entering into a contract or contracts for the commencement of the
43 renewal, renovation, improvement, expansion, construction, and
44 reconstruction of facilities and technology infrastructure within one
45 year of the date on which the funds for the grant are made available.

1 (cf: P.L.1999, c.217, s.6)

2

3 222. Section 15 of P.L.1999, c.217 (C.18A:72A-80) is amended
4 to read as follows:

5 15. The [Commission on] Department of Higher Education, in
6 consultation with the New Jersey Educational Facilities Authority,
7 shall adopt, pursuant to the "Administrative Procedure Act,"
8 P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations
9 necessary to carry out the provisions of this act.
10 (cf: P.L.1999, c.217, s.15)

11

12 223. Section 3 of P.L.1979, c.132 (C.18A:72B-17) is amended
13 to read as follows:

14 3. As used in this act:

15 a. "Eligible institution" or "institution" means only those
16 independent institutions of higher education incorporated and
17 located in this State, which, by virtue of law or character or license,
18 are nonprofit educational institutions empowered to grant academic
19 degrees and which provide a level of education which is equivalent
20 to the education provided by the State's public institutions of higher
21 education as attested by the receipt of and continuation of regional
22 accreditation by the Middle States Association of Colleges and
23 Schools, and which are eligible to receive State aid under the
24 provisions of the Constitution of the United States and the
25 Constitution of the State of New Jersey. "Eligible institution" does
26 not include any educational institution dedicated primarily to the
27 preparation or training of ministers, priests, rabbis, or other
28 professional persons in the field of religion.

29 b. "New Jersey student" means any resident of this State as
30 defined [pursuant to section 1 of P.L.1979, c.361 (C.18A:62-4)] by
31 regulations of the Board of Higher Education.

32 c. "Academic year" means the normal period of attendance,
33 excluding summer session, for a full-time undergraduate student to
34 make a year's progress toward a degree.

35 d. "Full-time equivalent student in an eligible institution" means
36 a unit of 32 undergraduate student credit hours.

37 e. "Undergraduate student" means a student enrolled in a
38 program leading to an associate or baccalaureate degree, or to a
39 certificate, diploma or its equivalent, awarded by the institution.

40 f. "Direct per student support for the State college sector" means
41 the average direct net State support per budgeted full-time
42 equivalent student at the State colleges. This average shall be
43 derived from the General Appropriation Act for the pre-budget year
44 by taking the sum of the total appropriation amounts for all State
45 colleges, except Thomas A. Edison College of New Jersey,
46 subtracting from that sum debt service and capital costs and the sum
47 of anticipated revenues at the State colleges, except Edison College,

1 for tuitions, other student fees, School of Conservation, and
2 miscellaneous; and dividing the remainder by the total number of
3 budgeted full-time equivalent students at the State colleges, as
4 stipulated in language in said Appropriation Act.

5 g. "Department" means the Department of [the Treasury] Higher
6 Education.

7 h. [(Deleted by amendment, P.L.1994, c.48)] "Board" means the
8 Board of Higher Education.

9 i. "Pre-budget year" means the fiscal year preceding the year in
10 which the budget is implemented.

11 (cf: P.L.1994, c.48, s.242)

12
13 224. Section 4 of P.L.1979, c.132 (C.18A:72B-18) is amended
14 to read as follows:

15 4. The [State Treasurer] Board of Higher Education, subject to
16 the availability of appropriations, is authorized to contract with
17 eligible independent colleges and universities in this State to
18 provide educational services to New Jersey students. Payment to
19 the institutions shall be based upon the number of full-time
20 equivalent New Jersey undergraduates enrolled during the pre-
21 budget year in the independent institutions multiplied by 25% of the
22 level of direct per student support for the State college sector during
23 the pre-budget year. The total funding generated by the preceding
24 formula shall be distributed as follows:

25 a. Ten percent of this total shall be divided equally among the
26 eligible institutions. These "designated" amounts shall be awarded
27 to each institution except in any instance where the amount of
28 dollars designated for a particular institution under this section
29 exceeds the total amount to be awarded to that institution under
30 subsections b. and c. of this section. In such instances, the funds
31 designated under subsection a. shall be reduced to equal the total of
32 subsections b. and c., which shall be the amount awarded to the
33 institution under this section. The difference between the amount
34 designated and the amount awarded under this section shall be
35 returned to the department.

36 b. Thirty-five percent shall be distributed on the basis of New
37 Jersey students who received State financial aid or aid administered
38 by such institutions of \$1,000.00 or more, in all cases exclusive of
39 loans, during the pre-budget year.

40 c. Fifty-five percent shall be distributed on the basis of New
41 Jersey full-time equivalent students, as herein defined, enrolled in
42 such institutions during the pre-budget year.

43 The funds granted under this act may be used by the institutions
44 for any purposes which they deem to be appropriate to maintaining
45 or enhancing the quality of the academic offerings available to New
46 Jersey students, except for purposes of sectarian instruction, the
47 construction or maintenance of sectarian facilities, or for any other

1 sectarian purpose or activity. For the purposes of this act the
2 number of full-time equivalent students at the eight State colleges
3 for the 1979-80 academic year is 54,380.

4 (cf: P.L.1994, c.48, s.243)

5
6 225. Section 5 of P.L.1979, c.132 (C.18A:72B-19) is amended
7 to read as follows:

8 5. Funds received by an institution pursuant to this act shall be
9 maintained in a separate ledger account. Each institution shall
10 cause an audit of such account and of enrollment figures to be made
11 annually by a certified public accountant and forwarded to the
12 [treasurer] board. The [treasurer] board shall have the right to audit
13 institutional records pertaining to this act. Each institution also shall
14 furnish to the [treasurer] board a copy of its audited annual
15 financial statement.

16 (cf: P.L.1999, c.46, s.51)

17
18 226. Section 6 of P.L.1979, c.132 (C.18A:72B-20) is amended
19 to read as follows:

20 6. In the event any institution shall expend such funds in
21 violation of the provisions of this act or the rules or regulations of
22 the [treasurer] board, the [treasurer] board may suspend further aid
23 to such institutions and recover any such funds theretofore
24 misspent.

25 (cf: P.L.1994, c.48, s.245)

26
27 227. Section 8 of P.L.1979, c.132 (C.18A:72B-22) is amended
28 to read as follows:

29 8. The [State Treasurer] board shall promulgate rules and adopt
30 policies and make all determinations necessary for the proper
31 administration and enforcement of the provisions of this act.

32 (cf: P.L.1994, c.48, s.246)

33
34 228. Section 1 of P.L.1987, c.312 (C.18A:72B-25) is amended
35 to read as follows:

36 1. As used in this act:

37 a. "Board" means the Board of Higher Education;

38 b. "School" means the Morehouse School of Medicine in
39 Atlanta, Georgia.

40 (cf: P.L.1994, c.48, s.247)

41
42 229. Section 2 of 1987, c.312 (C.18A:72B-26) is amended to
43 read as follows:

44 2. The [State Treasurer] Board of Higher Education is
45 authorized to contract with the Morehouse School of Medicine for
46 the acceptance of New Jersey residents to study medicine.

1 (cf: P.L.1994, c.48, s.248)

2

3 230. Section 3 of P.L.191987, c.312 (C.18A:72B-27) is amended
4 to read as follows:

5 3. Commencing with the first year class to be admitted for the
6 1987-88 academic year, the [treasurer] board shall contract with the
7 school for the acceptance of two to four medical students. The
8 students shall be residents of New Jersey who are from a
9 disadvantaged or minority background and are certified as eligible
10 by the [treasurer] Chancellor of Higher Education. Admission of
11 eligible applicants is based solely on academic merit.

12 (cf: P.L.1994, c.48, s.249)

13

14 231. Section 4 of P.L.1987, c.312 (C.18A:72B-28) is amended
15 to read as follows:

16 4. The [treasurer] chancellor, at his discretion, shall periodically
17 review the school's admissions procedures and records to determine
18 if these procedures comply with the terms of the contract.

19 (cf: P.L.1994, c.48, s.250)

20

21 232. Section 6 of P.L.1987, c.312 (C.18A:72B-30) is amended
22 to read as follows:

23 6. The [treasurer] board shall pay to the school \$11,000.00 per
24 year for each eligible student attending the school pursuant to this
25 act, provided that the school charges the student only the tuition and
26 fees required of resident students. Any showing of a discriminatory
27 practice against a student admitted pursuant to this act in areas such
28 as tuition, financial aid, the quality of instruction or housing or any
29 other area is grounds for termination of the contract by the board.

30 (cf: P.L.1994, c.48, s.251)

31

32 233. Section 7 of P.L.1987, c.312 (C.18A:72B-31) is amended
33 to read as follows:

34 7. a. To be certified by the [treasurer] chancellor as eligible for
35 admission to the school pursuant to this act, the applicant shall (1)
36 be a resident of New Jersey for at least 12 months; and (2) enter
37 into a written agreement to practice medicine for at least four years
38 following the completion of training in an area of the State
39 designated by the [Commissioner of Health] chancellor as one with
40 a shortage of physicians.

41 b. No student admitted to the study of medicine at a medical
42 school within this State shall be certified by the [treasurer]
43 chancellor as eligible for admission to the school pursuant to this
44 act.

