

[Third Reprint]

**SENATE, No. 2063**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED JUNE 7, 2012

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

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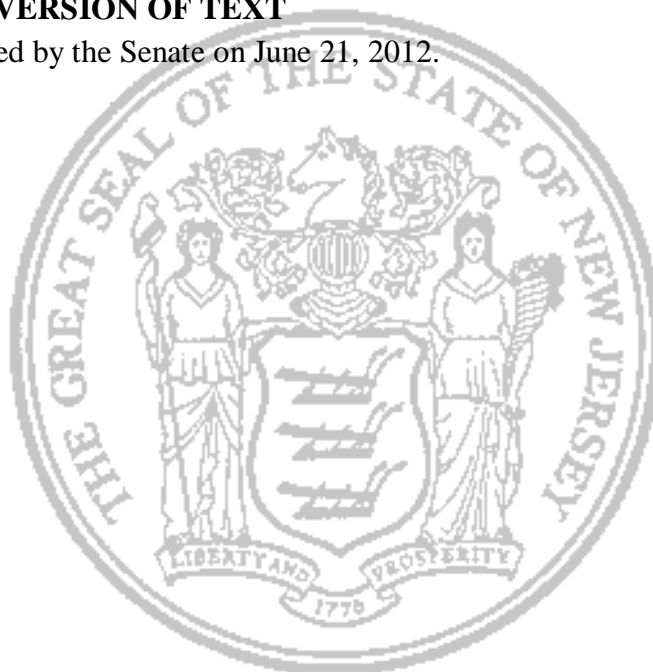
**Senator Lesniak**

**SYNOPSIS**

“New Jersey Medical and Health Sciences Education Restructuring Act.”

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 21, 2012.



**(Sponsorship Updated As Of: 6/29/2012)**

1 AN ACT concerning the public system of higher education, revising  
2 various parts of the statutory law, and supplementing Title 18A  
3 of the New Jersey Statutes.

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “New Jersey Medical and Health Sciences Education  
10 Restructuring Act.”

11  
12 <sup>2</sup>2. (New section) The Legislature finds and declares that:

13 <sup>3</sup>[a. Rutgers, The State University, is a body corporate and  
14 politic that operates schools and colleges in the State of New Jersey  
15 and offers degrees in undergraduate studies, graduate studies, and  
16 professional studies such as medical, legal and business, operating  
17 pursuant to the authority granted to it by the Rutgers, the state  
18 university law, P.L.1956, c.61. Rutgers is the only comprehensive  
19 public research university in New Jersey and currently consists of  
20 three campuses in New Brunswick, Newark, and Camden;

21 b. Rutgers was established as the “instrumentality of the state  
22 for the purposes of operating the state university” and whose  
23 primary purpose is as a public trust for the provision of higher  
24 education pursuant to N.J.S.18A:65-2. To this end, the law  
25 provided for its liberal construction “necessary for the welfare of  
26 the state and the people of New Jersey to provide for the  
27 development of public higher education in the state and thereby to  
28 increase the efficiency of the public school system in the state...”  
29 The goal was to create a comprehensive public university to  
30 enhance the higher education opportunities available to the people  
31 of the State of New Jersey;

32 c. The University of Medicine and Dentistry of New Jersey  
33 (“UMDNJ”) is a body corporate and politic that operates programs  
34 of medical, dental, nursing, public health and health-related  
35 professions and health sciences education in the State of New  
36 Jersey, currently operating pursuant to the authority granted to it by  
37 the “Medical and Dental Education Act of 1970,” P.L.1970, c.102,  
38 and “The University of Medicine and Dentistry of New Jersey  
39 Flexibility Act of 1992,” P.L.1992, c.84. UMDNJ was established  
40 to serve the interests of the State by establishing programs of  
41 medical, dental, nursing, public health, health sciences and health-  
42 related professions. It was charged with providing a greater number  
43 of trained medical personnel to assist in staffing hospitals and

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHI committee amendments adopted June 14, 2012.

<sup>2</sup>Senate SBA committee amendments adopted June 18, 2012.

<sup>3</sup>Senate floor amendments adopted June 21, 2012.

1 public institutions and agencies and to prepare a greater number of  
2 students for the general practice of health-related professions in  
3 New Jersey. To that end UMDNJ was provided authority to form  
4 relationships with health care organizations, research institutions  
5 and private individuals, firms and corporations. Such public-private  
6 relationships would supplement the resources available from the  
7 State, thereby providing an economic and efficient means for  
8 developing and offering a full range of health care services.

9 It is the intent of this legislation to recognize and maintain the  
10 spirit and intent of the “Agreements Reached Between Community  
11 and Government Negotiators Regarding New Jersey College of  
12 Medicine and Dentistry and Related Matters of April 30, 1968;”

13 d. Currently, UMDNJ operates two allopathic medical schools  
14 in the State of New Jersey: one located in Newark (New Jersey  
15 Medical School) and the other located in New  
16 Brunswick/Piscataway (Robert Wood Johnson Medical School). In  
17 addition, UMDNJ operates an osteopathic medical school at  
18 Stratford, New Jersey. There are no other osteopathic medical  
19 schools located in the State;

20 e. UMDNJ - School of Osteopathic Medicine (“UMDNJ-  
21 SOM”) is a major source of primary care physicians for the State  
22 and South Jersey. The school offers several post graduate residency  
23 and fellowship positions for approximately 600 students through  
24 affiliate hospitals including endocrinology, cardiology, critical care,  
25 gastroenterology, nephrology, infectious disease, and many others.  
26 UMDNJ-SOM is at the forefront of addressing the need for more  
27 physicians; and has expanded its class size by 50% over the past  
28 two years. Of the more than 1,700 graduates of UMDNJ-SOM, 55%  
29 practice in the State, about half of whom deliver primary care;

30 f. Rowan University (“Rowan”) is a state university located in  
31 Glassboro, New Jersey, with a campus in Camden, New Jersey,  
32 currently operating pursuant to the authority granted to State  
33 colleges by N.J.S.18A:64-1 et seq., and P.L.1994, c.48 (C.18A:3B-1  
34 et seq.). Rowan is presently considered a major regional higher  
35 education institution. Currently it is comprised of seven academic  
36 colleges: Business, Communication, Education, Engineering, Fine  
37 & Performing Arts, Liberal Arts & Sciences, and the College of  
38 Professional and Continuing Education, and a Graduate School.  
39 Rowan’s nearly 11,000 students may pursue degrees in 36  
40 undergraduate majors, seven teacher certification programs, 26  
41 master’s degree programs and a doctorate in educational leadership.  
42 Rowan University’s main campus is located just 20 miles from  
43 Cooper University Hospital with a satellite campus in Camden.  
44 Rowan University has a reputation as a top regional university and  
45 is home to a newly-constructed, state-of-the-art Science building for  
46 reputable programs focusing on science and technology;

47 g. In June 2009, Rowan University and The Cooper Health  
48 System partnered to establish Cooper Medical School of Rowan

1 University (CMSRU), the first new medical school in New Jersey in  
2 30 years. The establishment of CMSRU, a four-year medical school  
3 located in Camden, will help address the current local and national  
4 shortage of physicians and improve healthcare throughout the  
5 region. Its inaugural class will begin in August 2012;

6 h. Historically, the State has suffered a shortage of higher  
7 education capacity resulting in the substantial outmigration from the  
8 State of college-bound students. This outmigration has  
9 disproportionately affected the residents of the fastest growing  
10 region in the State, South Jersey. It is in the public interest that  
11 senior public education institutions in South Jersey work together to  
12 meet the demand for higher education capacity in the region. These  
13 transfers are essential to ensuring that all of the State's capable high  
14 school graduates are provided with the opportunity to obtain higher  
15 education in a New Jersey college classroom. The guarantee of a  
16 quality in-State education requires that these transfers be made in a  
17 comprehensive fashion to better enable the State to meet its  
18 growing workforce development needs;

19 i. This essential and practical expansion of the State higher  
20 education system will help to address the educational demands of  
21 the fastest growing region in the State. The coordination of Rutgers-  
22 Camden and Rowan University will spur the redevelopment of  
23 Camden by creating a long overdue residential campus, and  
24 expanding a health sciences campus anchored by the new Cooper  
25 Medical School of Rowan University, emphasizing the biosciences,  
26 biomedical engineering, nursing and allied health. Therefore, it is in  
27 the public interest that Rutgers-Camden be granted autonomy from  
28 Rutgers, the State University, that Rowan University is declared a  
29 public research university and that both schools work together with  
30 the newly formed Rowan University-Rutgers-Camden Board of  
31 Governors, as an efficient and cost effective means to address an  
32 historical disparity in educational capacity and opportunity between  
33 the northern and southern regions of New Jersey; and

34 j. The transfer of UMDNJ-SOM to Rowan University will  
35 allow better coordination of medical education in South Jersey.  
36 UMDNJ-SOM is ranked in the top three osteopathic schools in the  
37 country, and is a leader in providing primary care physicians for the  
38 southern region of the State. Rowan University would have the  
39 important distinction of being only the second full-purpose  
40 university in the country to have both an osteopathic and allopathic  
41 medical school.<sup>2</sup>]

42 a. Rutgers, The State University ("Rutgers"), is a body corporate  
43 and politic that operates schools and colleges in the State of New  
44 Jersey and offers degrees in undergraduate studies, graduate studies,  
45 and professional studies such as medical, legal and business,  
46 operating pursuant to the authority granted to it by the Rutgers, the  
47 state university law, P.L.1956, c.61;

1       b. Rutgers was designated as the State university in 1945, but it  
2 was not until 1956 under the Rutgers Compact that the State  
3 assumed managerial control and financial responsibility over the  
4 school. Upon reorganization in 1956, Rutgers' formerly private  
5 governing board – the Board of Trustees – transferred all  
6 management, control, administration and policy-making functions  
7 to the publicly controlled Board of Governors. The Board of  
8 Trustees, now designated as an instrumentality of the state, retained  
9 the power to manage and invest certain pre-1956 private assets or  
10 private gifts and maintained an advisory role at the school in  
11 support of the University;

12       c. Rutgers was established as the “instrumentality of the state  
13 for the purpose of operating the state university” and whose primary  
14 purpose is as a public trust for the provision of higher education  
15 pursuant to N.J.S.18A:65-2. To this end, the law provided for its  
16 liberal construction “necessary for the welfare of the state and the  
17 people of New Jersey to provide for the development of public  
18 higher education in the state and thereby to increase the efficiency  
19 of the public school system of the state...” Rutgers is the only  
20 comprehensive public research university in New Jersey and  
21 currently consists of three campuses in New Brunswick, Newark,  
22 and Camden;

23       d. The University of Medicine and Dentistry of New Jersey  
24 (“UMDNJ”) is a body corporate and politic that operates programs  
25 of medical, dental, nursing, public health and health-related  
26 professions and health sciences education in the State of New  
27 Jersey, currently operating pursuant to the authority granted to it by  
28 the “Medical and Dental Education Act of 1970,” P.L.1970, c.102,  
29 and “The University of Medicine and Dentistry of New Jersey  
30 Flexibility Act of 1992,” P.L.1992, c.84. One of its founding  
31 institutions was the former Rutgers Medical School. UMDNJ was  
32 established to serve the interests of the State by establishing  
33 programs of medical, dental, nursing, public health, health sciences  
34 and health-related professions. It was charged with providing a  
35 greater number of trained medical personnel to assist in staffing  
36 hospitals and public institutions and agencies and to prepare a  
37 greater number of students for the general practice of health-related  
38 professions in New Jersey. To that end UMDNJ was provided  
39 authority to form relationships with health care organizations,  
40 research institutions and private individuals, firms and corporations.  
41 Such public-private relationships would supplement the resources  
42 available from the State, thereby providing an economic and  
43 efficient means for developing and offering a full range of health  
44 care services;

45       e. It is the intent of this legislation to recognize and maintain  
46 the spirit and intent of the “Agreements Reached Between  
47 Community and Government Negotiators Regarding New Jersey  
48 College of Medicine and Dentistry and Related Matters of April 30,

1 1968”;

2 f. Currently, UMDNJ operates two allopathic medical schools in  
3 the State of New Jersey: one located in Newark (New Jersey  
4 Medical School) and the other located in New  
5 Brunswick/Piscataway (Robert Wood Johnson Medical School). In  
6 addition, UMDNJ operates an osteopathic medical school at  
7 Stratford, New Jersey. There are no other osteopathic medical  
8 schools located in the State;

9 g. The University of Medicine and Dentistry of New Jersey-  
10 School of Osteopathic Medicine (“UMDNJ-SOM”) is a major  
11 source of primary care physicians for the State and South Jersey.  
12 The school offers several post-graduate residency and fellowship  
13 positions for approximately 600 students through affiliate hospitals  
14 including endocrinology, cardiology, critical care, gastroenterology,  
15 nephrology, infectious disease, and many others. UMDNJ-SOM is  
16 at the forefront of addressing the need for more physicians and has  
17 expanded its class size by 50% over the past two years. Of the more  
18 than 1,700 graduates of UMDNJ-SOM, 55% practice in the State,  
19 about half of whom deliver primary care;

20 h. Rowan University (“Rowan”) is a State university located in  
21 Glassboro, New Jersey, with a campus in Camden, New Jersey,  
22 currently operating pursuant to the authority granted to State  
23 colleges by N.J.S.18A:64-1 et seq., and P.L.1994, c.48 (C.18A:3B-1  
24 et seq.). Rowan is presently considered a major regional higher  
25 education institution. Currently it is comprised of seven academic  
26 colleges: Business, Communication, Education, Engineering, Fine  
27 & Performing Arts, Liberal Arts & Sciences, and the College of  
28 Professional and Continuing Education, and a Graduate School.  
29 Rowan’s nearly 11,000 students may pursue degrees in 36  
30 undergraduate majors, seven teacher certification programs, 26  
31 master’s degree programs and a doctorate in educational leadership.  
32 Rowan University’s main campus is located just 20 miles from  
33 Cooper University Hospital with a satellite campus in Camden.  
34 Rowan University has a reputation as a top regional university and  
35 is home to a newly-constructed, state-of-the-art science building for  
36 programs focusing on science and technology;

37 i. In June 2009, Rowan University and The Cooper Health  
38 System partnered to establish Cooper Medical School of Rowan  
39 University (CMSRU), the first new medical school in New Jersey in  
40 30 years. The establishment of CMSRU, a four-year medical school  
41 located in Camden, will help address the current local and national  
42 shortage of physicians and improve healthcare throughout the  
43 region. Its inaugural class will begin in August 2012;

44 j. The goals of this legislation are to create and enhance the  
45 essential higher education opportunities for the residents of the  
46 State and to create vibrant educational institutions and communities  
47 that attract business to the State and which will allow the State to  
48 retain its residents in terms of college placement and workforce.

1 The future economic development of the country will be a  
2 knowledge-based economy which will put a premium on an  
3 educated workforce and advanced degrees. This legislation  
4 restructures the higher education system in the State to provide for  
5 more vigorous educational communities that will provide  
6 opportunities for students and the workforce necessary to attract  
7 crucial private sector jobs as this century unfolds;

8 k. The Legislature has the ultimate responsibility for balancing  
9 the functions of public higher education institutions in New Jersey.  
10 The State has a responsibility for improving and expanding higher  
11 education opportunities for its residents and in that regard it has  
12 established a multi-level higher education system for which it has  
13 the responsibility to assess from time-to-time and to restructure as  
14 needed to improve higher education opportunities. This legislation  
15 reflects a thorough and intense review of the higher education  
16 system in the State and makes rational changes the Legislature  
17 believes are necessary to provide residents with access to a high-  
18 quality in-State education. Higher education is vital for a thriving  
19 economy because our State's sophisticated economy -- home to  
20 many pharmaceutical, biological science and other complex  
21 industries -- demands a well-trained workforce;

22 l. This legislation also renews the State's commitment to  
23 sustaining and growing its universities and to help them achieve  
24 greater success on the national and international stage. New Jersey  
25 must stem the persistent historical fact of seeing its brightest high  
26 school students leave the State to attend college, and then not return  
27 after college. As a State, we lead the nation in net out-migration of  
28 college-bound students. This out-migration of students leads to the  
29 out-migration of a well-trained workforce and prevents the State  
30 from attracting crucial private sector jobs. This legislation will  
31 allow for the development of a system to cultivate better  
32 collaboration between its businesses and its institutions of higher  
33 education. New Jersey's economy will benefit from increased and  
34 integrated coordination between public and private research;

35 m. For the State's students to receive the quality higher  
36 education necessary for future growth and for the State to achieve  
37 its economic goals, Rutgers, as the State's pre-eminent institution of  
38 higher education, for all that it has achieved in its history, must  
39 become a great university and enter the top tier of public research  
40 universities. To this end, the relationship between Rutgers and the  
41 State has evolved to meet changing times, from 1770 when it was  
42 chartered as Queen's College, through several amendments to the  
43 charter in the late 1700's, to amending the charter in 1825 to change  
44 the name of the school to Rutgers University, to the 1945 legislation  
45 declaring Rutgers as the state university of New Jersey, to the 1956  
46 Compact whereby the Board of Trustees of Rutgers ceded  
47 management and operational control of the school to the State in the  
48 form of the Board of Governors in return for substantial financial

1 assistance, and to the subsequent amendments to the Rutgers  
2 Compact in 1967, 1970, 1988 and 1994. The Legislature has an  
3 obligation to the State and its students to ensure the relationship is  
4 still working and thriving. As evidenced by the storied past between  
5 the State and Rutgers, the Legislature has periodically examined the  
6 role of Rutgers in the State's higher education system and made  
7 necessary legislative changes to that relationship to reflect and  
8 address the evolving educational needs of the State;

9 n. As the relationship with Rutgers has evolved, the State has  
10 become more involved both financially and in creating a growing  
11 higher education system for its residents. The State has provided in  
12 excess of \$10 billion in support to Rutgers since fiscal year 1990 for  
13 its operations as The State University of New Jersey and the State  
14 has a responsibility to ensure its funding is leading to greater higher  
15 education opportunities and jobs;

16 o. There has been widespread recognition for some time that  
17 Rutgers needs to take steps with the State's assistance to transform  
18 it from a middle- to a first-ranked public institution. In the last  
19 decade, an intense discussion about how to elevate Rutgers into a  
20 top-tier school has taken place in the State, starting with the  
21 Vagelos Report in 2002 and 2004, the Kean Report in 2010 and the  
22 Barer Report in 2012. These reports reflect that Rutgers' role in the  
23 State's system of higher education has been the subject of intense  
24 scrutiny and debate. This legislation is the product and culmination  
25 of this decade-long assessment of Rutgers' educational mission;

26 p. This legislation continues Rutgers as The State University of  
27 New Jersey and the pre-eminent governance role of its Board of  
28 Governor's as a public body. The legislation mandates that the  
29 Board of Governors shall continue to have authority over the  
30 granting of tenure and promotions, establishing standards for  
31 academic programs and for the awarding of tenure to faculty at its  
32 Newark and Camden campuses. The Board of Governors shall be  
33 represented on the Rutgers-Camden Board of Trustees and the  
34 Rutgers University-Newark Board of Governors and additionally,  
35 the Rutgers-Camden Board of Trustees is represented on the Rowan  
36 University-Rutgers Camden Board of Governors. The Legislature  
37 consulted with and sought and obtained active participation of  
38 Rutgers in establishing the elements of this educational  
39 restructuring that will permit Rutgers to enhance its position. The  
40 Legislature has determined that the slight governance changes to  
41 Rutgers in this act are necessary to promote essential opportunities  
42 for higher education in the State and to improve the standing of  
43 Rutgers University as a whole;

44 q. The legislation fulfills the longstanding goal of Rutgers  
45 University to acquire a medical school and become a  
46 comprehensive public research university. Rutgers has long sought  
47 to regain a medical school as part of its curriculum; by Rutgers own  
48 public statements, acquiring a medical school will propel Rutgers



1 into a top-tier research university, and place it at or near the top 20  
2 public universities in the nation. Very few great research  
3 universities lack a medical school. This legislation will provide for  
4 the transfer of the Newark-based UMDNJ schools (New Jersey  
5 Medical School, the New Jersey Dental School, School of Health  
6 Related Professions, the School of Nursing, the School of Public  
7 Health, and the Public Health Research Institute) to Rutgers and  
8 will transfer UMDNJ's Robert Wood Johnson Medical School  
9 located in New Brunswick to Rutgers as well. These institutions are  
10 valued at an excess of \$895.5 billion dollars;

11 r. Rutgers currently falls behind other public research  
12 universities in some key measures. Most importantly, the school  
13 ranked 64<sup>th</sup> in 2009 in federally-financed research and development  
14 expenditures. This low ranking is primarily influenced by the lack  
15 of a medical school as part of the degree offerings at Rutgers.  
16 Having a medical school will attract top-flight researchers and thus  
17 research grants, to Rutgers. The addition of a medical school to  
18 Rutgers will also increase interdisciplinary opportunities among the  
19 academic departments of the school;

20 s. The need to reform medical education in the State has been a  
21 subject discussed for years but up until now has been left  
22 unresolved. The reports done in the past ten years have consistently  
23 come to the same conclusion regarding UMDNJ. The Barer Report  
24 noted that the present organization of UMDNJ's substantial assets is  
25 not the best structure to maximize the effectiveness of the State's  
26 investment in medical, dental, nursing and health sciences  
27 education, associated research and health care. The State is the  
28 home base for many of the world's largest pharmaceutical and  
29 biotechnical companies. As such, the State and its institutions of  
30 higher education should, but do not, lead the country in attracting  
31 federal research funding and associated clinical training. This  
32 legislation will address these issues and establish a first-class  
33 comprehensive public research university-based health science  
34 center in New Jersey through the merger of the New Jersey Medical  
35 School and Robert Wood Johnson Medical School into Rutgers;

36 t. Historically, the State has suffered a shortage of higher  
37 education capacity resulting in the substantial outmigration from the  
38 State of college-bound students. This outmigration has  
39 disproportionately affected the residents of the fastest growing  
40 region in the State, South Jersey. It is in the public interest that  
41 senior public education institutions in South Jersey work together to  
42 meet the demand for higher education capacity in the region. These  
43 transfers are essential to ensuring that all of the State's capable high  
44 school graduates are provided with the opportunity to obtain higher  
45 education in a New Jersey college classroom. The guarantee of a  
46 quality in-State education requires that these transfers be made in a  
47 comprehensive fashion to better enable the State to meet its  
48 growing workforce development needs;

1       u. This essential and practical expansion of the State's higher  
2 education system will help to address the educational demands of  
3 the fastest growing region in the State. The coordination of Rutgers-  
4 Camden and Rowan will spur the redevelopment of Camden by  
5 creating a long overdue residential campus, and expanding a health  
6 sciences campus anchored by the new Cooper Medical School of  
7 Rowan University, emphasizing the biosciences, biomedical  
8 engineering, nursing and allied health. Therefore, it is in the public  
9 interest that Rutgers-Camden be granted autonomy from Rutgers,  
10 that Rowan be declared a public research university, and that both  
11 schools work together with the newly formed Rowan University-  
12 Rutgers Camden Board of Governors, as an efficient and cost  
13 effective means to address an historical disparity in educational  
14 capacity and opportunity between the northern and southern regions  
15 of New Jersey;

16       v. Integrating these existing higher education institutions will  
17 increase research capacity and spur the continued vitality of a  
18 region that is no longer supported by historical strengths in  
19 manufacturing and agriculture. Furthermore, this legislation will  
20 help to stop the annual escape to other states of thousands of  
21 students and patients, and millions in clinical research investment  
22 dollars from key institutions in South Jersey;

23       w. The transfer of UMDNJ-SOM to Rowan University will  
24 allow better coordination of medical education in South Jersey.  
25 UMDNJ-SOM is ranked in the top three osteopathic schools in the  
26 country, and is a leader in providing primary care physicians for the  
27 southern region of the State. After the transfer, Rowan University  
28 would have the important distinction of being only the second full-  
29 purpose university in the country to have both an osteopathic and  
30 allopathic medical school. One stated goal of the Rowan University-  
31 Rutgers University-Camden Board of Governors is to create a joint  
32 health sciences college. The addition of UMDNJ-SOM into Rowan  
33 University will benefit its faculty through providing opportunities  
34 for diverse training to students through interdisciplinary teaching  
35 and collaboration with the newly created health sciences faculty  
36 from the other universities. Integrating UMDNJ-SOM with Rowan  
37 University would add a successful, recognized enterprise to the  
38 newly designated public research university;

39       x. Adding UMDNJ-SOM to Rowan, along with the new  
40 Cooper Medical School of Rowan University, will revitalize the  
41 regional economy through a renewed commitment to higher  
42 education. This legislation will allow Rowan University to build the  
43 capacity to compete for and receive federal and private sector  
44 research grants that will drive the university, the region, and its new  
45 medical school, to new distinction;

46       y. Currently, Newark is home to many institutions of higher  
47 education including Rutgers, the University of Medicine and  
48 Dentistry of New Jersey, Seton Hall University School of Law,

1 New Jersey Institute of Technology, Essex County College and  
2 Berkeley College. The existing educational infrastructure needs to  
3 be able to do even more to help the city and the northern region of  
4 the State with its economic development needs and to provide  
5 innovative and problem-solving leadership. This legislation will  
6 allow Rutgers University-Newark to focus on the specific higher  
7 education needs of the region and will allow the new board of  
8 governors to exploit the assets of the region to attract talented  
9 students and accomplished faculty to the school. This legislation  
10 will provide for an independent University Hospital that will  
11 maintain its status as the principal teaching hospital of the New  
12 Jersey Medical School, New Jersey Dental School and any other  
13 Newark-based medical education programs;

14 z. The stated goal of this legislation is to create vibrant  
15 educational institutions and communities that will not only attract  
16 students but attract private sector jobs. This new Rutgers board of  
17 governors can be a catalyst for change in the region and help in  
18 achieving this goal. The increased attention to the Rutgers  
19 University-Newark campus and the University Hospital will allow  
20 the city to derive not only significant financial, medical and  
21 educational benefits, but cultural and social benefits as well. The  
22 improved focus on the Newark campus will be a conduit for  
23 expanding commercial opportunities in the city and for providing  
24 greater opportunities for students in the northern region to benefit  
25 fully from the substantial public investments already made and to  
26 be made in higher education in Newark;

27 aa. The goal of this legislation is to enhance the critical higher  
28 education opportunities for the residents of the State and to create  
29 vibrant educational institutions and communities that will attract  
30 business to the State and will allow the State to retain its residents  
31 in terms of college placement and workforce. This legislation  
32 recognizes the State's public institutions of higher education must  
33 work together as an integrated whole and thus provides for the  
34 necessary restructuring of the higher education system in the State  
35 which will provide more vigorous educational communities that  
36 will spur opportunities for students and the workforce necessary to  
37 attract crucial private sector jobs;

38 bb. The higher education reform and restructuring reflected in  
39 this legislation renews the State's commitment to sustaining and  
40 growing its universities and in helping them to achieve greater  
41 success. More particularly, the legislation reaffirms the State's  
42 economic commitment to Rutgers – over \$10 billion to the  
43 University since 1990 – by the transfer of medical and related  
44 schools to Rutgers valued in excess of nearly \$1 billion dollars.  
45 Additionally, this legislation reaffirms Rutgers' preeminent role in  
46 the State's higher education system serving as an instrumentality of  
47 the State in trust for its betterment;

48 cc. This comprehensive review and restructuring of the higher

1 education institutions and the systems that serve them as evidenced  
2 by this act, dictate that all of the schools, institutions and centers,  
3 transferred pursuant to this act, be transferred together and that no  
4 transfer of a school, institution or center may be done apart from the  
5 whole. The transfers reflected in this legislation are inextricably  
6 linked and work together to promote reform and the effective  
7 restructuring of the State's higher education system.<sup>3</sup>

8  
9 <sup>2</sup>[2.]<sup>3</sup>.<sup>2</sup> (New section) a. In order to carry out the purposes of  
10 this act and to provide the program of medical and dental education  
11 required for the benefit of the State and the people of New Jersey,  
12 all rights to all of the schools, institutes, and centers of the  
13 University of Medicine and Dentistry of New Jersey, other than the  
14 School of Osteopathic Medicine <sup>2</sup>and University Hospital<sup>2</sup>, are  
15 hereby transferred to Rutgers, The State University.

16 <sup>2</sup>[Rutgers, The State University is hereby authorized to acquire  
17 the] The<sup>2</sup> facilities of the schools, institutes, and centers of the  
18 University of Medicine and Dentistry of New Jersey, other than the  
19 facilities of the School of Osteopathic Medicine <sup>2</sup>and University  
20 Hospital, are hereby transferred to Rutgers, The State University<sup>2</sup> ,  
21 and <sup>2</sup>the university shall<sup>2</sup> devote the same to the purposes of public  
22 higher education in the State in accordance with the terms of any  
23 gift, grant, trust, contract or other agreement with the State or any  
24 of its political subdivisions or with the United States or with any  
25 public body, department or any agency of the State or the United  
26 States or with any individual, firm or corporation.