45 c. Each agreement shall provide (1) that if the applicant fails to

1 complete medical school, the applicant is liable to reimburse the
2 [treasurer] board for the amount paid to the school to support his
3 education, plus interest in an amount equal to the current prevailing
4 market rate; and (2) that if the applicant, upon licensure as a
5 physician, fails to practice in the designated area for four years, the
6 applicant is liable to reimburse the [treasurer] board for the amount
7 paid to the school to support his education, plus interest in an
8 amount equal to twice the current prevailing market rate. The
9 agreement shall also contain a clause under which the applicant
10 consents to the exercise of jurisdiction over the cause of action by
11 the courts of New Jersey and the execution of a judgment rendered
12 by the New Jersey courts in any jurisdiction.

13 d. The [treasurer] chancellor may waive the requirement of
14 reimbursement upon the death or disability of the individual.
15 (cf: P.L.1994, c.48, s.252)
16

17 234. Section 8 of P.L.1987, c.312 (C.18A:72B-32) is amended
18 to read as follows:

19 8. The school, at a time agreed upon with the [treasurer] board,
20 shall implement a resident training program with a New Jersey
21 hospital, if it is determined that an appropriate out-of-State training
22 program is not available.
23 (cf: P.L.1994, c.48, s.253)
24

25 235. Section 2 of P.L.1979, c.39 (C.18A:72C-2) is amended to
26 read as follows:

27 2. Each institution awarded an Einstein Chair under this act shall
28 select an outstanding scholar to fill the chair on such terms and
29 conditions as may be agreed upon, subject to the approval of the
30 Chancellor of Higher Education, within the appropriations provided
31 for said chairs. Each person appointed to the Einstein Chair may be
32 granted tenure on appointment.
33 (cf: P.L.1994, c.48, s.254)
34

35 236. Section 2 of P.L.1980, c.154 (C.18A:72E-2) is amended to
36 read as follows:

37 2. Subject to available appropriations, Seton Hall shall select an
38 outstanding scholar to fill the chair on such terms and conditions as
39 may be agreed upon, subject to the approval of the Chancellor of
40 Higher Education. The person appointed to the Hughes Chair may
41 be granted tenure on appointment.
42 (cf: P.L.1994, c.48, s.270)
43

44 237. Section 3 of P.L.1984, c.189 (C.18A:72F-3) is amended to
45 read as follows:

46 3. As used in this act:

1 a. "Eligible discipline" means an academic discipline in which
2 minority individuals are underrepresented as determined by the
3 [Commission on] Department of Higher Education in consultation
4 with the Board of Directors of the Educational Opportunity Fund
5 [and the New Jersey Presidents' Council].

6 b. "Faculty member" means any person employed full-time by a
7 New Jersey college or university to perform primarily teaching,
8 research, or administrative duties for 10 or more months per
9 academic year.

10 c. "Minority" means any person who is a member of a racial-
11 ethnic group that has been historically disadvantaged in obtaining
12 access to equal educational opportunities.

13 d. "Program" means the Minority Faculty Advancement
14 Program created pursuant to this act.

15 e. (Deleted by amendment, P.L.1999, c.46.)

16 f. "Eligible student participant" means a minority student
17 enrolled in a doctoral degree program in an eligible discipline, as
18 defined in this section, at any New Jersey college or university that
19 qualifies for and agrees to participate in the program.

20 g. "New Jersey college or university" means any public or
21 independent institution of higher education in the State licensed by
22 the [New Jersey Commission on] Department of Higher Education.
23 (cf: P.L.1999, c.46, s.54)
24

25 238. Section 4 of P.L.1984, c.189 (C.18A:72F-4) is amended to
26 read as follows:

27 4. a. There is established within the [New Jersey Commission
28 on] Department of Higher Education a Minority Faculty
29 Advancement Program.

30 To increase the representation of doctorally trained minority
31 faculty and administrators at New Jersey colleges and universities,
32 the loan and loan redemption features of the Minority Faculty
33 Advancement Loan and Loan Redemption Program, established
34 pursuant to P.L.1984, c.189, shall be phased out and replaced by
35 incentive hiring grants. Support, other than loans, for students
36 participating in the program shall continue through campus
37 assistance grants. The [commission] department may enter into an
38 agreement with another agency or entity to administer or provide
39 services for this program.

40 b. To be eligible for a campus assistance grant, a New Jersey
41 college or university shall enter into an agreement with the
42 [commission] department to provide support opportunities to
43 eligible student participants. Support opportunities may include,
44 but are not limited to: advising; mentoring; workshops and
45 colloquia.

1 c. To be eligible for an incentive hiring grant, a New Jersey
2 college or university shall enter into an agreement with the
3 [commission] department to provide loan redemption up to \$40,000
4 per individual as a benefit to newly hired minority faculty or
5 administrators with doctoral degrees, regardless of whether the
6 doctorate was earned at an institution of higher education within or
7 outside of the State. No more than \$10,000 shall be redeemed for
8 an individual for each year of service as a faculty member or
9 administrator.

10 d. No student loans shall be originated or guaranteed under this
11 program after the effective date of P.L.1999, c.46 (N.J.S.18A:71A-1
12 et al.), to any person not already the recipient of a student loan
13 made or guaranteed under the Minority Faculty Advancement Loan
14 and Loan Redemption Program, established pursuant to P.L.1984,
15 c.189. The Higher Education Student Assistance Authority shall
16 administer the loan and loan redemption components for persons
17 participating prior to the effective date of P.L.1999, c.46
18 (N.J.S.18A:71A-1 et al.) until they have exhausted eligibility for
19 such assistance.
20 (cf: P.L.1999, c.46, s.55)

21
22 239. Section 10 of P.L.1984, c.189 (C.18A:72F-10) is amended
23 to read as follows:

24 10. The impact of the program on the representation of New
25 Jersey college and university minority faculty members with
26 doctoral degrees in the designated disciplines shall be evaluated
27 periodically by the [Commission on] Department of Higher
28 Education in consultation with the Board of Directors of the New
29 Jersey Educational Opportunity Fund [and the New Jersey
30 Presidents' Council].
31 (cf: P.L.1999, c.46, s.61)

32
33 240. Section 11 of P.L.1984, c.189 (C.18A:72F-11) is amended
34 to read as follows:

35 11. The [Commission on] Department of Higher Education
36 shall promulgate such rules and regulations in accordance with the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) as are necessary to carry out the purposes of this act. Rules
39 pertaining to loans and loan redemption pursuant to sections 5
40 through 9 of P.L.1984, c.189 (C.18A:72F-5 through 18A:72F-9)
41 shall be promulgated by the Higher Education Student Assistance
42 Authority.
43 (cf: P.L.1999, c.46, s.62)

44
45 241. Section 18 of P.L.1999, c.46 (C.18A:72F-13) is amended to
46 read as follows:

1 18. In any fiscal year, the [Commission on] Department of
2 Higher Education shall include in its proposed budget for that year
3 the amount identified by the authority needed to fund its
4 responsibilities under the "Minority Faculty Advancement Program
5 Act," as well as any amounts needed to fund commission
6 responsibilities under the "Minority Faculty Advancement Program
7 Act." Funding shall be subject to the amount of appropriations
8 available therefor.

9 (cf: P.L.1999, c.46, s.18)

10
11 242. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to
12 read as follows:

13 3. As used in this act:

14 a. "Auditorily impaired" means a hearing impairment of such
15 severity that the individual depends primarily upon visual
16 communication.

17 b. "Competent authority" means any doctor of medicine or any
18 doctor of osteopathy licensed to practice medicine and surgery in
19 this State.

20 c. [(Deleted by amendment, P.L.1994, c.48).] "Department"
21 means the Department of Higher Education.

22 d. "Eligible student" means any student "admitted to a public or
23 independent institution of higher education who is" suffering from a
24 visual impairment, auditory impairment or a specific learning
25 disability within guidelines established by the [Commission on]
26 Department of Higher Education pursuant to regulations
27 promulgated under this act.

28 e. "Independent institution of higher education" means a college
29 or university incorporated and located in New Jersey, which by
30 virtue of law or character or license is a nonprofit educational
31 institution authorized to grant academic degrees and which provides
32 a level of education which is equivalent to the education provided
33 by the State's public institutions of higher education, as attested by
34 the receipt of and continuation of regional accreditation by the
35 Middle States Association of Colleges and Schools, and which is
36 eligible to receive State aid under the provisions of the Constitution
37 of the United States and the Constitution of the State of New Jersey,
38 but does not include any educational institution dedicated primarily
39 to the education or training of ministers, priests, rabbis or other
40 professional persons in the field of religion.

41 f. "Learning disability" means a significant barrier to learning
42 caused by a disorder in one or more of the basic psychological
43 processes involved in understanding or in using language, spoken or
44 written, which disorder may manifest itself in imperfect ability to
45 listen, think, speak, read, write, spell, or do mathematical
46 calculations. The disorder includes conditions such as perceptual
47 handicap, brain injury, minimal brain dysfunction, dyslexia, and

1 developmental aphasia. This term shall not include learning
2 problems which are primarily the result of visual, hearing, or motor
3 handicaps, mental retardation, emotional disturbances, or
4 environmental, cultural, or economic disadvantage.

5 g. "Program" means the Higher Education Services for Visually
6 Impaired, Auditorily Impaired and Learning Disabled Students
7 Program established pursuant to this act.