27 <sup>2</sup>Upon the transfer of the schools, institutes, and centers of the  
28 University of Medicine and Dentistry of New Jersey to Rutgers,  
29 The State University, the Cancer Institute of New Jersey shall  
30 become an independent institute at Rutgers, The State University  
31 <sup>3</sup>and shall be distinct and separate from any individual school<sup>3</sup> .<sup>2</sup>

32 b. <sup>2</sup>Rutgers, The State University shall maintain the public  
33 mission and commitment of the University of Medicine and  
34 Dentistry of New Jersey, including University Hospital, to provide a  
35 comprehensive healthcare program and services to the greater  
36 Newark community, including outreach and mobile health services  
37 and services provided collaboratively between University Hospital  
38 and the University of Medicine and Dentistry of New Jersey, or any  
39 of its components.

40 c. Any school, institute, or center transferred to Rutgers, The  
41 State University pursuant to subsection a. of this section based in  
42 the City of Newark shall remain in the City of Newark, including  
43 the New Jersey Medical School, the New Jersey Dental School,  
44 School of Health Related Professions, the School of Nursing, the  
45 School of Public Health, and the Public Health Research Institute.  
46 Rutgers, The State University shall assume and maintain existing  
47 contracts through expiration with the Department of Corrections

1 and the Department of Children and Families to provide services  
2 under University Behavioral Healthcare and the School of Nursing.  
3 The services provided under the contracts shall continue to be  
4 provided by public employees following expiration of those  
5 contracts.

6 d.<sup>2</sup> Whenever, in any law, rule, regulation, order, contract,  
7 document, judicial or administrative proceeding or otherwise,  
8 reference is made to the University of Medicine and Dentistry of  
9 New Jersey, the same shall mean and refer to Rutgers, The State  
10 University.

11  
12 <sup>2</sup>[3.] 4.<sup>2</sup> (New section) Upon the transfer of the schools,  
13 institutes, and centers of the University of Medicine and Dentistry  
14 of New Jersey <sup>2</sup>, other than the School of Osteopathic Medicine and  
15 University Hospital,<sup>2</sup> to Rutgers, The State University pursuant to  
16 section <sup>2</sup>[2] 3<sup>2</sup> of this act:

17 a. all appropriations, grants, and other moneys available and to  
18 become available to the schools, institutes, and centers of the  
19 University of Medicine and Dentistry of New Jersey are hereby  
20 transferred to Rutgers, The State University, and shall be available  
21 for the objects and purposes for which appropriated subject to any  
22 terms, restrictions, limitations or other requirements imposed by the  
23 State budget or by State and federal law.

24 b. all employees of the schools, institutes, and centers of the  
25 University of Medicine and Dentistry of New Jersey are hereby  
26 transferred to Rutgers, The State University. Nothing in this act  
27 shall be considered to deprive any person of any tenure rights or of  
28 any right or protection provided him under any pension law or  
29 retirement system or any other law of this State.

30 c. all files, books, papers, records, equipment, and other  
31 property of the schools, institutes, and centers of the University of  
32 Medicine and Dentistry of New Jersey, are hereby transferred to  
33 Rutgers, The State University.

34 d. all orders, rules or regulations heretofore made or  
35 promulgated by the schools, institutes, and centers of the University  
36 of Medicine and Dentistry of New Jersey, or by the University of  
37 Medicine and Dentistry of New Jersey on their behalf, shall be  
38 continued with full force and effect as the orders, rules and  
39 regulations of Rutgers, The State University until amended or  
40 repealed pursuant to law.

41  
42 <sup>2</sup>[4.] 5.<sup>2</sup> (New section) This act shall not affect actions or  
43 proceedings, civil or criminal, brought by or against the schools,  
44 institutes, and centers of the University of Medicine and Dentistry  
45 of New Jersey <sup>2</sup>being transferred to Rutgers, The State University  
46 pursuant to this act<sup>2</sup>, but such actions, or proceedings may be  
47 prosecuted or defended in the same manner and to the same effect

1 by Rutgers, The State University, as if the foregoing provisions had  
2 not taken effect; nor shall any of the foregoing provisions affect  
3 any order or regulation made by, or other matters or proceedings  
4 before, the schools, institutes, and centers of the University of  
5 Medicine and Dentistry of New Jersey <sup>2</sup>being transferred to  
6 Rutgers, The State University pursuant to this act<sup>2</sup>, and all such  
7 matters or proceedings pending before the schools, institutes, and  
8 centers of the University of Medicine and Dentistry of New Jersey  
9 <sup>2</sup>being transferred to Rutgers, The State University pursuant to this  
10 act<sup>2</sup>, on the effective date of this act shall be continued by Rutgers,  
11 The State University, as if the foregoing provisions had not taken  
12 effect.

13

14 <sup>2</sup>[5.] 6.<sup>2</sup> (New section) All debts of the University of  
15 Medicine and Dentistry of New Jersey associated with the schools,  
16 institutes, and centers of the University of Medicine and Dentistry  
17 of New Jersey <sup>2</sup>, other than the School of Osteopathic Medicine and  
18 University Hospital.<sup>2</sup> are transferred to Rutgers, The State  
19 University, and all creditors of the University of Medicine and  
20 Dentistry of New Jersey may enforce those debts against Rutgers,  
21 The State University in the same manner as they might have had  
22 against the University of Medicine and Dentistry of New Jersey,  
23 and the rights and remedies of those creditors shall not be limited or  
24 restricted in any manner by this act.

25

26 <sup>2</sup>[6.] 7.<sup>2</sup> (New section) a. Nothing in this act shall be construed  
27 to deprive any officers or employees of the schools, institutes, and  
28 centers of the University of Medicine and Dentistry of New Jersey  
29 <sup>2</sup>being transferred to Rutgers, The State University.<sup>2</sup> of their rights,  
30 privileges, obligations or status with respect to any pension,  
31 retirement, or health benefits system. The employees shall, upon  
32 transfer to Rutgers, The State University, retain all of their rights  
33 and benefits under existing collective negotiations agreements or  
34 contracts until such time as new or revised agreements or contracts  
35 are agreed to. <sup>2</sup>[All existing employee majority representatives  
36 shall be retained to act on behalf of those employees until such time  
37 as the employees shall, pursuant to law, elect to change those  
38 majority representatives] The employees shall continue to be  
39 represented by the majority representative that represented them as  
40 employees of the University of Medicine and Dentistry of New  
41 Jersey, unless the employees choose to change their majority  
42 representative pursuant to law. Rutgers, The State University shall  
43 assume all obligations under existing or expired collective  
44 negotiations agreements that covered employees of the University  
45 of Medicine and Dentistry of New Jersey on the effective date of  
46 this act.

1 Employees in an existing University of Medicine and Dentistry  
2 of New Jersey negotiations unit, who are transferred to or become  
3 employees of Rutgers, The State University shall be deemed to  
4 constitute an appropriate collective negotiations unit under the  
5 “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100  
6 (C.34:13A-1 et seq.)<sup>2</sup>.

7 Nothing in this act shall affect the civil service status, if any, of  
8 those officers or employees. Nothing in this act shall affect the  
9 tenure, rank, or academic track of any of those employees holding a  
10 faculty position.

11 <sup>2</sup>[b.]<sup>2</sup> The employees shall, upon transfer to Rutgers, The State  
12 University, not be considered new employees for any purpose and  
13 shall retain any accrued seniority, rank, and tenure, which shall be  
14 applied when determining eligibility for all benefits, including all  
15 paid leave time, longevity increases, and promotions.

16 <sup>2</sup>b. (1) Within 60 days following the effective date of this act, a  
17 Labor Management Committee (LMC) shall be established which  
18 shall be comprised of one representative from each of the majority  
19 representatives representing employees employed by Rutgers, The  
20 State University and by the University of Medicine and Dentistry of  
21 New Jersey as of the effective date of this act, along with  
22 representatives of the administration of Rutgers, The State  
23 University.

24 The LMC shall review all proposed restructuring and  
25 reorganization plans and shall make recommendations to the board  
26 of governors of Rutgers, The State University regarding personnel  
27 and labor relations related to the proposed plans, including  
28 recommendations to improve service delivery and avoid duplication  
29 of services and to promote equitable and consistent policies for  
30 compensation, benefits, and other terms and conditions of  
31 employment throughout the university for employees performing  
32 substantially similar duties.

33 Following the restructuring and reorganization, the LMC shall  
34 continue to meet quarterly to address ongoing personnel and labor  
35 relations issues that arise with respect to the restructuring or  
36 reorganization.

37 (2) Nothing in this act shall be construed to prohibit Rutgers,  
38 The State University and majority representatives from voluntarily  
39 entering into collective negotiations agreements that cover more  
40 than one negotiations unit where the members of two or more  
41 negotiations units perform substantially similar duties. If Rutgers,  
42 The State University and majority representatives are unable to  
43 agree on whether a collective negotiations agreement should cover  
44 one or more negotiations units represented by different majority  
45 representatives, the Public Employment Relations Commission shall  
46 assist the parties in the voluntary resolution of such a dispute  
47 through the appointment of a super conciliator in accordance with

1 sections 4 and 5 of P.L.2003, c.126 (C.34:13A-34 and C.34:13A-  
2 35).

3 (3) Notwithstanding the provisions of paragraphs 1 and 2 of this  
4 subsection, Rutgers, The State University, in accordance with its  
5 obligations under the “New Jersey Employer-Employee Relations  
6 Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), shall honor existing  
7 collective negotiations agreements and negotiate over any changes  
8 in terms and conditions of employment with the majority  
9 representative of affected employees.<sup>2</sup>

10

11 <sup>2</sup>[7.] 8.<sup>2</sup> (New section) <sup>1</sup>a.<sup>1</sup>All <sup>2</sup>functions, powers, duties,  
12 and<sup>2</sup> rights of the University of Medicine and Dentistry of New  
13 Jersey <sup>2</sup>[in], related directly or indirectly to the establishment,  
14 maintenance, and operation as to<sup>2</sup> the School of Osteopathic  
15 Medicine<sup>2,2</sup> are hereby transferred to Rowan University. <sup>2</sup>[Rowan  
16 University is hereby authorized to acquire the facilities of] All of  
17 the University of Medicine and Dentistry of New Jersey’s rights,  
18 title, and interest in<sup>2</sup> the School of Osteopathic Medicine <sup>2</sup>[and  
19 devote the same] <sup>3</sup>[and the campus located in Stratford including,  
20 but not limited to, all associated fixed tangible assets, real property,  
21 buildings and all furniture, fixtures, equipment, and personal  
22 property contained therein.]<sup>3</sup> shall be devoted<sup>2</sup> to the purposes of  
23 public higher education in the State in accordance with the terms of  
24 any gift, grant, trust, contract or other agreement with the State or  
25 any of its political subdivisions or with the United States or with  
26 any public body, department or any agency of the State or the  
27 United States or with any individual, firm or corporation.

28 <sup>2</sup>Rowan University shall be obligated to take any such action as  
29 may be required to ensure that the School of Osteopathic Medicine  
30 maintains proper accreditation.

31 <sup>3</sup>[After the transfer, Rowan University shall make reasonable  
32 accommodations to Rutgers, The State University for use of  
33 facilities on the Stratford campus<sup>2</sup>] The facilities, equipment, and  
34 fixtures shared on the effective date of this act by the School of  
35 Osteopathic Medicine and other schools of the University of  
36 Medicine and Dentistry of New Jersey located on the Stratford  
37 campus shall continue to be shared until such time as the board of  
38 governors of Rutgers, The State University and the board of trustees  
39 of Rowan University reach an agreement on the shared use of  
40 facilities, equipment, and fixtures on the Stratford campus<sup>3</sup> .

41 <sup>1</sup>[Rowan University shall maintain any affiliation agreement  
42 with the existing integrated healthcare delivery system of the  
43 School of Osteopathic Medicine.] b. It is hereby stated and  
44 acknowledged that osteopathic medical education is critical to the  
45 health and welfare of the residents of the State. In order to preserve  
46 a strong osteopathic academic resource for the State, the School of



1 Osteopathic Medicine shall maintain its own academic programs<sup>2</sup> at  
2 the undergraduate and graduate medical education levels<sup>2</sup>, separate  
3 and distinct from any other medical school, including without  
4 limitation, another medical school affiliated with the same  
5 university.

6 c. The School of Osteopathic Medicine shall maintain a  
7 <sup>2</sup>[primary] principal<sup>2</sup> clinical affiliation with <sup>2</sup>[an] at least one<sup>2</sup>  
8 osteopathic <sup>2</sup>[principal affiliate]<sup>2</sup> hospital<sup>2</sup>, clinical affiliations  
9 with other hospitals deemed necessary by the school to fulfill its  
10 mission, and shall maintain the current faculty practice plan

11 [d. The osteopathic principal affiliate hospital shall maintain  
12 sole responsibility for the implementation, conduct, management,  
13 and oversight of any graduate medical education program that is  
14 operated under its auspices and receives funding through the  
15 Medicare program established pursuant to Title XVIII of the federal  
16 Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.),  
17 including the engagement of necessary clinical faculty for the  
18 post-graduate trainees and fellows whom the hospital employs.

19 e. As used in this section, an “osteopathic principal affiliate  
20 hospital” means a teaching hospital that: has its principal place of  
21 business located in the State; is accredited by the American  
22 Osteopathic Association; and allocates a majority of its graduate  
23 medical education slots to osteopathic medical education]<sup>2</sup> .<sup>1</sup>  
24

25 <sup>2</sup>[8.]<sup>9</sup>.<sup>2</sup> (New section) Upon the transfer of the School of  
26 Osteopathic Medicine of the University of Medicine and Dentistry  
27 of New Jersey to Rowan University pursuant to section <sup>2</sup>[7] <sup>8</sup> of  
28 this act:

29 a. all appropriations, grants, <sup>2</sup>debt service, research funds,<sup>2</sup> and  
30 other moneys available and to become available to the School of  
31 Osteopathic Medicine are hereby transferred to Rowan University,  
32 and shall be available for the objects and purposes for which  
33 appropriated subject to any terms, restrictions, limitations or other  
34 requirements imposed by the State budget or by State and federal  
35 law. <sup>2</sup>Included in this provision are moneys currently received by  
36 the University of Medicine and Dentistry of New Jersey for the  
37 services and systems that provide the infrastructure for the  
38 educational, research, and clinical missions of the School of  
39 Osteopathic Medicine, such as specialized research equipment,  
40 information technology services that support research and clinical  
41 activities, and specialized legal services related to research and  
42 intellectual property development.<sup>2</sup>

43 b. all employees of the School of Osteopathic Medicine are  
44 hereby transferred to Rowan University. Nothing in this act shall  
45 be considered to deprive any person of any tenure rights or of any  
46 right or protection provided him under any pension law or  
47 retirement system or any other law of this State.

1 c. all files, books, papers, records, equipment, and other  
2 property of the School of Osteopathic Medicine are hereby  
3 transferred to Rowan University.

4 d. all orders, rules or regulations heretofore made or  
5 promulgated by the School of Osteopathic Medicine, or by the  
6 University of Medicine and Dentistry of New Jersey on its behalf,  
7 shall be continued with full force and effect as the orders, rules and  
8 regulations of Rowan University until amended or repealed  
9 pursuant to law.

10 <sup>2</sup>e. Rowan University shall be allocated the appropriations  
11 previously provided and received for institutional support,  
12 <sup>3</sup>centralized services,<sup>3</sup> State funded personnel <sup>3</sup>and budgeted  
13 positions<sup>3</sup> , and grants-in-aid made available to the University of  
14 Medicine and Dentistry of New Jersey for the operations of the  
15 School of Osteopathic Medicine. In order to provide for a smooth  
16 transfer, Rutgers, The State University and Rowan University may  
17 enter into shared services agreements relating to centralized  
18 services at the schools.

19 f. All grants, appropriations, budgeted amounts, <sup>3</sup>gifts, bequests,  
20 tuition, endowments,<sup>3</sup> and any other funding of any type  
21 whatsoever from any source whatsoever which has been designated  
22 for use <sup>3</sup>, or is used by the University of Medicine and Dentistry of  
23 New Jersey<sup>3</sup> at the School of Osteopathic Medicine or which has  
24 been designated for use in connection with the establishment,  
25 construction, operation, and expansion of the School of Osteopathic  
26 Medicine shall be allocated to Rowan University.<sup>2</sup>

27  
28 <sup>2</sup>[9.] 10.<sup>2</sup> (New section) <sup>3</sup>[<sup>2</sup>[This act shall not affect] Rowan  
29 University shall not be responsible for any<sup>2</sup> actions or proceedings,  
30 civil or criminal, brought by or against the School of Osteopathic  
31 Medicine <sup>2</sup>if those actions or claims involve activities of the School  
32 of Osteopathic Medicine prior to the effective date of this act<sup>2</sup>, but  
33 such actions, or proceedings may be prosecuted or defended in the  
34 same manner and to the same effect <sup>2</sup>[by Rowan University,]<sup>2</sup> as if  
35 the foregoing provisions had not taken effect <sup>2</sup>[; nor shall any of  
36 the]. The<sup>2</sup> foregoing provisions <sup>2</sup>shall not<sup>2</sup> affect any order or  
37 regulation made by, or other matters or proceedings before, the  
38 School of Osteopathic Medicine, and all such matters or  
39 proceedings pending before the School of Osteopathic Medicine, on  
40 the effective date of this act shall be continued by Rowan  
41 University, as if the foregoing provisions had not taken effect.] For  
42 medical malpractice claims incurred at the School of Osteopathic  
43 Medicine before or after the effective date of this act, Rowan  
44 University shall elect within 75 days of the signing of this act  
45 whether it, and its employees, shall be represented in all such  
46 matters by the Attorney General. If Rowan University elects to be

1 represented by the Attorney General, then moneys in the fund  
2 known as the Self-Insurance Trust Fund shall be available to Rowan  
3 University solely to indemnify and defend medical malpractice  
4 claims against employees, officers, and servants of the School of  
5 Osteopathic Medicine. If Rowan University elects not to be  
6 represented by the Attorney General, then it shall be required to  
7 provide employees of the School of Osteopathic Medicine with  
8 defense and indemnification consistent with the terms and  
9 conditions of the Tort Claims Act, N.J.S.59:1-1 et seq., in lieu of  
10 the defense and indemnification that such employees would  
11 otherwise seek and be entitled to from the Attorney General  
12 pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et  
13 seq.).<sup>3</sup>

14  
15 <sup>2</sup>[10.] 11.<sup>2</sup>(New section) All debts of the University of  
16 Medicine and Dentistry of New Jersey <sup>2</sup>[associated with] incurred  
17 in the operation and administration of<sup>2</sup> the School of Osteopathic  
18 Medicine <sup>2</sup>and debt specifically and directly related to the real and  
19 personal property being transferred in Stratford<sup>2</sup> are <sup>2</sup>hereby<sup>2</sup>  
20 transferred to Rowan University, and all creditors of the University  
21 of Medicine and Dentistry of New Jersey may enforce those debts  
22 against Rowan University in the same manner as they might have  
23 had against the University of Medicine and Dentistry of New  
24 Jersey, and the rights and remedies of those creditors shall not be  
25 limited or restricted in any manner by this act.

26  
27 <sup>2</sup>[11.] 12.<sup>2</sup> (New section) a. Nothing in this act shall be  
28 construed to deprive any officers or employees of the School of  
29 Osteopathic Medicine <sup>2</sup>of the University of Medicine and Dentistry  
30 of New Jersey<sup>2</sup> of their rights, privileges, obligations or status with  
31 respect to any pension, retirement, or health benefits system. The  
32 employees shall, upon transfer to Rowan University, retain all of  
33 their rights and benefits under existing collective negotiations  
34 agreements or contracts until such time as new or revised  
35 agreements or contracts are agreed to. <sup>2</sup>[All existing employee  
36 majority representatives shall be retained to act on behalf of those  
37 employees until such time as the employees shall, pursuant to law,  
38 elect to change those majority representatives] The employees shall  
39 continue to be represented by the majority representative that  
40 represented them as employees of the School of Osteopathic  
41 Medicine of the University of Medicine and Dentistry of New  
42 Jersey, unless the employees choose to change their majority  
43 representative pursuant to law. Rowan University shall assume all  
44 obligations under existing or expired collective negotiations  
45 agreements that covered employees of the School of Osteopathic  
46 Medicine of the University of Medicine and Dentistry of New  
47 Jersey on the effective date of this act.

1 Employees in an existing University of Medicine and Dentistry  
2 of New Jersey negotiations unit employed at the School of  
3 Osteopathic Medicine on the effective date of this act, who are  
4 transferred to or become employees of Rowan University shall be  
5 deemed to constitute an appropriate collective negotiations unit  
6 under the “New Jersey Employer-Employee Relations Act,”  
7 P.L.1941, c.100 (C.34:13A-1 et seq.)<sup>2</sup>.

8 Nothing in this act shall affect the civil service status, if any, of  
9 those officers or employees. Nothing in this act shall affect the  
10 tenure, rank, or academic track of any of those employees holding a  
11 faculty position.

12 b. The employees shall, upon transfer to Rowan University, not  
13 be considered new employees for any purpose and shall retain any  
14 accrued seniority, rank, and tenure, which shall be applied when  
15 determining eligibility for all benefits, including all paid leave time,  
16 longevity increases, and promotions.

17  
18 <sup>2</sup>13. (New section) Notwithstanding the provisions of  
19 Reorganization Plan No. 002-2009 to the contrary, the properties  
20 referenced in paragraph 2b.ii of the plan are hereby transferred from  
21 the University of Medicine and Dentistry of New Jersey to Rowan  
22 University without monetary or other consideration on or before  
23 September 1, 2013.<sup>2</sup>

24  
25 <sup>2</sup>[12.] <sup>2</sup>14. (New section) a. University Hospital shall be the  
26 principal teaching hospital of New Jersey Medical School <sup>1</sup>and New  
27 Jersey Dental School<sup>1 2</sup>, and any other Newark-based medical  
28 education program<sup>2</sup>. University Hospital <sup>3</sup>is hereby established as a  
29 body corporate and politic and<sup>3</sup> shall be treated and accounted for  
30 as a separate <sup>3</sup>non-profit<sup>3</sup> legal entity from <sup>2</sup>[the university]  
31 Rutgers, The State University<sup>2</sup>, and its assets, liabilities, and funds  
32 shall not be consolidated or commingled with those of <sup>2</sup>[the  
33 university] Rutgers, The State University<sup>2</sup>. <sup>3</sup>The exercise by  
34 University Hospital of the powers conferred by this act shall be  
35 deemed to be public and essential government functions necessary  
36 for the welfare and health of the State and the people of New  
37 Jersey.<sup>3</sup>

38 b. All monies allocated to the University of Medicine and  
39 Dentistry of New Jersey for the use of University Hospital,  
40 regardless of their source, and which remain unexpended on the  
41 effective date of P.L. , c. (C. )(pending before the Legislature  
42 as this bill), shall be transferred to University Hospital.

43 c. All appropriations that are intended for the use of University  
44 Hospital, on or after the effective date of P.L. , c. (C. )  
45 (pending before the Legislature as this bill), shall be made directly  
46 to University Hospital.

1       <sup>2</sup>d. The amount of State funding provided to University Hospital  
2 shall be sufficient to maintain the level of community services  
3 provided on the effective date of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill) and to maintain University  
5 Hospital as an acute care facility and trauma center.<sup>2</sup>  
6

7       <sup>2</sup>[13.] 15.<sup>2</sup> (New section) a. <sup>2</sup>【The responsibility for ensuring  
8 community access to services provided at University Hospital shall  
9 be vested in】 There is established<sup>2</sup> a nine-member <sup>2</sup>advisory<sup>2</sup> board  
10 to be designated as the University Hospital Community Oversight  
11 Board. The purpose of the board shall be to ensure that the mission  
12 of the hospital and the intent of the “Agreements Reached Between  
13 Community and Government Negotiators Regarding New Jersey  
14 College of Medicine and Dentistry and Related Matters of April 30,  
15 1968” to provide a comprehensive health program to the community  
16 in the City of Newark, including, but not limited to, ensuring access  
17 to all essential health care services provided by the hospital, are  
18 upheld.

19       b. The membership of the University Hospital Community  
20 Oversight Board shall be comprised of:

21       (1) four members who shall serve ex officio, including: the  
22 President of Rutgers University; and the Chief Executive Officer,  
23 Chief Financial Officer, and Chief Medical Officer of University  
24 Hospital; and

25       (2) five public members to be appointed as follows:

26       (a) two representatives of organized labor, one appointed by the  
27 head of the largest union that is affiliated with the AFL-CIO and  
28 represents persons employed at University Hospital and one  
29 appointed by the head of the largest union that is not affiliated with  
30 the AFL-CIO and represents persons employed at University  
31 Hospital;

32       (b) one person <sup>2</sup>who is a resident of the City of Newark<sup>2</sup>  
33 appointed by the Governor, with the advice and consent of the  
34 Senate;

35       (c) one person <sup>2</sup>who is a resident of the City of Newark<sup>2</sup>  
36 appointed by the President of the Senate; and

37       (d) one person appointed by the Speaker of the General  
38 Assembly.

39       c. The public members of the board shall serve for a five-year  
40 term; except that of the members first appointed, three shall serve  
41 for a term of five years, one for a term of three years, and one for a  
42 term of two years. A member of the board shall serve until the  
43 member’s successor is appointed. A vacancy in the membership,  
44 occurring other than by expiration of term, shall be filled in the  
45 same manner as the original appointment but for the unexpired term  
46 only.

47       d. The members of the board shall select a chairperson and vice

1 chairperson from among themselves. The board shall organize as  
2 soon as practicable following the appointment of its members. The  
3 chairperson shall appoint a secretary who need not be a member of  
4 the board.

5 e. The board shall meet at such times and places as it shall  
6 designate.

7 f. University Hospital shall provide such staff support to the  
8 board as it deems necessary to carry out its duties.

9  
10 <sup>2</sup>[14.]<sup>2</sup>16.<sup>2</sup> (New section) a. Nothing in this act shall be  
11 construed to deprive any officers or employees of <sup>2</sup>the University of  
12 Medicine and Dentistry of New Jersey who become employees of<sup>2</sup>  
13 University Hospital of their rights, privileges, obligations, or status  
14 with respect to any pension, retirement, or health benefits system.  
15 <sup>2</sup>[If any employees of University Hospital are transferred to, or  
16 otherwise become employees of, a new entity as a result of a  
17 restructuring or reorganization pursuant or subsequent to this act,  
18 those] The<sup>2</sup> employees shall retain all of their rights and benefits  
19 under existing collective negotiations agreements or contracts until  
20 such time as new or revised agreements or contracts are agreed to  
21 <sup>2</sup>[. All existing employee representatives shall be retained to act on  
22 behalf of those employees until such time as the employees shall,  
23 pursuant to law, elect to change those representatives] and such  
24 employees shall continue to be represented by the majority  
25 representative that represented them as employees of the University  
26 of Medicine and Dentistry of New Jersey unless the employees  
27 choose to change their majority representative pursuant to law.  
28 University Hospital shall assume all obligations under existing or  
29 expired collective negotiations agreements that covered employees  
30 of the University of Medicine and Dentistry of New Jersey on the  
31 effective date of this act and who become employees of University  
32 Hospital.

33 Employees in an existing University of Medicine and Dentistry  
34 of New Jersey negotiations unit who are transferred to or become  
35 employees of University Hospital shall be deemed to constitute an  
36 appropriate collective negotiations unit under the “New Jersey  
37 Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1  
38 et seq.)<sup>2</sup> .

39 Nothing in this act shall affect the civil service status, if any, of  
40 those officers or employees. Nothing in this act shall affect the  
41 tenure, rank, or academic track of any person holding a faculty  
42 position that is associated with University Hospital.

43 b. The employees of <sup>2</sup>the University of Medicine and Dentistry  
44 of New Jersey who become employees of<sup>2</sup> University Hospital <sup>2</sup>[,  
45 upon transfer to a new entity,] pursuant to the provisions of this  
46 act<sup>2</sup> shall not be considered new employees for any purpose and  
47 shall retain any accrued seniority, rank, and tenure, which shall be

1 applied when determining eligibility for all benefits, including all  
2 paid leave time, longevity increases, and promotions.