8 h. "Public institution of higher education" means Rutgers, The
9 State University, the New Jersey Institute of Technology, the
10 University of Medicine and Dentistry of New Jersey, the State
11 colleges and the county colleges.

12 i. "Support services" or "supportive services" means services
13 that assist eligible students in obtaining a college education and
14 include, but are not limited to, interpreters, note takers, and tutors.

15 j. "Visually impaired" means a vision impairment where the
16 better eye with correction does not exceed 20/200 or where there is
17 a field defect in the better eye in which the diameter of the field is
18 no greater than 20 degrees.

19 (cf: P.L.1994, c.48, s.282)

20
21 243. Section 4 of P.L.1985, c.493 (C.18A:72H-4) is amended to
22 read as follows:

23 4. There is established a Higher Education Services for Visually
24 Impaired, Auditorily and Learning Disabled Students Program
25 within the [Commission on] Department of Higher Education. The
26 program shall provide appropriate support services for eligible
27 students attending a public or independent institution of higher
28 education within the State and promote research and development
29 of techniques and approaches to offset handicapping conditions.
30 All appropriate public and private groups, organizations and
31 agencies shall be consulted in preparing programs and services for
32 these students.

33 (cf: P.L.1994, c.48, s.283)

34
35 244. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to
36 read as follows:

37 6. The [Commission on Higher Education] department, through
38 the Chancellor of Higher Education, shall:

39 a. Enter into agreements with any individual, agency or public
40 or independent institution of higher education in this State, under
41 which the individual, agency or institution shall undertake to
42 provide direct support services to eligible students, provided these
43 services do not duplicate or replace any services for which these
44 students are currently eligible.

45 b. Enter into contractual agreements with any public or
46 independent institution of higher education to establish and
47 maintain within that institution offices to facilitate the provision and

- 1 coordination of support services to eligible students.
- 2 c. Authorize the payment to those individuals, agencies and
3 institutions as set forth in subsections a. and b. of this section of
4 funds appropriated or otherwise made available to the department
5 under this act or any other law, or from any other lawful source.
- 6 d. Assess, evaluate and review the extent of the visual or
7 auditory impairments or the learning disabilities which shall qualify
8 students for eligibility for services pursuant to the regulations
9 promulgated under this act.
- 10 e. Develop and coordinate a comprehensive support plan for
11 eligible students specifying the needs of the eligible students.
- 12 f. Provide the supportive services outlined in the support plan,
13 directly or through contractual agreements with individuals,
14 institutions, agencies and others, as appropriate.
- 15 g. Foster awareness of, and sensitivity to, the students'
16 handicapping conditions through seminars, presentations, bulletins
17 and other activities for instructional, administrative and other staff
18 of public and independent higher educational institutions.
- 19 h. Encourage and facilitate the use of a variety of instructional
20 materials and methods by disseminating to professional staff of
21 public and independent institutions of higher education information
22 on techniques, materials and sources relating to curricular
23 specialities.
- 24 i. Annually review and report to the Governor and the State
25 Legislature on the services and activities funded by the department
26 each year under this act.
27 (cf: P.L.1994, c.48, s.284)
28
- 29 245. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to
30 read as follows:
- 31 7. To assist in fulfilling the duties and responsibilities relating to
32 this act, the [commission] chancellor shall appoint an advisory
33 board, which shall be broadly representative of those individuals
34 and organizations having an active interest in, and academic or
35 practical knowledge and experience in, the abilities and needs of
36 visually impaired, auditorily impaired and learning disabled
37 students; the methods and techniques of evaluation of handicapping
38 conditions and curricular support development, including, without
39 limitation, representatives from professional organizations,
40 parent/student organizations, institutional administrations, academic
41 personnel, student personnel services staff, and students. A
42 representative from the Departments of Labor and Human Services
43 shall serve on the advisory board.
44 (cf: P.L.1994, c.48, s.285)
45
- 46 246. Section 8 of P.L.1985, c.493 (C.18A:72H-8) is amended to
47 read as follows:

1 8. The [commission] chancellor shall adopt rules and regulations
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) to implement the provisions of this act.
4 (cf: P.L.1994, c.48, s.286)

5
6 247. Section 2 of P.L.1988, c.42 (C.18A:72K-2) is amended to
7 read as follows:

8 2. Douglass College shall select a distinguished scholar to fill
9 the chair for a term of up to two years upon such terms and
10 conditions as may be agreed upon subject to the approval of the
11 Chancellor of Higher Education and available appropriations. The
12 purpose of the chair shall be to fund research, teaching and lectures
13 in Women's Studies by an outstanding scholar at Douglass College.
14 (cf: P.L.1994, c.48, s.287)

15
16 248. Section 2 of P.L.1991, c.435 (C.18A:72L-2) is amended to
17 read as follows:

18 2. Monmouth College shall select the individuals to fill the
19 professorship for such periods of time and upon such terms and
20 conditions as may be agreed upon, subject to the approval of the
21 Chancellor of Higher Education and available appropriations. The
22 incumbent of the research professorship shall devote his or her time
23 to teaching, active research, educational policy analysis, program
24 development and public service.
25 (cf: P.L.1994, c.48, s.288)

26
27 249. Section 1 of P.L.1991, c.485 (C.18A:72M-1) is amended to
28 read as follows:

29 1. As used in this act:

30 "Eligible discipline" means an academic discipline in which
31 minority individuals are underrepresented as determined by the
32 [Commission on] Department of Higher Education in consultation
33 with the Board of Directors of the Educational Opportunity Fund
34 [and the New Jersey Presidents' Council].

35 "Minority" means any person who is a member of a racial-ethnic
36 group that has been historically disadvantaged in obtaining access
37 to equal educational opportunities.

38 "Program" means the Minority Undergraduate Fellowship
39 Program established pursuant to this act.

40 (cf: P.L.1999, c.46, s.63)

41

42 250. Section 2 of P.L.1991, c.485 (C.18A:72M-2) is amended to
43 read as follows:

44 2. There is established a Minority Undergraduate Fellowship
45 Program within the [Commission on] Department of Higher
46 Education. The purpose of the program is to identify academically

1 talented minority undergraduate students who may be interested in
2 pursuing an academic career in an eligible discipline at a public or
3 independent institution of higher education within the State, and to
4 provide such students with the institutional and faculty support
5 necessary to assist them in reaching that goal. The [commission]
6 department may enter into an agreement with another agency or
7 entity to administer or provide services for this program
8 (cf: P.L.1999, c.46, s.64)
9

10 251. Section 3 of P.L.1991, c.485 (C.18A:72M-3) is amended to
11 read as follows:

12 3. The [Commission on] Department of Higher Education shall
13 establish policies and procedures for the nomination and selection
14 as program fellows of academically talented minority undergraduate
15 students who are in their junior year of study at a public or
16 independent college or university within the State. Upon the
17 selection of program fellows, the institution in which each student
18 who is selected is enrolled shall assign to the student a faculty
19 advisor who shall do the following:

20 a. Supervise a research project conducted by the fellow during
21 the junior year or actively involve the student in a project which the
22 advisor is conducting;

23 b. Supervise the fellow as an undergraduate teaching assistant in
24 the fellow's senior year of study;

25 c. Accompany the fellow to the annual meeting of the
26 professional association of the fellow's academic discipline; and

27 d. Assist the fellow in the selection of a graduate or professional
28 school.

29 (cf: P.L.1999, c.46, s.65)
30

31 252. Section 5 of P.L.1991, c.485 (C.18A:72M-5) is amended to
32 read as follows:

33 5. The [Commission on] Department of Higher Education in
34 consultation with the Board of Directors of the New Jersey
35 Educational Opportunity Fund [and the New Jersey Presidents'
36 Council] shall periodically evaluate the impact of the program.

37 (cf: P.L.1999, c.46, s.67)
38

39 253. Section 6 of P.L.1991, c.485 (C.18A:72M-6) is amended to
40 read as follows:

41 6. The [Commission on] Department of Higher Education shall
42 adopt rules and regulations pursuant to the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to
44 effectuate the purposes of this act.

45 (cf: P.L.1999, c.46, s.68)
46

1 254. Section 7 of P.L.1991, c.485 (C.18A:72M-7) is amended to
2 read as follows:

3 7. The [commission] department may utilize funding received
4 under the "Minority Faculty Advancement Program Act," P.L.1984,
5 c.189 (C.18A:72F-1 et seq.) in making payments under this act.
6 (cf: P.L.1999, c.46, s.69)
7

8 255. Section 1 of P.L.1987, c.222 (C.5:9-22.1) is amended to
9 read as follows:

10 1. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), any
11 program of education approved by the Department of Education or
12 [by institutions of higher education licensed by] the [Commission
13 on] Department of Higher Education which is intended, in whole or
14 in part, to serve citizens of this State of the age of 65 years or over,
15 shall be considered eligible for State aid from the net proceeds of
16 any State lottery, as shall be provided by law.
17 (cf: P.L.1994, c.48, s.295)
18

19 256. Section 12 of 1991, c.375 (C.5:10-14.3) is amended to read
20 as follows:

21 12. a. The State Treasurer shall establish a special fund to be
22 known as the "Sports Authority Fund" and shall pay into the fund
23 amounts from the General Fund as shall be necessary to pay the
24 principal and interest on bonds or notes of the authority issued
25 pursuant to this section and to pay any amounts due from the
26 authority under any credit agreement entered into by the authority
27 in connection with the bonds or notes, provided that all payments
28 from the General Fund shall be subject to and dependent upon
29 appropriations made from time to time for those purposes.

30 b. (1) The State Treasurer and the authority are authorized to
31 enter into agreements as shall be necessary to effectuate the
32 purposes of this section, including without limitation, provisions for
33 securing the payment of bonds or notes issued by the authority
34 pursuant to subsection d. of this section and the interest thereon and
35 providing for the investment of moneys in the fund; provided that
36 the agreements shall be subject to approval by the presiding officers
37 of both houses of the Legislature, and provided further that when
38 the purposes of this section have been satisfied, and upon the earlier
39 of:

40 (a) the certification by the State Treasurer that the revenues of
41 the authority are sufficient to satisfy the requirements of paragraphs
42 (1), (2), (3), (4), (5) and (6) of subsection c. of section 6 of
43 P.L.1971, c.137 (C.5:10-6) for the term of bonds or notes issued
44 pursuant to subsection d. of this section; or

45 (b) the satisfaction of the requirements for the payment of bonds
46 or notes issued pursuant to P.L.1991, c.375 (C.5:10-3 et al.) or
47 pursuant to P.L.1997, c.273 (C.40:54D-25.1 et al.); the State

1 Treasurer and the authority shall not, except for the refunding of
2 bonds or notes issued pursuant to subsection d. of this section which
3 produces debt service savings, enter into any further agreements
4 regarding payments by the State Treasurer into the "Sports
5 Authority Fund" for any reason, including but not limited to, the
6 financing or restructuring of the debt of the authority.

7 (2) The agreements shall indicate the nature and scope of the
8 projects to be financed pursuant to this section.

9 (3) The agreements shall provide that with respect to the
10 Atlantic City convention center project, the authority shall review
11 all existing expert studies that present options as to the scope and
12 nature of the project and the linkages between the project and the
13 economic development of Atlantic City. Based upon its analysis of
14 the available studies and such other expert studies as the authority
15 may authorize, the authority shall report to the Legislature and
16 include in the minutes of the authority its proposal for the
17 development of the Atlantic City convention center. The report
18 shall include an explanation for the selection of the project option
19 proposed by the authority.

20 c. Notwithstanding anything to the contrary in P.L.1991, c.375
21 (C.5:10-3 et al.), if and to the extent provided in any agreement
22 between the State Treasurer and the authority, all or part of the
23 revenues of the authority, other than luxury tax revenues or
24 revenues of the Atlantic City convention center project and other
25 than tourism related tax revenues or other revenues of the
26 Wildwood convention center facility, in excess of the requirements
27 of the resolutions authorizing or relating to the issuance of any of
28 the authority's bonds or notes, except those issued pursuant to this
29 section, shall be paid into the General Fund in repayment to the
30 State for amounts previously paid by the State pursuant to this
31 section with respect to the payment of principal and interest on
32 bonds or notes issued for any of the purposes set forth in this
33 section, except the purposes set forth in paragraphs (3), (4), (5), and
34 (8) of subsection d. of this section, and any payments on account of
35 any credit agreements with respect to the bonds or notes. Except as
36 otherwise provided in this section, bonds or notes of the authority
37 issued pursuant to this section shall be authorized, sold and issued
38 in the manner and be entitled to the benefits, protection and
39 provisions as apply to bonds and notes of the authority authorized
40 to be issued pursuant to P.L.1971, c.137 (C.5:10-1 et seq.).

41 d. In addition to its other powers to issue bonds and notes, the
42 authority shall have power to issue from time to time bonds and
43 notes payable from amounts in the Sports Authority Fund
44 established pursuant to subsection a. of this section, as follows:

45 (1) To provide sufficient funds to refund from time to time
46 outstanding bonds or notes of the authority issued for the
47 meadowlands complex or the Monmouth racetrack project
48 authorized pursuant to paragraph (5) of subsection a. of section 6 of

1 P.L.1971, c.137 (C.5:10-6), whether or not the bonds or notes or
2 interest thereon have become due, to provide for the establishment
3 of funds or reserves to secure payment of the bonds or notes or any
4 other bonds or notes issued or to be issued for those purposes or
5 interest thereon, and to provide for the payment of all other costs or
6 expenses of the authority incident to or necessary to carry out the
7 refunding; provided that the refunding bonds issued at any time
8 pursuant to this paragraph shall not exceed that amount estimated to
9 be necessary so that subsequent to the refunding, the revenues from
10 the meadowlands complex or the Monmouth racetrack project, as
11 the case may be, shall be sufficient to pay all costs payable from
12 those revenues, as shall be estimated in a determination by the
13 authority made in accordance with the agreement between the
14 authority and the State Treasurer;

15 (2) To finance or refinance a capital program or programs for
16 the meadowlands complex and the Monmouth racetrack project
17 authorized pursuant to paragraph (5) of subsection a. of section 6 of
18 P.L.1971, c.137 (C.5:10-6), adopted by the authority to provide for
19 major repairs, reconstruction and improvements which are legally
20 mandated or otherwise needed to meet environmental or safety
21 requirements, to prevent a loss of revenues, to augment revenues or
22 to continue or enhance the operations of any of the facilities
23 thereof, or to upgrade any of the facilities thereof;

24 (3) To provide for the financing or refinancing of the facilities
25 for Rutgers, The State University pursuant to paragraph (8) of
26 subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

27 (4) To provide for the financing or refinancing of the Atlantic
28 City convention center project;

29 (5) To finance or refinance feasibility studies for public projects
30 consistent with the purposes of the authority;

31 (6) To provide for the financing or refinancing of any other
32 project of the authority, but only if and to the extent expressly
33 authorized by law enacted subsequent to the enactment of P.L.1991,
34 c.375 (C.5:10-3 et al.);

35 (7) To provide for the financing of the facilities at institutions of
36 higher education pursuant to paragraph (11) of subsection a. of
37 section 6 of P.L.1971, c.137 (C.5:10-6), based upon a list of
38 projects recommended by the [Commission on] Chancellor of
39 Higher Education following a competitive application process,
40 provided that the aggregate financing of the projects undertaken
41 pursuant to this paragraph shall not exceed \$5,000,000; and

42 (8) To provide for the financing or refinancing of a convention
43 center facility in the City of Wildwood pursuant to paragraph (12)
44 of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6).

45 e. Bonds and notes authorized pursuant to this section shall be
46 special obligations of the authority payable as herein provided.
47 Bonds and notes shall not be deemed to constitute a debt or liability

1 of the State or a pledge of the faith and credit of the State but are
2 dependent for repayment upon appropriations as provided by law
3 from time to time. These bonds and notes and the interest thereon
4 may also be payable from the proceeds thereof set aside for that
5 purpose and income accruing therefrom.

6 (cf: P.L.1997, c.273, s.21)

7
8 257. Section 8 of P.L.1977, c.166 (C.34:1-69.1a) is amended to
9 read as follows:

10 8. a. There shall be within the Division of the Deaf and Hard of
11 Hearing an Advisory Council on the Deaf and Hard of Hearing
12 which shall consist of 18 members. One representative from each
13 of the following shall be ex-officio members: Department of
14 Education, Department of Health, Department of Human Services,
15 Division of Vocational Rehabilitation Services in the Department of
16 Labor, [Commission on] Department of Higher Education and the
17 Marie Katzenbach School for the Deaf. Twelve members shall be
18 appointed by the Governor: one shall be a business person selected
19 from a list of candidates supplied by the New Jersey State Chamber
20 of Commerce, one lay citizen born of deaf parents, five citizens
21 who are deaf, two of whom shall be chosen from the professions
22 and three to be lay persons, and five citizens who are hard of
23 hearing. In considering the appointment of the five citizens who are
24 deaf the Governor shall give appropriate consideration to persons
25 recommended by profoundly deaf adults represented by the New
26 Jersey Association of the Deaf, Incorporated. In considering the
27 appointment of the five citizens who are hard of hearing, the
28 Governor shall give appropriate consideration to persons
29 recommended by hard of hearing adults represented by the
30 organization, Self Help for Hard of Hearing People, Inc. Each
31 appointive member shall serve for a term of three years and until his
32 successor is appointed and qualifies, except that of the members
33 first appointed the Governor shall designate the appointee's terms so
34 that two shall be appointed for terms of one year, two for terms of
35 two years and three for terms of three years.

36 b. Members of the Advisory Council on the Deaf and Hard of
37 Hearing shall serve without compensation but shall be entitled to
38 reimbursement for expenses incurred in performance of their duties.
39 Vacancies on the council shall be filled for the unexpired term.
40 Members may be removed by the Governor for cause.