3 <sup>2</sup>c. If employees of the University of Medicine and Dentistry of  
4 New Jersey, who become employees of University Hospital, are  
5 transferred to, or otherwise become employees of, a new entity as a  
6 result of a restructuring or reorganization pursuant or subsequent to  
7 this act, those employees shall remain “employees” within the  
8 meaning of the “New Jersey Employer-Employee Relations Act,”  
9 P.L.1941, c.100 (C.34:13A-1 et seq.), and shall retain all of their  
10 rights and benefits under existing collective negotiations  
11 agreements or contracts until such time as new or revised  
12 agreements or contracts are agreed to. The new entity shall be an  
13 “employer” within the meaning of the “New Jersey Employer-  
14 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.),  
15 and shall assume all obligations under existing or expired collective  
16 negotiations agreements that covered employees while employed at  
17 University Hospital immediately prior to their transfer to the public  
18 entity. Employees in a University Hospital negotiations unit, who  
19 are transferred to a new entity, shall be deemed to constitute an  
20 appropriate collective negotiations unit under the “New Jersey  
21 Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1  
22 et seq.).

23 d. Employees of University Hospital, who become employees  
24 of a new entity pursuant to the provisions of this act, shall not be  
25 considered new employees for any purpose and shall retain any  
26 accrued seniority, rank, and tenure, which shall be applied when  
27 determining eligibility for all benefits, including all paid leave time,  
28 longevity increases, and promotions.<sup>2</sup>

29  
30 <sup>2</sup>[15.] 17.<sup>2</sup> (New section) a. University Hospital shall be  
31 required to obtain approval from the Superior Court of New Jersey  
32 prior to entering into a transaction that results in the acquisition of  
33 the hospital, and shall satisfy the requirements of the “Community  
34 Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10  
35 et seq.) <sup>2</sup>[, to the maximum extent to which those provisions are  
36 determined applicable by the Attorney General, in consultation with  
37 the Commissioner of Health and Senior Services] . Any acquisition  
38 of University Hospital by a new entity after the effective date of  
39 this act shall be structured so as to retain the status of University  
40 Hospital employees as public employees within the meaning of the  
41 “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100  
42 (C.34:13A-1 et seq.)<sup>2</sup>.

43 b. The Attorney General, in consultation with the  
44 Commissioner of Health and Senior Services, shall adopt  
45 regulations pursuant to the "Administrative Procedure Act,"  
46 P.L.1968, c.410, (C.52:14B-1 et seq.), to carry out the purposes of  
47 subsection a. of this section.

- 1       <sup>2</sup>c. In determining whether the proposed acquisition is in the  
2 public interest, meaning that appropriate steps have been taken to  
3 safeguard the value of the hospital’s public assets and to ensure that  
4 any proceeds from the proposed acquisition are irrevocably  
5 dedicated for appropriate charitable health care purposes, the same  
6 criteria and process shall apply as set forth in the “Community  
7 Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10  
8 et seq.) and the Attorney General shall consider:
- 9       (1) whether the public entity that owns and operates the public  
10 hospital exercised due diligence in deciding to effectuate the  
11 acquisition, selecting the other party to the acquisition and  
12 negotiating the terms and conditions of the acquisition;
- 13       (2) the procedures used by the public entity in making its  
14 decision, including whether the appropriate expert assistance was  
15 used;
- 16       (3) whether conflicts of interest were disclosed, including  
17 conflicts relating to board members of the public hospital,  
18 executives of, and experts retained by, the public hospital,  
19 purchaser or other parties to the acquisition;
- 20       (4) whether any management contract under the acquisition is  
21 for reasonable value;
- 22       (5) whether the public entity will receive full and fair market  
23 value for its assets;
- 24       (6) whether the public entity established appropriate criteria in  
25 deciding to pursue the acquisition in relation to carrying out the  
26 mission and purpose of the public entity and the hospital;
- 27       (7) whether the acquisition is structured so as to retain the status  
28 of University Hospital employees as public employees within the  
29 meaning of subsection d. of section 3 of the “New Jersey Employer-  
30 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-3); and
- 31       (8) any other criteria set forth in the “Community Health Care  
32 Assets Protection Act” or established pursuant to that act by the  
33 Attorney General.
- 34       d. University Hospital shall be required to obtain approval  
35 from the Department of Health and Senior Services prior to entering  
36 into a transaction that results in the acquisition of the hospital and  
37 shall satisfy the certificate of needs requirements.
- 38       e. The Commissioner of Health and Senior Services shall  
39 determine whether the proposed acquisition will result in the  
40 deterioration of the quality, availability, or accessibility of health  
41 care services in the affected communities.
- 42       f. For a period of five years, any substantive changes to  
43 essential health care services provided by University Hospital shall  
44 be subject to review by the University Hospital Community  
45 Oversight Board and approval by the Department of Health and  
46 Senior Services through a licensing review process.



1 g. University Hospital shall provide quarterly financial  
2 statements to the Department of Health and Senior Services which  
3 shall be posted on the hospital's public Internet website.<sup>2</sup>  
4

5 <sup>2</sup>18. (New section) a. Prior to entering into a contract with a  
6 nonprofit corporation operating one or more hospitals in New  
7 Jersey to operate and manage or assist in the operation and  
8 management of University Hospital, the Department of Health and  
9 Senior Services shall review and approve all management contracts.  
10 Any management contract entered into by University Hospital shall  
11 be evaluated by the Department of Health and Senior Services  
12 based upon the following criteria:

13 (1) whether the hospital will continue its public mission and  
14 commitment to provide a comprehensive healthcare program and  
15 services to the greater Newark community, including acute care,  
16 and emergency and other essential services provided by the  
17 hospital;

18 (2) whether the cost of the management contract is fair and  
19 reasonable;

20 (3) whether the management contract provides for the full  
21 disclosure of all management and other fees;

22 (4) whether the management contract requires the hospital's  
23 annual audited financial statements be filed with the Department of  
24 Health and Senior Services and posted on the hospital website;

25 (5) whether the management contract retains status of  
26 University Hospital employees as public employees within the  
27 meaning of subsection d. of section 3 of the "New Jersey Employer-  
28 Employee Relations Act," P.L.1941, c.100 (C.34:13A-3); and

29 (6) whether the University Hospital Community Oversight  
30 Board has reviewed and consented to the terms of the agreement.

31 b. Any contract for the management of the hospital shall be  
32 subject to the competitive bidding requirements of the "Local  
33 Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), and  
34 shall not be considered to be a professional or other exempt service  
35 under any provisions of that law.

36 c. No less than 120 days prior to the award of any contract for  
37 management services, a request for proposal to manage and operate  
38 or assist in the management and operation of University Hospital  
39 shall be published on the hospital's public Internet website.

40 d. Any management contract entered into by University  
41 Hospital after the effective date of this act shall retain the status of  
42 University Hospital employees as public employees within the  
43 meaning of subsection d of section 3 of the "New Jersey Employer-  
44 Employee Relations Act," (P.L.1941, c.100 (C.34:13A-3)).<sup>2</sup>  
45

46 <sup>2</sup>19. (New section) University Hospital shall maintain an Internet  
47 website for the board of directors. The purpose of the website shall  
48 be to provide increased public access to board operations and

- 1 activities. The following information shall be posted on the board's  
2 website:
- 3 a. the board's rules, regulations, resolutions, and official policy  
4 statements;
- 5 b. notice, posted at least five business days prior to a meeting of  
6 the board or any of its committees, setting forth the time, date,  
7 location, and agenda of the meeting;
- 8 c. the minutes of each meeting of the board and its committees;  
9 and
- 10 d. information on any contract entered into by the board for the  
11 operation or management of the hospital.
- 12 The website shall be updated on a regular basis.<sup>2</sup>

13

14 <sup>2</sup>[16.] 20.<sup>2</sup> (New section) a. As used in this section, “northern  
15 counties” means Bergen, Essex, Hudson, Morris, Passaic, Union,  
16 Sussex, and Warren Counties.

17 b. Effective July 1, 2013, a campus board of governors shall be  
18 appointed for Rutgers University–Newark. The campus board of  
19 governors shall be composed of eight members as follows: the  
20 chancellor of Rutgers University–Newark who shall serve as an ex-  
21 officio, nonvoting member; two members appointed by the board of  
22 governors of Rutgers University established pursuant to  
23 N.J.S.18A:65-14 from among its members; one member appointed  
24 by the board of trustees of Rutgers University established pursuant  
25 to N.J.S.18A:65-15 from among its members; and four members,  
26 who are residents of the northern counties, appointed by the  
27 Governor, and upon the expiration of the terms of the original  
28 members, with the advice and consent of the Senate.

29 The term of office of a member appointed by the board of  
30 governors or the board of trustees of Rutgers University shall be  
31 coterminous with his term on that board. The members appointed  
32 by the Governor shall serve for terms of six years beginning on July  
33 1 and ending on June 30; except that of the members first appointed  
34 by the Governor, one shall serve for a term of six years, one shall  
35 serve for a term of four years, one shall serve for a term of three  
36 years, and one shall serve for a term of two years. Each member  
37 shall serve until his successor is appointed and qualified, and  
38 vacancies shall be filled in the same manner as the original  
39 appointments for the remainder of the unexpired term. A member  
40 appointed by the Governor may succeed himself for not more than  
41 one additional term after having served one full six-year term.

42 A member shall be subject to removal, after a hearing by a  
43 majority of the campus board of <sup>3</sup>[trustees] governors<sup>3</sup>, for  
44 malfeasance or conduct injurious to the interest of Rutgers  
45 University-Newark, subject to review and confirmation by the  
46 Governor in the case of his appointees or by the board of governors  
47 or the board of trustees, as applicable, in the case of that board's  
48 appointees.

1 c. The board shall meet and organize annually at a regular  
2 meeting held during the second week of September. The Governor  
3 shall appoint the chair of the board. The chair shall serve until the  
4 following September meeting and until his successor is appointed  
5 and qualified. Vacancies in the offices shall be filled in the same  
6 manner for the unexpired term only.

7 d. Members of the board shall serve without compensation but  
8 shall be entitled to be reimbursed for all reasonable and necessary  
9 expenses.

10  
11 <sup>2</sup>[17.] 21<sup>2</sup> (New section) Notwithstanding the provisions of  
12 N.J.S.18A:65-25 or any other section of law to the contrary, the  
13 campus board of governors shall;

14 a. maintain a separate debt service account for Rutgers  
15 University-Newark;

16 b. propose capital projects and bonding for Rutgers University-  
17 Newark to the board of governors of Rutgers University;

18 c. propose an annual budget for Rutgers University-Newark to  
19 the board of governors of Rutgers University; <sup>2</sup>and<sup>2</sup>

20 d. recommend new academic programs and degree  
21 requirements for Rutgers University-Newark to the board of  
22 governors of Rutgers University <sup>2</sup>]; and

23 e. recommend candidates for promotion and tenure at Rutgers  
24 University-Newark to the board of governors of Rutgers  
25 University]<sup>2</sup>.

26 <sup>2</sup>Nothing in this section shall be construed to alter, amend,  
27 modify, or diminish the authority of the board of governors of  
28 Rutgers, The State University to grant tenure and promotions to  
29 faculty at Rutgers University-Newark, establish standards for  
30 academic programs and for the awarding of degrees for Rutgers  
31 University-Newark, and make final decisions on capital projects,  
32 bonding, and the annual budget for Rutgers University-Newark.<sup>2</sup>

33  
34 <sup>3</sup>[<sup>2</sup>22. New section) Effective July 1, 2013, the board of  
35 governors of Rutgers, The State University shall appoint a second  
36 chancellor at Rutgers University-Newark. The chancellor  
37 appointed pursuant to this section shall be responsible to oversee  
38 the schools, institutes, and centers of the University of Medicine  
39 and Dentistry of New Jersey that are located in the City of Newark,  
40 other than University Hospital, and that are transferred to Rutgers  
41 University pursuant to section 3 of this act.<sup>2</sup>]<sup>3</sup>

42  
43 <sup>3</sup>22. (New section) State support for the operations of Rutgers  
44 University-Newark, including support for fringe benefit costs, shall  
45 be appropriated by the Legislature directly to Rutgers University-  
46 Newark.<sup>3</sup>

1       <sup>2</sup>23. (New section) a. The provisions of all collective  
2 negotiations agreements applicable to employees of Rutgers  
3 University-Newark in effect on the effective date of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
5 remain in full force and effect until such time as new or revised  
6 agreements or contracts may be established. All persons employed  
7 at Rutgers University-Newark shall continue to be represented by  
8 the majority representative that represented them on the effective  
9 date of P.L. , c. (C. ) (pending before the Legislature as this  
10 bill), shall continue to be represented in the Rutgers University-  
11 wide collective negotiations units they were in on the effective date  
12 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 and shall continue to be covered by the collective negotiations  
14 agreements that were in effect on the effective date of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill). Employees  
16 of Rutgers University-Newark shall continue to be employees of  
17 Rutgers, The State University and Rutgers, The State University  
18 shall continue to be the public employer of such employees as that  
19 term is defined by the “New Jersey Employer-Employee Relations  
20 Act,” P.L.1941, c.100 (C.34:13A-1 et seq.).

21       b. Nothing in this act shall be construed to deprive any person  
22 employed at Rutgers University-Newark of any tenure rights or to  
23 in any manner affect the tenure, rank, or academic track of any  
24 employees holding a faculty position. Such tenure, rank, and  
25 academic track shall continue to be through Rutgers, The State  
26 University and shall be held and granted pursuant to the authority of  
27 the board of governors of Rutgers, The State University for all  
28 current and future employees employed at Rutgers University-  
29 Newark.