41 (cf: P.L.1995, c.168, s.1)

42
43 258. Section 2 of P.L.1999, c.107 (C.34:15C-18) is amended to
44 read as follows:

45 2. a. There is created within the State Employment and Training
46 Commission, established pursuant to section 5 of P.L.1989, c.293
47 (C.34:15C-2) in the Department of Labor, a State Council for Adult

1 Literacy Education Services.

2 b. The 27-member council shall consist of the following ex
3 officio members: the Commissioners of Labor, Human Services,
4 Education, Community Affairs, Corrections, Commerce and
5 Economic Development, [the Executive Director of the Commission
6 on] Higher Education, and the Executive Director of the State
7 Employment and Training Commission. The council shall also
8 include one member of the Senate appointed by the President
9 thereof and one member of the General Assembly appointed by the
10 Speaker thereof, who shall serve during the two-year legislative
11 session in which the appointment is made and who shall not be of
12 the same political party; and 17 public members as follows: five
13 public members appointed by the Governor including a member of
14 a Workforce Investment Board literacy committee, a State or
15 national adult education expert and three representatives of the
16 business community, at least one of whom shall represent a small
17 business; six public members appointed by the President of the
18 Senate including a student or former student who received adult
19 literacy services and a representative from each of the following: a
20 county college, a four-year institution of higher education, the State
21 Library or a local library, a Department of Education-funded adult
22 education provider of adult basic education programs, general
23 educational development programs or English as a second language
24 programs and a community-based organization which is an adult
25 education provider; and six public members appointed by the
26 Speaker of the General Assembly including a representative from
27 each of the following: a vocational school providing adult academic
28 education programs, a trade union, the New Jersey Network, the
29 New Jersey Association of Lifelong Learning, the Literacy
30 Volunteers of America and the New Jersey Education Association.

31 c. The public members shall serve for terms of three years, but
32 of the public members first appointed, six shall serve a term of three
33 years, six shall serve a term of two years and five shall serve a term
34 of one year. Each member shall hold office for the term of
35 appointment and until his successor is appointed and qualified. A
36 member appointed to fill a vacancy occurring in the membership of
37 the board for any reason other than the expiration of the term shall
38 have a term of appointment for the unexpired term only. All
39 vacancies shall be filled in the same manner as the original
40 appointment. A member may be appointed for any number of
41 successive terms. A member may be removed from office by the
42 Governor, for cause, after a hearing and may be suspended by the
43 Governor pending the completion of the hearing.

44 d. The members shall select annually a chairperson and a vice-
45 chairperson, who shall be nongovernmental members of the council,
46 and shall appoint an executive director. The executive director
47 shall report to the chairperson of the council and be responsible for

1 administering the daily operations of the council. The executive
2 director shall serve in the State unclassified service. The council
3 may call to its assistance and avail itself of the services of the
4 employees of any State, county or municipal department, board,
5 bureau, commission or agency as it may require and as may be
6 available to it for its purposes.

7 e. Members of the council shall serve without compensation, but
8 shall be reimbursed for necessary expenses incurred in the
9 performance of their duties as members, within the limits of funds
10 appropriated or otherwise made available to the council for its
11 purposes. Actions may be taken and motions and resolutions may
12 be adopted by the council by an affirmative vote of a majority of
13 the members.

14 (cf: P.L.1999, c.107, s.2)

15
16 259. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to
17 read as follows:

18 1. a. There is created, in the New Jersey State Employment and
19 Training Commission, a council which shall be known as the
20 Council on Gender Parity in Labor and Education.

21 b. The council shall consist of 13 members who are individuals
22 with experience in the fields of labor, education, training or gender
23 equity. The 13 members shall include: four members appointed by
24 the Director of the Division on Women; four members appointed by
25 the Executive Director of the State Employment and Training
26 Commission; and five members who shall serve ex officio, one of
27 whom shall be appointed by the Commissioner of Community
28 Affairs, one by the Commissioner of Education, one by the
29 Commissioner of Human Services, one by the Commissioner of
30 Labor and one by the [Chairperson of the Commission on]
31 Chancellor of the Department of Higher Education. Not more than
32 half of the members appointed by the Director of the Division on
33 Women and not more than half of the members appointed by the
34 Executive Director of the State Employment and Training
35 Commission shall be of the same political party. The members
36 appointed by the director and executive director shall serve for
37 terms of three years, except that of the eight members first
38 appointed by the director and the executive director, four shall be
39 appointed for three years, two shall be appointed for two years, and
40 two shall be appointed for one year. Each member shall hold office
41 for the term of appointment and until his successor is appointed and
42 qualified. A member appointed to fill a vacancy occurring in the
43 membership of the council for any reason other than the expiration
44 of the term shall have a term of appointment for the unexpired term
45 only. Vacancies shall be filled in the same manner as the original
46 appointment. A member may be appointed for any number of
47 successive terms. Any member appointed by the director or the

1 executive director may be removed from the council by the director
2 or the executive director, as the case may be, for cause, after a
3 hearing and may be suspended by the director or the executive
4 director pending the completion of the hearing.

5 c. Members of the council shall serve without compensation, but
6 shall be reimbursed for necessary expenses incurred in the
7 performance of their duties as members. Action may be taken and
8 motions and resolutions may be adopted by the council at a council
9 meeting by an affirmative vote of a majority of the members. The
10 council shall elect from its members a chairperson who shall be a
11 nongovernmental member of the council. Advanced notification
12 for, and copies of the minutes of, each meeting of the council shall
13 be filed with the Governor, the President of the Senate and the
14 Speaker of the General Assembly.

15 (cf: P.L.1999, c.223, s.1)

16
17 260. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to
18 read as follows:

19 2. The Council shall:

20 a. Assess the effectiveness of State programs designed to
21 provide gender equity in labor, education and training;

22 b. Make recommendations to the Commissioners of the
23 Departments of Community Affairs, Education, Human Services
24 and Labor, and the [Chairperson of the Commission on] Chancellor
25 of the Department of Higher Education regarding the needs,
26 priorities, programs and policies related to access and equity for
27 labor, education and workforce training throughout the State;

28 c. Review current and proposed legislation and regulations
29 pertaining to gender equity in labor, education and workforce
30 training and make recommendations regarding possible legislation
31 and regulations to the State Employment and Training Commission
32 and the Division on Women;

33 d. Develop policies to insure that State agencies set benchmarks
34 and integrate their data collection systems to assess progress toward
35 achieving gender equity and take action to insure that appropriate
36 data collection systems exist where needed;

37 e. Develop policies to promote linkages among individuals,
38 schools, organizations and public agencies providing gender equity
39 services and programs;

40 f. Educate and provide information to the public on the issues
41 and current developments in gender equity by issuing reports and
42 holding events such as conferences and symposia;

43 g. Annually assess the implementation of the recommendations
44 of the Gender Equity Task Force of the State Employment and
45 Training Commission which were published in the reports of the
46 task force entitled, "Leveling the Playing Field: Removing Barriers
47 for Women in New Jersey's Employment and Training Programs,"

1 and "Balancing the Equation: A Report on Gender Equity in
2 Education"; and

3 h. Submit an annual report to the Governor, the Legislature, the
4 State Employment and Training Commission and the Division on
5 Women of its assessments and recommendations made pursuant to
6 this section.

7 (cf: P.L.1999, c.223, s.2)

8

9 261. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to
10 read as follows:

11 2. No person shall engage in the business of conducting a
12 drivers' school without being licensed therefor by the Director of
13 Motor Vehicles. Application therefor shall be in writing and
14 contain such information therein as he shall require on initial and
15 renewal applications, including the applicant's Federal Tax
16 Identification number, State tax identification number and proof of
17 workers' compensation insurance coverage by a mutual association
18 or stock company authorized to write coverage on such risks in this
19 State or written authorization by the Commissioner of Banking and
20 Insurance to self-insure for workers' compensation pursuant to
21 R.S.34:15-77. The applicant shall file a surety bond in the amount
22 of \$10,000 issued by a company authorized to transact surety
23 business in this State and payable to the division. A license shall
24 not be issued or renewed unless the applicant or an employee is a
25 qualified supervising instructor. For purposes of this section, a
26 "qualified supervising instructor" shall mean a drivers' school
27 instructor who a. is currently licensed and has been licensed by the
28 division for at least two years prior to submission of the initial or
29 renewal application, b. has successfully provided a minimum of
30 500 hours of behind-the-wheel instruction, and c. has successfully
31 completed a three credit New Jersey driver education college course
32 offered by a college or university licensed by the [New Jersey
33 Commission on] Department of Higher Education. The applicant
34 shall furnish, together with the application, satisfactory evidence
35 that the applicant or an employee is a qualified supervising
36 instructor as set forth herein, except that an applicant for license
37 renewal shall have one year after the date this act becomes effective
38 to furnish evidence of completion of a three credit New Jersey
39 driver education college course to the division. If the application is
40 approved, the applicant shall be granted a license to teach approved
41 courses in classroom and behind-the-wheel driver education upon
42 the payment of a fee of \$250.00; provided, however, no license fee
43 shall be charged for the issuance of a license to any board of
44 education, school board, public, private or parochial school, which
45 conducts a course in driver education, approved by the State
46 Department of Education. A license so issued shall be valid during
47 the calendar year. The annual fee for renewal shall be \$200. The

1 director shall issue a license certificate or license certificates to
2 each licensee, one of which shall be displayed in each place of
3 business of the licensee.

4 A public, parochial or private school or a drivers' school licensed
5 by the director pursuant to this section shall be authorized to
6 provide behind-the-wheel driving instruction.