30       c. Nothing in this act shall be construed to deprive any officers  
31 or employees employed at Rutgers University-Newark of their  
32 rights, privileges, obligations or status under any pension,  
33 retirement, health benefits system, civil service law or any other law  
34 of the State.<sup>2</sup>

35  
36       <sup>3</sup>24. (New section) For medical malpractice claims incurred at  
37 any of the University of Medicine and Dentistry of New Jersey  
38 schools transferred to Rutgers, The State University, occurring  
39 before or after the effective date of this act, Rutgers, The State  
40 University, shall elect within 75 days of the signing of this act  
41 whether it, and its employees, shall be represented in all such  
42 matters by the Attorney General. If Rutgers, The State University  
43 elects to be represented by the Attorney General, then moneys in  
44 the fund known as the Self-Insurance Trust Fund shall be available  
45 to Rutgers, The State University solely to indemnify and defend  
46 medical malpractice claims against employees, officers, and  
47 servants at the schools transferred from the University of Medicine  
48 and Dentistry of New Jersey to Rutgers, The State University. If

1 Rutgers, The State University, elects not to be represented by the  
2 Attorney General, then it shall be required to provide employees of  
3 the schools transferred from the University of Medicine and  
4 Dentistry of New Jersey to Rutgers, The State University with  
5 defense and indemnification consistent with the terms and  
6 conditions of the Tort Claims Act, N.J.S.59:1-1 et seq., in lieu of  
7 the defense and indemnification that such employees would  
8 otherwise seek and be entitled to from the Attorney General  
9 pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et  
10 seq.).<sup>3</sup>

11  
12 <sup>3</sup>25. (New section) The board of governors of Rutgers, The  
13 State University shall establish an annual certified public reporting  
14 process of the finances of Rutgers, The State University in order to  
15 measure the flow of resources across the campuses of the  
16 university.<sup>3</sup>

17  
18 <sup>2</sup>[18.] <sup>3</sup>[24.<sup>2</sup>] 26.<sup>3</sup> (New section) a. As used in this section,  
19 “southern counties” means Atlantic, Burlington, Camden, Cape  
20 May, Cumberland, Gloucester, Ocean, and Salem Counties.

21 b. Effective July 1, 2013, a campus board of trustees shall be  
22 appointed for Rutgers University–Camden. The campus board of  
23 trustees shall be composed of eight members as follows: the  
24 chancellor of Rutgers University–Camden who shall serve as an ex-  
25 officio, nonvoting member; two members appointed by the board of  
26 governors of Rutgers University established pursuant to  
27 N.J.S.18A:65-14 from among its members; one member appointed  
28 by the board of trustees of Rutgers University established pursuant  
29 to N.J.S.18A:65-15 from among its members; and four members,  
30 who are residents of the southern counties, appointed by the  
31 Governor with the advice and consent of the Senate.

32 The terms of office of a member appointed by the board of  
33 governors or the board of trustees of Rutgers University shall be  
34 coterminous with his term on that board. The members appointed  
35 by the Governor shall serve for terms of six years beginning on July  
36 1 and ending on June 30; except that of the members first appointed  
37 by the Governor, one shall serve for a term of six years, one shall  
38 serve for a term of four years, one shall serve for a term of three  
39 years, and one shall serve for a term of two years. Each member  
40 shall serve until his successor is appointed and qualified, and  
41 vacancies shall be filled in the same manner as the original  
42 appointments for the remainder of the unexpired term. A trustee  
43 appointed by the Governor may succeed himself for not more than  
44 one additional term after having served one full six-year term.

45 A trustee shall be subject to removal, after a hearing by a  
46 majority of the campus board of trustees, for malfeasance or  
47 conduct injurious to the interest of Rutgers University-Camden,  
48 subject to review and confirmation by the Governor in the case of

1 his appointees or by the board of governors or the board of trustees,  
2 as applicable, in the case of that board's appointees.

3 c. The board shall meet and organize annually at a regular  
4 meeting held during the second week of September, by the election  
5 of a chair, vice-chair, and such other officers as the board shall  
6 determine. The officers shall serve until the following September  
7 meeting and until their successors are elected and qualified.  
8 Vacancies in the offices shall be filled in the same manner for the  
9 unexpired term only.

10 d. Members of the board shall serve without compensation but  
11 shall be entitled to be reimbursed for all reasonable and necessary  
12 expenses.

13

14 <sup>2</sup>[19.] <sup>3</sup>[25<sup>2</sup>] 27.<sup>3</sup> (New section) Notwithstanding the  
15 provisions of N.J.S.18A:65-25 or any other section of law to the  
16 contrary, the campus board of trustees shall have general  
17 supervision over and shall be vested with the conduct of Rutgers  
18 University-Camden. It shall have the following powers, subject to  
19 the approval of the <sup>2</sup>[Joint]<sup>2</sup> Rowan University-Rutgers Camden  
20 Board of Governors:

21 a. determine policies for the organization, administration, and  
22 development of Rutgers University-Camden;

23 b. study the educational and financial needs of Rutgers  
24 University-Camden; annually acquaint the Governor and  
25 Legislature with the condition of Rutgers University-Camden; and  
26 prepare and present an annual budget to the Governor, the Division  
27 of Budget and Accounting in the Department of the Treasury, and  
28 the Legislature in accordance with the law;

29 c. set tuition and fees;

30 d. disburse all moneys appropriated to Rutgers University-  
31 Camden by the Legislature, including appropriations for fringe  
32 benefit costs, and all moneys received from tuition, fees, auxiliary  
33 services, and other sources;

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

44 f. borrow money for the needs of Rutgers University-Camden,  
45 <sup>3</sup>and projects of the Rowan University-Rutgers Camden Board of  
46 Governors.<sup>3</sup> as deemed requisite by the board, in such amounts and  
47 for such time and upon such terms as may be determined by the  
48 board; provided that no such borrowing shall be deemed or

- 1 construed to create or constitute a debt, liability, or a loan or pledge  
2 of the credit, or be payable out of property or funds, other than  
3 moneys appropriated for that purpose, of the State;
- 4 g. purchase all lands, buildings, equipment, materials, and  
5 supplies;
- 6 h. employ architects to plan buildings, secure bids for the  
7 construction of buildings and for the equipment thereof, make  
8 contracts for the construction of buildings and for equipment, and  
9 supervise the construction of buildings;
- 10 i. manage and maintain and provide for the payment of all  
11 charges on and expenses in respect of, all properties utilized by  
12 Rutgers University-Camden;
- 13 j. in accordance with the provisions of the State budget and  
14 appropriations acts of the Legislature, appoint and fix the  
15 compensation of the chancellor of Rutgers University-Camden, who  
16 shall be the executive officer of Rutgers University-Camden and an  
17 ex-officio member of the Rutgers University-Camden board of  
18 trustees, without vote, and shall serve at the pleasure of that board;
- 19 k. in accordance with the provisions of the State budget, have  
20 the power to elect, appoint, remove, promote, or transfer all  
21 corporate, official, educational, and civil administrative personnel,  
22 and fix and determine their salaries <sup>2</sup>consistent with the terms of  
23 any collective negotiations agreements entered into between  
24 Rutgers, The State University and a majority representative<sup>2</sup>;
- 25 l. in accordance with the State budget, appoint, remove,  
26 promote, and transfer all other officers, agents, or employees,  
27 assign their duties, determine their salaries, and prescribe  
28 qualifications for all positions, and in accordance with the salary  
29 schedules of the Civil Service Commission whenever possible <sup>2</sup>and  
30 consistent with the terms of any collective negotiations agreements  
31 entered into between Rutgers, The State University and a majority  
32 representative<sup>2</sup>; and
- 33 m. enter into contracts and agreements with the State or any of  
34 its political subdivisions or with the United States, or with any  
35 public body, department, or other agency of the State or the United  
36 States, or with any individual.
- 37 <sup>2</sup>Nothing in this section shall be construed to alter, amend,  
38 modify or diminish the authority of the board of governors of  
39 Rutgers, The State University to grant tenure and promotions to  
40 faculty at Rutgers University-Camden and establish standards for  
41 academic programs and for the awarding of degrees for Rutgers  
42 University-Camden.<sup>2</sup>
- 43
- 44 <sup>2</sup>[20.] <sup>3</sup>[26.<sup>2</sup>] 28.<sup>3</sup> (New section) Rutgers University-Camden  
45 shall maintain an Internet website for the board of trustees. The  
46 purpose of the website shall be to provide increased public access to

1 board operations and activities. The following information shall be  
2 posted on the board's website:

- 3 a. the board's rules, regulations, resolutions, and official policy  
4 statements;
- 5 b. notice, posted at least five business days prior to a meeting  
6 of the board or any of its committees, setting forth the time, date,  
7 location, and agenda of the meeting;
- 8 c. the minutes of each meeting of the board and its committees;  
9 and
- 10 d. information on any contract entered into by the board that  
11 was not competitively bid and the statutory authority for the  
12 contracting process.

13 The website shall be updated on a regular basis.

14  
15 <sup>2</sup>[21.] <sup>3</sup>[~~27.~~<sup>2</sup>] 29.<sup>3</sup> (New section) a. The board of governors of  
16 Rutgers University shall enter into a 99-year lease agreement with  
17 the board of trustees of Rutgers University-Camden <sup>2</sup>[, subject to  
18 the approval of the Joint Rowan University-Rutgers Camden Board  
19 of Governors,]<sup>2</sup> pursuant to which all property and assets <sup>2</sup>real or  
20 personal<sup>2</sup> of Rutgers University-Camden shall remain the property  
21 and assets of Rutgers University; except that Rutgers University  
22 shall have no responsibility or control over the property and assets  
23 or over the maintenance, insurance, and development of the  
24 property and assets. The lease agreement shall provide for an  
25 annual payment of \$1 per year by Rutgers University-Camden to  
26 the board of governors of Rutgers University and shall also include  
27 the payment by Rutgers University-Camden of any debt service  
28 <sup>2</sup>[associated with] directly related to<sup>2</sup> the facilities and property of  
29 Rutgers University-Camden. At the end of the lease agreement  
30 Rutgers University-Camden shall have the option to purchase the  
31 property at fair market value, exclusive of any improvements,  
32 buildings, or fixed assets thereon.

33 b. The board of governors of Rutgers University and the board  
34 of trustees of Rutgers University-Camden shall enter into an  
35 agreement for the participation of Rutgers University-Camden in  
36 the central administrative services and systems provided by Rutgers  
37 University including, but not limited to:

- 38 (1) the library system;
- 39 (2) information technology systems; and
- 40 (3) university administration and public safety including  
41 construction code services, emergency services, environmental and  
42 health services, and the police department.

43 The agreement shall include a <sup>2</sup>[negotiated rate] proportional  
44 amount<sup>2</sup> of reimbursement to be paid by Rutgers University-  
45 Camden to Rutgers University for <sup>2</sup>[the] its use of<sup>2</sup> central  
46 administrative services and systems provided pursuant to the  
47 agreement <sup>2</sup>that are directly related to Rutgers University-Camden<sup>2</sup>.



1       <sup>2</sup>[22.] <sup>3</sup>[28.<sup>2</sup>] 30.<sup>3</sup> (New section) The board of governors of  
2 Rutgers University shall establish:

3       a. standards for the establishment and evaluation of academic  
4 programs of Rutgers University-Camden;

5       b. standards for the award of degrees to students enrolled in the  
6 academic degree programs of Rutgers University-Camden; and

7       c. standards for the promotion and award of tenure to faculty  
8 employed at Rutgers University-Camden.  
9

10       <sup>2</sup>[23.] <sup>3</sup>[29.] 31.<sup>3</sup> a.<sup>2</sup> (New section) The provisions of all  
11 collective negotiations agreements applicable to employees of  
12 Rutgers University-Camden in effect on the effective date of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill)  
14 shall remain in full force and effect until such time as new or  
15 revised agreements or contracts may be established. <sup>2</sup>All persons  
16 employed at Rutgers University-Camden shall continue to be  
17 represented by the majority representative that represented them on  
18 the effective date of this act, shall continue to be represented in the  
19 Rutgers University-wide collective negotiations units they were in  
20 on the effective date of this act, and shall continue to be covered by  
21 the collective negotiations agreements that were in effect on the  
22 effective date of this act. Persons employed at Rutgers University-  
23 Camden shall continue to be employees of Rutgers, The State  
24 University and Rutgers, The State University shall continue to be  
25 the public employer of such employees as that term is defined by  
26 the “New Jersey Employer-Employee Relations Act,” P.L.1941,  
27 c.100 (C.34:13A-1 et seq.).

28       b. Nothing in this act shall be construed to deprive any person  
29 employed at Rutgers University-Camden of any tenure rights or to  
30 in any manner affect the tenure, rank, or academic track of any  
31 employees holding a faculty position. Such tenure, rank, and  
32 academic track shall continue to be through Rutgers, The State  
33 University and shall be held and granted pursuant to the authority of  
34 the board of governors of Rutgers, The State University for all  
35 current and future employees employed at Rutgers University-  
36 Camden.

37       c. Nothing in this act shall be construed to deprive any officers  
38 or employees employed at Rutgers University-Camden of their  
39 rights, privileges, obligations, or status under any pension,  
40 retirement, health benefits system, civil service law or any other law  
41 of this State.<sup>2</sup>  
42

43       <sup>2</sup>[24.] <sup>3</sup>[30.<sup>2</sup>] 32.<sup>3</sup> (New section) a. All monies <sup>3</sup>and funding<sup>3</sup>  
44 <sup>2</sup>including, but not limited to, grants, <sup>3</sup>gifts, bequests, tuition,  
45 endowments,<sup>3</sup> appropriations, capital improvement expenditures,  
46 <sup>3</sup>debt service,<sup>3</sup> research funds, State-funded personnel <sup>3</sup>and  
47 budgeted positions<sup>3</sup>, institutional support, <sup>3</sup>centralized services,<sup>3</sup>

1 and grants-in-aid,<sup>2</sup> previously allocated or otherwise provided to  
2 Rutgers University for the use of Rutgers University-Camden,  
3 regardless of source, which remain unexpended on the effective  
4 date of P.L. , c. (C. ) (pending before the Legislature as this  
5 bill), shall be transferred to Rutgers University-Camden.

6 b. State support for the operation of Rutgers University-  
7 Camden, including support for fringe benefit costs, shall be  
8 appropriated by the Legislature directly to Rutgers University-  
9 Camden.

10  
11 <sup>2</sup>[25.] <sup>3</sup>[31.<sup>2</sup>] 33.<sup>3</sup> (New section) There is established the  
12 <sup>2</sup>[Joint]<sup>2</sup> Rowan University-Rutgers Camden Board of Governors.  
13 Notwithstanding any other provision of law to the contrary <sup>3</sup>[<sup>2</sup>and  
14 subject to the provisions of section 25 of this act<sup>2</sup>]<sup>3</sup>, the board shall  
15 have full authority over all matters concerning the supervision and  
16 operations of Rowan University and Rutgers University-Camden.

17 a. The board shall be composed of seven members as follows:  
18 two members appointed by the board of trustees of Rowan  
19 University from among its members; two members appointed by the  
20 board of trustees of Rutgers University-Camden from among its  
21 members; and three members appointed by the Governor with the  
22 advice and consent of the Senate. The board shall elect a  
23 chairperson from among its membership.