7 Upon further application to the director, a drivers' school
8 licensed by the director pursuant to this section may be approved by
9 the director to conduct a State approved written drivers'
10 examination, eye examination, or remedial training course, subject
11 to a fee and annual renewal thereof in an amount which shall be
12 determined by the director. The examinations and training course
13 shall be administered pursuant to rules and regulations promulgated
14 by the director and subject to oversight by the division. The
15 authority of the director to suspend, revoke or deny issuance of an
16 initial or renewal license to operate a drivers' school or an
17 instructor's license, and to assess fines, pursuant to this chapter,
18 shall apply to any violations related to the administration of a State
19 approved written drivers' examination, eye examination or remedial
20 training course.

21 In case of the loss, mutilation or destruction of a certificate, the
22 director shall issue a duplicate upon proof of the facts and the
23 payment of a fee of \$5.

24 (cf: P.L.2001, c.420, s.9)

25

26 262. Section 19 of P.L.1971, c.199 (C.40A:12-19) is amended to
27 read as follows:

28 19. When the governing body of a county or municipality shall
29 determine by resolution that all or any part of a tract of land
30 improved or unimproved is no longer needed for public purposes,
31 the governing body may authorize the conveyance of such lands or
32 any portion thereof to the State when so requested or approved by
33 resolution of the State Board of Education or [any board of trustees
34 or board of governors, as appropriate, of a public institution of
35 higher education] the Board of Higher Education or to any board of
36 education in the county or municipality or to a regional board of
37 education of a regional school district or to a consolidated board of
38 education of a consolidated school district or the board of education
39 of any county vocational school, requesting or approving such
40 conveyance by resolution, for a nominal consideration, to be used
41 by the State for educational purposes, connected with the district
42 board of education or the regional board of education or the
43 consolidated board of education or the board of education of any
44 county vocational school, and may cause the same to be duly
45 conveyed by its proper officers accordingly. A prior dedication or
46 use for park purposes of such land or any part thereof shall not be
47 deemed to preclude a transfer and conveyance thereof under the

1 provisions of this section.
2 (cf: P.L.1994, c.48, s.297)

3
4 263. Section 8 of P.L.1977, c.144 (C.45:2B-8) is amended to
5 read as follows:

6 8. Every applicant for a certificate shall present to the board a
7 written application for such certificate on a form to be provided by
8 the board, together with the required fee, and satisfactory proof of
9 the following:

10 a. That the applicant is at least 18 years of age;

11 b. That the applicant is of good moral character;

12 c. That the applicant is a resident of this State or maintains an
13 office in this State for the regular practice of public accounting or is
14 employed in this State by a certified public accountant or firm of
15 certified public accountants having an office in this State for the
16 practice of public accounting;

17 d. (1) That the applicant has a baccalaureate degree or its
18 equivalent as determined by the [New Jersey Commission on]
19 Department of Higher Education including such courses in
20 accounting and related professional courses as the board may
21 require, provided, that the board shall admit to the examination an
22 individual who demonstrates to the board's satisfaction that he has
23 acquired through experience and substantial formal higher
24 education the equivalent of such baccalaureate degree;

25 (2) That the applicant after July 1, 2000, and according to the
26 rules established by the board, has at least 150 credit hours of
27 education, including a baccalaureate or higher degree, from an
28 institution of higher education acceptable to the board. The board
29 shall promulgate rules or regulations to require the applicant's total
30 educational program include an accounting concentration or its
31 equivalent; and

32 e. That the applicant has had in the aggregate the following
33 experience:

34 (1) At least two years in public accounting work in the office of
35 a certified public accountant or a public accountant, or a firm of
36 certified public accountants or a firm of public accountants; or

37 (2) (Deleted by amendment, P.L.1991, c.361).

38 (3) At least four years accounting work in the employ of some
39 state or any political subdivision thereof or of the United States; or

40 (4) At least four years in comparable accounting activity.

41 The board may accept teaching experience or graduate or other
42 study in courses related to accounting in lieu of the required
43 experience.

44 Evidence of such experience or study shall be submitted to the
45 board in detail for its review and evaluation. Such evidence must
46 demonstrate preparation for practice requiring the intensive,
47 diversified application of accounting and auditing principles and

1 procedures.

2 The board may accept service in the Armed Forces of the United
3 States for experience credit on the basis of one month's credit for
4 each six months' service, with a maximum credit of eight months.
5 (cf: P.L.1995, c.267, s.1)

6

7 264. Section 8 of P.L.1997, c.259 (C.45:2B-49) is amended to
8 read as follows:

9 8. Every applicant for examination for licensure as a certified
10 public accountant shall present to the board a written application on
11 a form to be provided by the board, together with the required fee,
12 and satisfactory proof of the following:

13 a. That the applicant is at least 18 years of age;

14 b. That the applicant is of good moral character; and

15 c. That the applicant has at least 150 semester hours of
16 education, including a baccalaureate or higher degree or its
17 equivalent, from an institution of higher education accredited by a
18 regional accrediting agency recognized by the [Commission on]
19 Department of Higher Education. The educational program shall
20 include a concentration in accounting or its equivalent and related
21 professional courses as determined by regulation of the board.

22 Notwithstanding the provisions of subsection c. of this section,
23 an applicant who applies prior to July 1, 2005 shall qualify for
24 examination for licensure if he has a baccalaureate degree or its
25 equivalent from an institution of higher education acceptable to the
26 board; provided, however, that no applicant shall be issued a license
27 unless he has successfully completed at least the 150 semester hours
28 of education required pursuant to subsection c. of this section.

29 (cf: P.L.2001, c.149, s.3)

30

31 265. Section 3 of P.L.1979, c.46 (C.45:6-50) is amended to read
32 as follows:

33 3. The board shall have the following additional powers and
34 duties, under this act:

35 a. To examine, admit, and deny persons applying for admission
36 to the practice of dental hygiene;

37 b. To issue licenses to practice dental hygiene;

38 c. To certify academic and clinical institutions and hospitals
39 which educate and train persons for the practice of dental hygiene
40 or dental assisting in accordance with standards substantially
41 similar to those of the American Dental Association's Commission
42 on Accreditation of Dental and Dental Auxiliary Educational
43 Programs and Council on Hospital Dental Service and taking into
44 consideration the advice of the [New Jersey Commission on] New
45 Jersey Department of Higher Education and the New Jersey
46 Department of Education;

47 d. To issue certificates of good standing to dental hygienists

- 1 who hold a valid subsisting license to practice in this State;
- 2 e. To establish by rule or regulation, standards for the training
3 and utilization of registered dental assistants and limited registered
4 dental assistants;
- 5 f. To establish and recognize councils and committees which
6 may advise and make recommendations to the board on various
7 aspects of the education and practice for dental hygienists,
8 registered dental assistants, limited registered dental assistants or
9 dental assistants;
- 10 g. To prescribe expanded functions to be performed solely by
11 dental hygienists and to be performed by dental hygienists,
12 registered dental assistants and limited registered dental assistants
13 under a single standard of proficiency necessary and proper to
14 protect and promote the public health and welfare of the citizens of
15 this State, and impose such restrictions and requirements, including
16 the setting of educational prerequisites to the performance of such
17 functions and the administration of examinations, as are necessary
18 to insure adherence to the adopted standard of proficiency.
19 Expansion and assignment of such functions, training and
20 examination procedures shall be developed in consultation with the
21 relevant advisory councils;
- 22 h. To adopt rules and regulations to achieve the objectives
23 contemplated by this act, pursuant to the Administrative Procedure
24 Act, P.L.1968, c.410 (C.52:14B-1 et seq.);
- 25 i. To do any and all other things which may be appropriate to
26 achieve the objectives contemplated by this act, or which may be
27 useful in executing any of the duties, powers or functions of the
28 board.
- 29 (cf: P.L.1995, c.367, s.2)

30
31 266. Section 2 of P.L.1968, c.401 (C.45:8B-2) is amended to
32 read as follows:

33 2. As used in this act, unless the context clearly requires
34 otherwise and except as in this act expressly otherwise provided:

35 (a) "Licensed marriage and family therapist" means an
36 individual to whom a license has been issued pursuant to the
37 provisions of this act, which license is in force and not suspended or
38 revoked as of the particular time in question.

39 (b) The "practice of marriage and family therapy" means the
40 rendering of professional marriage and family therapy services to
41 individuals, couples and families, singly or in groups, whether in
42 the general public or in organizations, either public or private, for a
43 fee, monetary or otherwise. "Marriage and family therapy" is a
44 specialized field of therapy which includes premarital counseling
45 and therapy, pre- and post-divorce counseling and therapy, and
46 family therapy. The practice of marriage and family therapy
47 consists of the application of principles, methods and techniques of
48 counseling and psychotherapy for the purpose of resolving

1 psychological conflict, modifying perception and behavior, altering
2 old attitudes and establishing new ones in the area of marriage and
3 family life. In its concern with the antecedents of marriage, with
4 the vicissitudes of marriage, and with the consequences of the
5 failure of marriage, marriage and family therapy keeps in sight its
6 objective of enabling clients to achieve the optimal adjustment
7 consistent with their welfare as individuals, as members of a family,
8 and as citizens in society.

9 (c) "Board" means the State Board of Marriage and Family
10 Therapy Examiners acting as such under the provisions of this act.

11 (d) "Recognized educational institution" means any educational
12 institution which grants the bachelor's, master's and doctor's
13 degrees, or any one or more thereof, and which is recognized by the
14 [Commission on] Department of Higher Education or by any
15 accrediting body acceptable to the State Board of Marriage and
16 Family Therapy Examiners.