24 b. The term of office of a member of the <sup>2</sup>[joint]<sup>2</sup> board  
25 appointed by the board of trustees of Rowan University or the board  
26 of trustees of Rutgers University-Camden shall be coterminous with  
27 his term on that board of trustees. The term of office of the  
28 Governor's appointees shall be six years. An appointed member  
29 may be removed for cause by the board of trustees that appointed  
30 the member, or by the Governor in the case of his appointees.

31 c. Each member shall serve until his successor is appointed and  
32 qualified, and vacancies shall be filled in the same manner as the  
33 original appointments for the remainder of the unexpired term.

34 d. Members of the board shall serve without compensation but  
35 shall be entitled to be reimbursed for all reasonable and necessary  
36 expenses.

37 e. The <sup>2</sup>[joint]<sup>2</sup> board shall be staffed by employees of Rowan  
38 University and Rutgers University-Camden.

39  
40 <sup>2</sup>[26.] <sup>3</sup>[32.<sup>2</sup>] 34.<sup>3</sup> (New section) The <sup>2</sup>[Joint]<sup>2</sup> Rowan  
41 University-Rutgers Camden Board of Governors shall have the  
42 authority and responsibility to:

43 a. approve or disapprove of any decision of the board of  
44 trustees of Rowan University or the board of trustees of Rutgers  
45 University-Camden;

46 b. determine policies for the organization, administration, and  
47 development of curriculum and programs of Rowan University and

1 Rutgers University-Camden, including dual degree programs and  
2 partnerships between the institutions;

3 c. make joint faculty appointments to Rowan University and  
4 Rutgers University-Camden;

5 d. determine policies for the shared utilization of each  
6 institution's resources including housing, student affairs, and  
7 security;

8 e. provide curricular oversight of joint programs of Rowan  
9 University and Rutgers University-Camden; and

10 f. develop plans and policies for the operation and governance  
11 of health science facilities, including policies concerning the  
12 development and financing of capital improvements or expansions  
13 of health science facilities.

14 <sup>3</sup><sup>2</sup>The board shall be authorized to not take any action that  
15 would violate any of the bond covenants of Rutgers, The State  
16 University or Rowan University. The board shall not reallocate any  
17 funds or endowments from one university to the other. The board  
18 shall have no authority over the tenure of faculty at either Rutgers,  
19 The State University or Rowan University.<sup>2</sup> <sup>2</sup> The board shall not  
20 take any action to use, transfer, commit, or control the endowment  
21 funds provided to or accumulated by and under the control of either  
22 institution without the respective approval of the Rowan University  
23 Board of Trustees or the Rutgers Camden Board of Trustees. The  
24 board shall have no authority over the tenure of faculty at either  
25 Rutgers, The State University or Rowan University.<sup>3</sup>

26  
27 <sup>2</sup>[27.] <sup>3</sup>[33.<sup>2</sup>] <sup>3</sup>35.<sup>3</sup> (New section) a. As used in sections <sup>2</sup>[28  
28 through 56] <sup>3</sup>[34 through 62<sup>2</sup>] <sup>3</sup>36 through 62<sup>3</sup> of P.L. , c.  
29 (C. ) (pending before the Legislature as this bill) "Rowan  
30 University" shall, unless the context clearly indicates to the  
31 contrary, include and mean the public research university herein  
32 designated "Rowan University" as presently and hereafter  
33 constituted, including all departments, colleges, schools, centers,  
34 branches, educational and other units and extensions thereof,  
35 extension and cooperative education programs, continuing  
36 education programs, and all other departments of higher education  
37 maintained by the educational entity of the university.

38 b. As used in sections <sup>2</sup>[28 through 56] <sup>3</sup>[34 through 62<sup>2</sup>] <sup>3</sup>36  
39 through 62<sup>3</sup> of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill), "university" shall mean "Rowan University."  
41

42 <sup>2</sup>[28.] <sup>3</sup>[34.<sup>2</sup>] <sup>3</sup>36.<sup>3</sup> (New section) There is hereby established a  
43 body corporate and politic to be known as Rowan University. The  
44 exercise by the university of the powers conferred by this act,  
45 including the presentation and operation of a four-year allopathic  
46 medical school, shall be deemed to be public and essential

1 governmental functions necessary for the welfare of the State and  
2 the people of New Jersey.

3

4 <sup>2</sup>[29.] <sup>3</sup>[35.<sup>2</sup>] 37.<sup>3</sup> (New section) It is declared to be the public  
5 policy of the State that the university shall be given a high degree of  
6 self-government and that the governance and conduct of the  
7 university shall be free of partisanship.

8

9 <sup>2</sup>[30.] <sup>3</sup>[36.<sup>2</sup>] 38.<sup>3</sup> (New section) The board of trustees of the  
10 university is continued and shall have and exercise the powers,  
11 authority, rights and privileges and shall be subject to the duties,  
12 obligations, and responsibilities set forth in this act.

13

14 <sup>2</sup>[31.] <sup>3</sup>[37.<sup>2</sup>] 39.<sup>3</sup> (New section) a. The composition and size  
15 of the board of trustees shall be determined by the board; however,  
16 the board shall have not less than seven nor more than 15 members.  
17 The members shall be appointed by the Governor with the advice  
18 and consent of the Senate. The board of trustees shall recommend  
19 potential new members to the Governor. The terms of office of  
20 appointed members shall be for six years beginning on July 1 and  
21 ending on June 30. Each member shall serve until his successor  
22 shall have been appointed and qualified and vacancies shall be  
23 filled in the same manner as the original appointments for the  
24 remainders of the unexpired terms. Any member of a board of  
25 trustees may be removed by the Governor for cause upon notice and  
26 opportunity to be heard.

27 b. Members of the board as of the effective date of this act  
28 shall continue in office until the expiration of their respective terms  
29 and the qualification in office of their successors.

30 c. All voting members of the board of trustees, before  
31 undertaking the duties of their office, shall take and subscribe an  
32 oath or affirmation to support the Constitution of the State of New  
33 Jersey and of the United States, to bear allegiance to the  
34 government of the State, and to perform the duties of their office  
35 faithfully, impartially and justly, to the best of their ability.

36 d. Members of the board of trustees shall not receive  
37 compensation for their services. Each trustee shall be reimbursed  
38 for actual expenses reasonably incurred in the performance of his  
39 duties or in rendering service as a member of or on behalf of the  
40 board or any committee of the board.

41 e. The board of trustees shall elect its chairperson from among  
42 its voting members annually in July. The board shall select such  
43 other officers from among its members as shall be deemed  
44 necessary.

45 f. A voting member of the board of trustees shall not be a  
46 salaried official of the State of New Jersey, or receive remuneration  
47 for services from the university. No trustee shall be appointed who  
48 is an employee or paid official of any hospital affiliated with the

1 university. If any member of the board shall become ineligible by  
2 reason of the foregoing, a vacancy in his office as trustee shall  
3 thereby occur.

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

11 <sup>2</sup>[32.] <sup>3</sup>[38. <sup>2</sup>] 40. <sup>3</sup> (New section) The board of trustees of the  
12 university shall provide for the election of two student  
13 representatives, who shall be full-time, regularly matriculated  
14 students in good academic standing, and who shall be 18 years of  
15 age or older and citizens of the United States. The student  
16 representatives shall be elected by the members of the student  
17 government association to serve on the board of trustees for terms  
18 of two years commencing at the next organization of the board.

19 a. A student shall be elected for a two-year term, but shall  
20 serve during the first year as an alternate member, and as a voting  
21 member during the second year.

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

24 b. The standards for eligibility for student representatives on  
25 the board of trustees shall be the same as those required for other  
26 student government officers.

27 c. The student members shall be entitled to full participation in  
28 all activities of the board except that they shall not participate in:

29 (1) Any matter involving the employment, appointment,  
30 termination of employment, terms and conditions of employment,  
31 evaluation of the performance of, promotion or disciplining of any  
32 specific prospective officer or employee or current officer or  
33 employee employed or appointed by the board, unless all the  
34 individual employees or appointees whose rights could be adversely  
35 affected request in writing that the matter or matters be discussed at  
36 a public meeting;

37 (2) Any matter involving the purchase, lease, acquisition or sale  
38 of real property with public funds, the setting of banking rates or  
39 investment of public funds, where it could adversely affect the  
40 public interest if discussion of these matters were disclosed; and

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

1 d. Upon assuming office, the students shall agree to adhere to  
2 such standards of responsibility and confidentiality as are  
3 established by the board of trustees.

4  
5 <sup>2</sup>[33.] <sup>3</sup>[39.<sup>2</sup>] 41.<sup>3</sup> (New section) The board of trustees of  
6 Rowan University shall have the general supervision over and be  
7 vested with the conduct of the university. It shall have the power  
8 and duty, subject to the approval of the <sup>2</sup>[Joint]<sup>2</sup> Rowan  
9 University-Rutgers Camden Board of Governors, to:

10 a. Adopt and use a corporate seal;

11 b. Determine the educational curriculum and program of the  
12 university;

13 c. Determine policies for the organization, administration, and  
14 development of the university;

15 d. Study the educational and financial needs of the university,  
16 annually acquaint the Governor and Legislature with the condition  
17 of the university, and prepare and submit an annual request for  
18 appropriation to the Division of Budget and Accounting in the  
19 Department of the Treasury in accordance with law;

20 e. Disburse all moneys appropriated to the university by the  
21 Legislature and all moneys received from tuition, fees, auxiliary  
22 services and other sources;

23 f. Direct and control expenditures and transfers of funds  
24 appropriated to the university in accordance with the provisions of  
25 the State budget and appropriation acts of the Legislature, and, as to  
26 funds received from other sources, direct and control expenditures  
27 and transfers in accordance with the terms of any applicable trusts,  
28 gifts, bequests, or other special provisions, reporting changes and  
29 additions thereto and transfers thereof to the Director of the  
30 Division of Budget and Accounting in the Department of the  
31 Treasury. All accounts of the university shall be subject to audit by  
32 the State at any time;

33 g. In accordance with the provisions of the State budget and  
34 appropriation acts of the Legislature, appoint and fix the  
35 compensation and term of office of a president of the university  
36 who shall be the executive officer of the university and an ex officio  
37 member of the board of trustees, without vote, and shall serve at the  
38 pleasure of the board of trustees;

39 h. In accordance with the provisions of the State budget and  
40 appropriation acts of the Legislature, appoint, upon nomination of  
41 the president, such deans and other members of the academic,  
42 administrative, and teaching staffs as shall be required and fix their  
43 compensation and terms of employment;

44 i. Consistent with the provisions of its budget, this act and any  
45 and all controlling collective bargaining agreements, have the  
46 power, upon nomination or recommendation of the president, to  
47 appoint, remove, promote and transfer all other officers, agents, or  
48 employees which may be required to carry out the provisions of this

- 1 act and prescribe qualifications for those positions, and assign  
2 requisite duties and determine and fix respective compensation for  
3 those positions in accordance with duly adopted salary program  
4 parameters;
- 5 j. Grant diplomas, certificates or degrees;
- 6 k. Enter into contracts and agreements with the State or any of  
7 its political subdivisions or with the United States, or with any  
8 public body, department or other agency of the State or the United  
9 States or with any individual, firm or corporation which are deemed  
10 necessary or advisable by the board for carrying out the provisions  
11 of this act. A contract or agreement pursuant to this subsection may  
12 require a municipality to undertake obligations and duties to be  
13 performed subsequent to the expiration of the term of office of the  
14 elected governing body of such municipality which initially entered  
15 into or approved said contract or agreement, and the obligations and  
16 duties so incurred by such municipality shall be binding and of full  
17 force and effect, notwithstanding that the term of office of the  
18 elected governing body of such municipality which initially entered  
19 into or approved said contract or agreement, shall have expired;
- 20 l. Exercise the right of eminent domain, pursuant to the  
21 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
22 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 23 m. Adopt, after consultation with the president and faculty,  
24 bylaws and make and promulgate such rules, regulations, and  
25 orders, not inconsistent with the provisions of this act as are  
26 necessary and proper for the administration and operation of the  
27 university and the carrying out of its purposes;
- 28 n. Establish fees for room and board sufficient for the  
29 operation, maintenance, and rental of student housing and food  
30 services facilities;
- 31 o. Fix and determine tuition rates and other fees to be paid by  
32 students;
- 33 p. Accept from any government or governmental department,  
34 agency or other public or private body or from any other source  
35 grants or contributions of money or property which the board may  
36 use for or in aid of any of its purposes;
- 37 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
38 lease, dispose of, use and operate property, whether real, personal  
39 or mixed, or any interest therein, which is necessary or desirable for  
40 university purposes;
- 41 r. Employ architects to plan buildings; secure bids for the  
42 construction of buildings and for the equipment thereof; make  
43 contracts for the construction of buildings and for equipment; and  
44 supervise the construction of buildings;
- 45 s. Manage and maintain, and provide for the payment of all  
46 charges on and expenses in respect of, all properties utilized by the  
47 university;

1 t. Borrow money and to secure the same by a mortgage on its  
2 property or any part thereof, and to enter into any credit agreement  
3 for the needs of the university <sup>2</sup>and projects of the Rowan  
4 University-Rutgers Camden Board of Governors<sup>2</sup>, as deemed  
5 requisite by the board, in such amounts and for such time and upon  
6 such terms as may be determined by the board, provided that no  
7 such borrowing shall be deemed or construed to create or constitute  
8 a debt, liability, or a loan or pledge of the credit or be payable out  
9 of property or funds, other than moneys appropriated for that  
10 purpose, of the State;

11 u. Authorize any new program, educational department or  
12 school consistent with the programmatic mission of the institution  
13 or approved by the Secretary of Higher Education;

14 v. Adopt standing operating rules and procedures for the  
15 purchase of all equipment, materials, supplies and services;  
16 however, no contract on behalf of the university shall be entered  
17 into for the purchase of services, materials, equipment and supplies,  
18 for the performance of any work, or for the hiring of equipment or  
19 vehicles, where the sum to be expended exceeds \$30,700 or the  
20 amount determined by the Governor as provided herein, unless the  
21 university shall first publicly advertise for bids and shall award the  
22 contract to that responsible bidder whose bid, conforming to the  
23 invitation for bids, will be most advantageous to the university,  
24 price and other factors considered. Such advertising shall not be  
25 required in those exceptions created by the board of trustees of the  
26 university, which shall be in substance those exceptions contained  
27 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the  
28 supplying of any product or the rendering of any service by a public  
29 utility subject to the jurisdiction of the Board of Public Utilities of  
30 this State and tariffs and schedules of the charges made, charged, or  
31 exacted by the public utility for any such products to be supplied or  
32 services to be rendered are filed with the said board. Commencing  
33 July 1, 2013 and every two years thereafter, the Governor, in  
34 consultation with the Department of the Treasury, shall adjust the  
35 threshold amount set forth in this paragraph in direct proportion to  
36 the rise or fall of the consumer price index for all urban consumers  
37 in the New York City and the Philadelphia areas as reported by the  
38 United States Department of Labor. The Governor shall notify the  
39 university of the adjustment. The adjustment shall become effective  
40 on July 1 of the year in which it is reported.