17 (cf: P.L.1995, c.366, s.2)

18
19 267. Section 4 of P.L.1981, c.142 (C.52:13D-17.2) is amended
20 to read as follows:

21 4. a. As used in this section "person" means any State officer or
22 employee subject to financial disclosure by law or executive order
23 and any other State officer or employee with responsibility for
24 matters affecting casino activity; any special State officer or
25 employee with responsibility for matters affecting casino activity;
26 the Governor; any member of the Legislature or any full-time
27 member of the Judiciary; any full-time professional employee of the
28 Office of the Governor, or the Legislature; members of the Casino
29 Reinvestment Development Authority; the head of a principal
30 department; the assistant or deputy heads of a principal department,
31 including all assistant and deputy commissioners; the head of any
32 division of a principal department; any member of the governing
33 body, or the municipal judge or the municipal attorney of a
34 municipality wherein a casino is located; any member of or attorney
35 for the planning board or zoning board of adjustment of a
36 municipality wherein a casino is located, or any professional
37 planner, or consultant regularly employed or retained by such
38 planning board or zoning board of adjustment.

39 b. No State officer or employee, nor any person, nor any
40 member of the immediate family of any State officer or employee,
41 or person, nor any partnership, firm or corporation with which any
42 such State officer or employee or person is associated or in which
43 he has an interest, nor any partner, officer, director or employee
44 while he is associated with such partnership, firm, or corporation,
45 shall hold, directly or indirectly, an interest in, or hold employment
46 with, or represent, appear for, or negotiate on behalf of, any holder
47 of, or applicant for, a casino license, or any holding or intermediary

1 company with respect thereto, in connection with any cause,
2 application, or matter, except that (1) a State officer or employee
3 other than a State officer or employee included in the definition of
4 person, and (2) a member of the immediate family of a State officer
5 or employee, or of a person, may hold employment with the holder
6 of, or applicant for, a casino license if, in the judgment of the
7 Executive Commission on Ethical Standards, the Joint Legislative
8 Committee on Ethical Standards, or the Supreme Court, as
9 appropriate, such employment will not interfere with the
10 responsibilities of the State officer or employee, or person, and will
11 not create a conflict of interest, or reasonable risk of the public
12 perception of a conflict of interest, on the part of the State officer or
13 employee, or person. No special State officer or employee without
14 responsibility for matters affecting casino activity, excluding those
15 serving in the Departments of Education, Health and Senior
16 Services, and Human Services and the [Commission on]
17 Department of Higher Education, shall hold, directly or indirectly,
18 an interest in, or represent, appear for, or negotiate on behalf of, any
19 holder of, or applicant for, a casino license, or any holding or
20 intermediary company with respect thereto, in connection with any
21 cause, application, or matter. However, a special State officer or
22 employee without responsibility for matters affecting casino
23 activity may hold employment directly with any holder of or
24 applicant for a casino license or any holding or intermediary
25 company thereof and if so employed may hold, directly or
26 indirectly, an interest in, or represent, appear for, or negotiate on
27 behalf of, his employer, except as otherwise prohibited by law.

28 c. No person or any member of his immediate family, nor any
29 partnership, firm or corporation with which such person is
30 associated or in which he has an interest, nor any partner, officer,
31 director or employee while he is associated with such partnership,
32 firm or corporation, shall, within two years next subsequent to the
33 termination of the office or employment of such person, hold,
34 directly or indirectly, an interest in, or hold employment with, or
35 represent, appear for or negotiate on behalf of, any holder of, or
36 applicant for, a casino license in connection with any cause,
37 application or matter, or any holding or intermediary company with
38 respect to such holder of, or applicant for, a casino license in
39 connection with any phase of casino development, permitting,
40 licensure or any other matter whatsoever related to casino activity,
41 except that:

42 (1) a member of the immediate family of a person may hold
43 employment with the holder of, or applicant for, a casino license if,
44 in the judgment of the Executive Commission on Ethical Standards,
45 the Joint Legislative Committee on Ethical Standards, or the
46 Supreme Court, as appropriate, such employment will not interfere
47 with the responsibilities of the person and will not create a conflict

1 of interest, or reasonable risk of the public perception of a conflict
2 of interest, on the part of the person;

3 (2) an employee who is terminated as a result of a reduction in
4 the workforce at the agency where employed, other than an
5 employee who held a policy-making management position at any
6 time during the five years prior to termination of employment, may,
7 at any time prior to the end of the two-year period, accept
8 employment with the holder of, or applicant for, a casino license if,
9 in the judgment of the Executive Commission on Ethical Standards,
10 the Joint Legislative Committee on Ethical Standards, or the
11 Supreme Court, as appropriate, such employment will not create a
12 conflict of interest, or reasonable risk of the public perception of a
13 conflict of interest, on the part of the employee. In no case shall the
14 restrictions of this subsection apply to a secretarial or clerical
15 employee. Nothing herein contained shall alter or amend the post-
16 employment restrictions applicable to members and employees of
17 the Casino Control Commission and employees and agents of the
18 Division of Gaming Enforcement pursuant to subsection b. (2) of
19 section 59 and to section 60 of P.L.1977, c.110 (C.5:12-59 and
20 C.5:12-60); and

21 (3) any partnership, firm or corporation engaged in the practice
22 of law with which a former member of the Judiciary is associated,
23 and any partner, officer, director or employee thereof, other than the
24 former member, may represent, appear for or negotiate on behalf of
25 any holder of, or applicant for, a casino license in connection with
26 any cause, application or matter or any holding company or
27 intermediary company with respect to such holder of, or applicant
28 for, a casino license in connection with any phase of casino
29 development, permitting, licensure or any other matter whatsoever
30 related to casino activity, and the former member shall not be
31 barred from association with such partnership, firm or corporation,
32 if the former member: (1) is screened, for a period of two years next
33 subsequent to the termination of the former member's employment,
34 from personal participation in any such representation, appearance
35 or negotiation; and (2) the former member is associated with the
36 partnership, firm or corporation in a position considered "of
37 counsel," which does not entail any equity interest in the
38 partnership, firm or corporation.

39 d. This section shall not apply to the spouse of a State officer or
40 employee, which State officer or employee is without responsibility
41 for matters affecting casino activity, who becomes the spouse
42 subsequent to the State officer's or employee's appointment or
43 employment as a State officer or employee and who is not
44 individually or directly employed by a holder of, or applicant for, a
45 casino license, or any holding or intermediary company.

46 e. The Joint Legislative Committee on Ethical Standards and the
47 Executive Commission on Ethical Standards, as appropriate, shall
48 forthwith determine and publish, and periodically update, a list of

1 those positions in State government with responsibility for matters
2 affecting casino activity.

3 f. No person shall solicit or accept, directly or indirectly, any
4 complimentary service or discount from any casino applicant or
5 licensee which he knows or has reason to know is other than a
6 service or discount that is offered to members of the general public
7 in like circumstance.

8 g. No person shall influence, or attempt to influence, by use of
9 his official authority, the decision of the commission or the
10 investigation of the division in any application for licensure or in
11 any proceeding to enforce the provisions of this act or the
12 regulations of the commission. Any such attempt shall be promptly
13 reported to the Attorney General; provided, however, that nothing
14 in this section shall be deemed to proscribe a request for
15 information by any person concerning the status of any application
16 for licensure or any proceeding to enforce the provisions of this act
17 or the regulations of the commission.

18 h. Any person who willfully violates the provisions of this
19 section is a disorderly person and shall be subject to a fine not to
20 exceed \$500.00 or imprisonment not to exceed six months, or both.
21 (cf: P.L.2001, c.75, s.1)

22

23 268. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
24 read as follows:

25 2. As used in this act:

26 (a) The term "State" means the State of New Jersey.

27 (b) The term "commission" means the State Health Benefits
28 Commission, created by section 3 of this act.

29 (c) The term "employee" means an appointive or elective officer
30 or full-time employee of the State of New Jersey. For the purposes
31 of this act an employee of Rutgers, The State University of New
32 Jersey, shall be deemed to be an employee of the State, and an
33 employee of the New Jersey Institute of Technology shall be
34 considered to be an employee of the State during such time as the
35 Trustees of the Institute are party to a contractual agreement with
36 the [State Treasurer] Board of Higher Education for the provision of
37 educational services. The term "employee" shall further mean, for
38 purposes of this act, a former employee of the South Jersey Port
39 Corporation, who is employed by a subsidiary corporation or other
40 corporation, which has been established by the Delaware River Port
41 Authority pursuant to subdivision (m) of Article I of the compact
42 creating the Delaware River Port Authority (R.S.32:3-2), as defined
43 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible
44 for continued membership in the Public Employees' Retirement
45 System pursuant to subsection j. of section 7 of P.L.1954, c.84
46 (C.43:15A-7).

47 For the purposes of this act the term "employee" shall not

1 include persons employed on a short-term, seasonal, intermittent or
2 emergency basis, persons compensated on a fee basis, persons
3 having less than two months of continuous service or persons whose
4 compensation from the State is limited to reimbursement of
5 necessary expenses actually incurred in the discharge of their
6 official duties. An employee paid on a 10-month basis, pursuant to
7 an annual contract, will be deemed to have satisfied the two-month
8 waiting period if the employee begins employment at the beginning
9 of the contract year. The term "employee" shall also not include
10 retired persons who are otherwise eligible for benefits under this act
11 but who, although they meet the age eligibility requirement of
12 Medicare, are not covered by the complete federal program. A
13 determination by the commission that a person is an eligible
14 employee within the meaning of this act shall be final and shall be
15 binding on all parties.

16 (d) The term "dependents" means an employee's spouse and the
17 employee's unmarried children under the age of 23 years who live
18 with the employee in a regular parent-child relationship. "Children"
19 shall include stepchildren, legally adopted children and foster
20 children provided they are reported for coverage and are wholly
21 dependent upon the employee for support and maintenance. A
22 spouse or child enlisting or inducted into military service shall not
23 be considered a dependent during the military service. The term
24 "dependents" shall not include spouses of retired persons who are
25 otherwise eligible for the benefits under this act but who, although
26 they meet the age eligibility requirement of Medicare, are not
27 covered by the complete federal program.

28 (e) The term "carrier" means a voluntary association,
29 corporation or other organization, including a health maintenance
30 organization as defined in section 2 of the "Health Maintenance
31 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully
32 engaged in providing or paying for or reimbursing the cost of,
33 personal health services, including hospitalization, medical and
34 surgical services, under insurance policies or contracts, membership
35 or subscription contracts, or the like, in consideration of premiums
36 or other periodic charges payable to the carrier.

37 (f) The term "hospital" means (1) an institution operated
38 pursuant to law which is primarily engaged in providing on its own
39 premises, for compensation from its patients, medical diagnostic
40 and major surgical facilities for the care and treatment of sick and
41 injured persons on an inpatient basis, and which provides such
42 facilities under the supervision of a staff of physicians and with 24
43 hour a day nursing service by registered graduate nurses, or (2) an
44 institution not meeting all of the requirements of (1) but which is
45 accredited as a hospital by the Joint Commission on Accreditation
46 of Hospitals. In no event shall the term "hospital" include a
47 convalescent nursing home or any institution or part thereof which
48 is used principally as a convalescent facility, residential center for

1 the treatment and education of children with mental disorders, rest
2 facility, nursing facility or facility for the aged or for the care of
3 drug addicts or alcoholics.

4 (g) The term "State managed care plan" means a health care plan
5 under which comprehensive health care services and supplies are
6 provided to eligible employees, retirees, and dependents: (1)
7 through a group of doctors and other providers employed by the
8 plan; or (2) through an individual practice association, preferred
9 provider organization, or point of service plan under which services
10 and supplies are furnished to plan participants through a network of
11 doctors and other providers under contracts or agreements with the
12 plan on a prepayment or reimbursement basis and which may
13 provide for payment or reimbursement for services and supplies
14 obtained outside the network. The plan may be provided on an
15 insured basis through contracts with carriers or on a self-insured
16 basis, and may be operated and administered by the State or by
17 carriers under contracts with the State.

18 (h) The term "Medicare" means the program established by the
19 "Health Insurance for the Aged Act," Title XVIII of the "Social
20 Security Act," Pub.L. 89-97 (42 U.S.C. s.1395 et seq.), as amended,
21 or its successor plan or plans.

22 (i) The term "traditional plan" means a health care plan which
23 provides basic benefits, extended basic benefits and major medical
24 expense benefits as set forth in section 5 of P.L.1961, c.49
25 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
26 dependents for expenses for covered health care services and
27 supplies through payments to providers or reimbursements to
28 participants.

29 (cf: P.L.1997, c.150, s.25)

30
31 269. Section 1 of P.L.1995, c.92 (C.52:18A-113.2) is amended
32 to read as follows:

33 1. a. The Department of Education, the [Commission on]
34 Department of Higher Education, and the governing body of any
35 public institution of higher education may enter into a written
36 agreement with any of its employees to reduce the employee's
37 annual salary for the purpose of investing in a tax-deferred annuity
38 for the employee pursuant to section 403(b) of the federal Internal
39 Revenue Code of 1954, as amended. Investments shall be (1) with
40 an insurer or mutual fund company authorized to provide
41 investment contracts under the alternate benefit program; (2) in
42 investment contracts authorized under the program for supplemental
43 retirement benefits which meet the requirements of section 403(b)
44 of the federal Internal Revenue Code, as amended; and (3) on the
45 same terms and conditions provided for participants in the alternate
46 benefit program.

47 b. An agreement (1) shall specify the amount and the effective

1 date of the reduction; (2) shall be subject to filing with and approval
2 by the State Treasurer or filing with and approval by the governing
3 body of the institution of public higher education, as appropriate;
4 and (3) shall be legally binding and irrevocable with respect to the
5 amounts earned while the agreement is in effect. The total amount
6 of the reduction in an employee's salary pursuant hereto, for any
7 calendar year, shall not, when added to the contributions made in
8 the year on behalf of the employee in accordance with section 7 of
9 P.L.1963, c.123 (C.52:18A-113), exceed the limitations set forth in
10 Pub.L.93-406 (Employment Retirement Income Security Act of
11 1974) and section 415 (c) of the Internal Revenue Code (26
12 U.S.C.s.415 (c)).

13 c. An agreement may be terminated at any time upon written
14 notice by either the employee or the employer. Termination shall
15 take effect at the beginning of the payroll period whose first day is
16 nearest to the 30th day following the day on which notification of
17 termination was (1) received by the employer, in the event
18 termination is initiated by the employee, or (2) sent to the
19 employee, in the event termination is initiated by the employer.

20 d. Amounts payable pursuant to this section by an employer on
21 behalf of an employee for a payroll period shall be transmitted and
22 credited not later than the fifth business day after the date on which
23 the employee is paid for that pay period.
24 (cf: P.L.1999, c.247, s.4)

25

26 270. Section 1 of P.L.1996, c.77 (C.52:18A-113.6) is amended
27 to read as follows:

28 1. Employees of the Department of Education, the [Commission
29 on] Department of Higher Education, or the governing body of any
30 public institution of higher education who are participants in the
31 Supplemental Annuity Collective Trust pursuant to section 403(b)
32 of the federal Internal Revenue Code of 1954, as amended, may :

33 a. transfer all or a portion of any funds that they may have
34 invested as participants in the Supplemental Annuity Collective
35 Trust to a tax-deferred annuity with an insurer or mutual fund
36 company authorized to provide investment contracts under the
37 alternate benefit program pursuant to the provisions of P.L.1995,
38 c.92 (C.52:18A-113.2 et seq.); or

39 b. transfer all or a portion of any funds that they may have
40 invested in a tax-deferred annuity with any authorized provider to

1 the Supplemental Annuity Collective Trust.
2 (cf: P.L.1996, c.77, s.1)

3
4 271. Sections 1 through 33 and sections 301, 305 and 306 of
5 P.L.1994, c.48 (C.18A:3B-1 through 18A:3B-36 inclusive) are
6 repealed.

7
8 272. This act shall take effect on July 1, 2003.
9

10
11 STATEMENT
12

13 This bill establishes the Department of Higher Education as a
14 principal department in the executive branch of the State
15 government and repeals the "Higher Education Restructuring Act of
16 1994" under which the department was previously abolished. Both
17 the New Jersey Presidents' Council and the New Jersey Commission
18 on Higher Education are eliminated, and their duties and
19 responsibilities are transferred to the Board of Higher Education,
20 the Department of Higher Education and the Chancellor of Higher
21 Education, as appropriate.

22 The Board of Higher Education would consist of 16 members as
23 follows: the Chairman of the Board of Governors of Rutgers, The
24 State University; the Chairman of the Board of Trustees of The
25 New Jersey Institute of Technology; the Chairman of the New
26 Jersey Association of State Colleges and Universities; the Chairman
27 of the Board of Trustees of the University of Medicine and
28 Dentistry of New Jersey; a representative trustee member of the
29 Council of County Colleges; the President of the State Board of
30 Education; a representative of the private colleges and universities
31 of New Jersey, to be designated by the Association of Independent
32 Colleges and Universities in New Jersey, with the approval of the
33 Governor; and nine citizens, residents of the State, of whom at least
34 two must be women, appointed by the Governor with the advice and
35 consent of the Senate for six-year terms. The chancellor and the
36 Commissioner of Education would be ex officio members, but
37 without vote.

38 Under the bill, the board would have such duties and
39 responsibilities as developing and maintaining a comprehensive
40 master plan and establishing new colleges or divisions on the basis
41 of the plan; setting minimum admission standards; approving new
42 programs and degrees; coordinating budget requests and submitting
43 a combined request for appropriations annually to the Governor;
44 setting policy on salary and fringe benefits; licensing institutions of
45 higher education; exercising visitorial general powers of
46 supervision and control; and establishing guidelines for tuition rates
47 and other student fees.

48 The chief executive officer and administrator of the Department

1 of Higher Education would be the chancellor, initially appointed by
2 the Governor with the advice and consent of the Senate for a five-
3 year term. Thereafter, the chancellor would be appointed by the
4 Board of Higher Education, subject to the approval of the Governor,
5 for a term of five years.

6 Several higher education agencies which were assigned to other
7 departments of State government under the Higher Education
8 Restructuring Act are transferred to the Department of Higher
9 Education, including the Higher Education Student Assistance
10 Authority, the Educational Opportunity Fund, and the Educational
11 Facilities Authority.