41 This subsection shall not prevent the university from having any  
42 work performed by its own employees, nor shall it apply to repairs,  
43 or to the furnishing of materials, supplies or labor, or the hiring of  
44 equipment or vehicles, when the safety or protection of its or other  
45 public property or the public convenience requires or the exigency  
46 of the university's service will not admit of such advertisement. In  
47 such case, the university shall, by resolution passed by the  
48 affirmative vote of its board of trustees, declare the exigency or



1 emergency to exist, and set forth in the resolution the nature and  
2 approximate amount to be expended; shall maintain appropriate  
3 records as to the reason for such awards; and shall report regularly  
4 to its board of trustees on all such purchases, the amounts and the  
5 reasons therefore;

6 w. Invest certain moneys in such obligations, securities and  
7 other investments as the board shall deem prudent, consistent with  
8 the purposes and provisions of this act and in accordance with State  
9 and federal law, as follows:

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

20 x. (1) Participate as the general partner or as a limited partner,  
21 either directly or through a subsidiary corporation created by the  
22 university, in limited partnerships, general partnerships, or joint  
23 ventures engaged in the development, manufacture, or marketing of  
24 products, technology, scientific information or health care services  
25 and create or form for-profit or not-for-profit corporations to  
26 engage in such activities; provided that any such participation shall  
27 be consistent with the mission of the university and the board shall  
28 have determined that such participation is prudent;

29 (2) The decision to participate in any activity described in  
30 paragraph (1) of this subsection, including the creation or formation  
31 of for-profit or not-for-profit corporations, shall be articulated in the  
32 minutes of the board of trustees meeting in which the action was  
33 approved;

34 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
35 shall continue to apply to the university, its employees, and  
36 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 for-profit or not-for-profit corporations organized and  
45 operated pursuant to this subsection in the development,  
46 manufacture, or marketing of products, technology or scientific  
47 information;

1 (6) Employees of any joint venture, subsidiary corporation,  
2 partnership, or other jural entity entered into or owned wholly or in  
3 part by the university shall not be deemed public employees;

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

7 (8) Income realized by the university as a result of participation  
8 in the development, manufacture, or marketing of products,  
9 technology, or scientific information may be invested or reinvested  
10 pursuant to subsection w. of this section or any other provision of  
11 this act or State or federal law or retained by the board for use in  
12 furtherance of any of the purposes of this act or of other applicable  
13 statutes;

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

18 y. Sue and be sued in its own name;

19 z. Retain independent counsel including representation by the  
20 Attorney General in accordance with subsection h. of section 6 of  
21 P.L.1994, c.48 (C.18A:3B-6);

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

36 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
37 administered by the State Treasurer shall continue to be available to  
38 the university solely to indemnify and defend claims against the  
39 university and its employees, officers and servants but only to the  
40 extent that the university has elected on behalf of itself and its  
41 employees to obtain representation from the Attorney General  
42 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
43 6) and such entity or individuals would have been entitled to  
44 defense and indemnification pursuant to the "New Jersey Tort  
45 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
46 employee but for the provision of subsection z. of this section.  
47 Any expenditure of such funds shall be made only in accordance  
48 with the provisions of the "New Jersey Tort Claims Act,"

1 N.J.S.59:1-1 et seq., including but not limited to the provisions of  
2 chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes.  
3 Nothing herein shall be construed to authorize the use of the Self-  
4 Insurance Trust Fund to indemnify or insure in any way, directly or  
5 indirectly the activities of any joint venture, partnership or  
6 corporation entered into or created by the university pursuant to  
7 subsection x. of this section;

8 bb. Create auxiliary organizations subject to the provisions of  
9 P.L.1982, c.16 (C.18A:64-26 et seq.);

10 cc. Adopt a code of ethics that complies with the requirements  
11 of all statutes applicable to the institution, including, but not  
12 limited, to the "Higher Education Restructuring Act of 1994,"  
13 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
14 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
15 the State Ethics Commission, and any applicable executive orders;  
16 and

17 dd. Establish a procedure for the confidential, anonymous  
18 submission of employee concerns regarding alleged wrongdoing at  
19 the university.

20

21 <sup>2</sup>[34.] <sup>3</sup>[40.<sup>2</sup>] 42.<sup>3</sup> (New section) All functions, powers and  
22 duties relating to the investment or reinvestment of funds other than  
23 those funds specified in subsection w. of section <sup>2</sup>[33] 39<sup>2</sup>  
24 P.L. , c. (C. ) (pending before the Legislature as this bill)  
25 within the jurisdiction of the board of trustees including the  
26 purchase, sale, or exchange of any investments or securities may be  
27 exercised and performed by the Director of the Division of  
28 Investment in the Department of the Treasury in accordance with  
29 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.) if so  
30 authorized by the board. Sections <sup>2</sup>[35 and 36] 41 and 42<sup>2</sup> of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
32 only be applicable in the event of such an election. Before any such  
33 investment, reinvestment, purchase, sale, or exchange shall be made  
34 by the director for or on behalf of the board of trustees, the Director  
35 of the Division of Investment shall submit the details thereof to the  
36 board, which shall, itself or by its finance committee, within 48  
37 hours, exclusive of Sundays and public holidays, after such  
38 submission to it, file with the director its written acceptance or  
39 rejection of such proposed investment, reinvestment, purchase, sale,  
40 or exchange; and the director shall have authority to make such  
41 investment, reinvestment, purchase, sale, or exchange for or on  
42 behalf of the board, unless there shall have been filed with him a  
43 written rejection thereof by the board or its finance committee as  
44 herein provided. The board of trustees shall determine from time to  
45 time the cash requirements of the various funds and accounts  
46 established by it and the amount available for investment, all of  
47 which shall be certified to the State Treasurer and the Director of  
48 the Division of Investment.

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

5  
6 <sup>2</sup>[35.] <sup>3</sup>[41.<sup>2</sup> (New section) The Director of the Division of  
7 Investment in the Department of the Treasury, in addition to other  
8 investments, presently or from time to time hereafter authorized by  
9 law, shall have authority, subject to any acceptance required, to  
10 invest and reinvest such funds in, and to acquire for or on behalf of  
11 the board such bonds or other evidence of indebtedness or capital  
12 stock or other securities issued by any company incorporated  
13 within the United States or within the Dominion of Canada, which  
14 shall be authorized or approved for investment by regulation of the  
15 State Investment Council and in which life insurance companies  
16 organized under the laws of this State may legally invest.]<sup>3</sup>

17  
18 <sup>2</sup>[36.] <sup>3</sup>[42.<sup>2</sup> (New section) The State Treasurer shall be the  
19 custodian of the board's investment funds, shall select all  
20 depositories and custodians and shall negotiate and execute custody  
21 agreements in connection with the assets or investments of any said  
22 funds.]<sup>3</sup>

23  
24 <sup>2</sup>[37.] <sup>43.</sup><sup>2</sup> (New section) The university shall maintain an  
25 Internet website for the board of trustees. The purpose of the  
26 website shall be to provide increased public access to board  
27 operations and activities. The following information shall be posted  
28 on the board's website:

- 29 a. the board's rules, regulations, resolutions, and official policy  
30 statements;  
31 b. notice, posted at least five business days prior to a meeting  
32 of the board or any of its committees, setting forth the time, date,  
33 location, and agenda of the meeting;  
34 c. the minutes of each meeting of the board and its committees;  
35 and  
36 d. information on any contract entered into by the board that  
37 was not competitively bid and the statutory authority for the  
38 contracting process.

39 The website shall be updated on a regular basis.

40  
41 <sup>2</sup>[38.] <sup>44.</sup><sup>2</sup> (New section) The board of trustees, in addition to  
42 the other powers and duties provided herein, shall be vested with  
43 the right of perpetual succession and shall have and exercise all the  
44 powers, rights, and privileges that are incident to the proper  
45 governance, conduct, and management of the university and the  
46 control of its properties and funds and such powers granted to the  
47 university or the board or reasonably implied, may be exercised

1 without recourse or reference to any department or agency of the  
2 State, except as otherwise provided by this act.

3  
4 <sup>2</sup>[39.] 45.<sup>2</sup> (New section) The board shall appoint and fix the  
5 compensation of a president of the university. The president shall  
6 be responsible to the board of trustees and shall have such powers  
7 as shall be requisite for the executive management and conduct of  
8 the university in all departments, branches and divisions, and for the  
9 execution and enforcement of bylaws, ordinances, rules,  
10 regulations, statutes, and orders governing the management,  
11 conduct and administration of the university.

12  
13 <sup>2</sup>[40.] 46.<sup>2</sup> (New section) No trustee or officer of the university  
14 shall be personally liable for any debt, obligation, or other liability  
15 of the university or incurred by or on behalf of the university or any  
16 constituent unit thereof.

17  
18 <sup>2</sup>[41.] 47.<sup>2</sup> (New section) The board of trustees shall advise the  
19 Governor and Legislature, in consultation with the Secretary of  
20 Higher Education and the President's Council and successor bodies,  
21 on the manner in which the facilities and services of the university  
22 may be utilized so as to increase the efficiency of the public  
23 education system and provide, maintain, and improve upon the  
24 quality of higher education for the people of the State. The board of  
25 trustees shall make recommendations to the Governor and the  
26 Legislature respecting the needs for the facilities and services of the  
27 university as an educational instrumentality of the State for that  
28 purpose.

29  
30 <sup>2</sup>[42.] 48.<sup>2</sup> (New section) Subject to the provisions of  
31 P.L.1969, c.242 (C.18A:66-167 et seq.) and except as otherwise  
32 provided by law, the university shall be deemed to be an employer  
33 for the purposes of the "Public Employees' Retirement System Act,"  
34 P.L.1954, c.84 (C.43:15A-1 et seq.), and shall also be deemed to be  
35 a "public agency or organization" within the meaning of section 71  
36 of that act (C.43:15A-71). Further, the university's commissioned  
37 police officers shall be eligible for participation in and subject to  
38 the provisions of the "Police and Firemen's Retirement Systems  
39 Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall  
40 be deemed an employer within the meaning of that act.

41  
42 <sup>2</sup>[43.] 49.<sup>2</sup> (New section) Nothing herein contained shall be  
43 construed to impair, annul or affect any vested rights, grants,  
44 privileges, exemptions, immunities, powers, prerogatives,  
45 franchises, or advantages heretofore obtained or enjoyed by the  
46 university or any constituent unit thereof, under any authority or  
47 any act of this State or under any grant, deed, conveyance, transfer,

1 lease, estate, remainder, expectancy, trust, gift, donation, legacy,  
2 devise, endowment or fund, all of which are hereby ratified and  
3 confirmed except insofar as the same may have expired, be or have  
4 been repealed or altered, or may be inconsistent with this act or  
5 with existing provisions of law; subject however, thereto and to all  
6 of the rights, obligations, relations, conditions, terms, trust, duties,  
7 and liabilities to which the same are subject.

8  
9 <sup>2</sup>[44.] 50.<sup>2</sup> (New section) The enactment and adoption of this  
10 act shall not, of itself, affect the official, operational, or  
11 organizational status of any officer of the university or any and all  
12 outstanding authorizations of any officer, agent, or employee to  
13 take specified action, or any and all outstanding commitments or  
14 undertakings of or by the university, except and only to the extent  
15 that any of the same may be inconsistent with this act.

16  
17 <sup>2</sup>[45.] 51.<sup>2</sup> (New section) Upon the establishment of the body  
18 corporate and politic known as Rowan University:

19 a. All appropriations <sup>2</sup>, grants, debt service, research funds, and  
20 other monies<sup>2</sup> available to Rowan University prior to the effective  
21 date of this act and to become available shall be transferred to the  
22 university by the Director of the Division of Budget and Accounting  
23 in the Department of the Treasury and shall be available for the  
24 objects and purposes for which appropriated, subject to any terms,  
25 restrictions, limitations or other requirements imposed by the State  
26 budget;

27 b. All other grants, gifts, other moneys and property available  
28 to Rowan University prior to the effective date of this act and to  
29 become available to or for Rowan University shall be transferred to  
30 the university and shall be available for the objects and purposes of  
31 the university, subject to any terms, restrictions, limitations or other  
32 requirements imposed by State and federal law or otherwise;

33 c. All employees of Rowan University prior to the effective  
34 date of this act shall become employees of the university. Nothing  
35 in this act shall be construed so as to deprive any person of any  
36 right of tenure or under any retirement system or to any pension,  
37 disability, social security or similar benefit, to which the person is  
38 entitled by law or contractually <sup>2</sup>. All persons employed at Rowan  
39 University shall continue to be represented by the majority  
40 representative that represented them on the effective date of this act,  
41 shall continue to be represented by the executive branch Statewide  
42 collective negotiations units they were in on the effective date of  
43 this act, and shall continue to be covered by the collective  
44 negotiations agreements that were in effect on the effective date of  
45 this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1),  
46 the Governor shall continue to function as the public employer  
47 under the "New Jersey Employer-Employee Relations Act,"

1 P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at  
2 Rowan University. The executive branch Statewide collective  
3 negotiations units referenced in this section are the units specified  
4 in subsection b. section 1 of P.L.2005, c.142 (C.34:13A-5.10). The  
5 employees of Rowan University employed on the effective date of  
6 this act shall not be considered new employees for any purpose and  
7 shall retain any accrued seniority, rank, and tenure, which shall be  
8 applied when determining eligibility for all benefits, including all  
9 paid leave time, longevity increases, promotions and health  
10 benefits. Nothing in this act shall be construed to deprive any  
11 person employed at Rowan University of any tenure rights or to in  
12 any manner affect the tenure, rank, or academic track of any  
13 employees holding a faculty position. Such tenure, rank and  
14 academic track shall continue to be through Rowan University and  
15 shall be held or granted pursuant to the authority of the board of  
16 trustees of Rowan University for all current and future employees  
17 employed at Rowan University. Nothing in this act shall be  
18 construed to deprive any officers or employees employed at Rowan  
19 University of their rights, privileges, obligations or status under any  
20 pension, retirement, health benefits system, civil service law or any  
21 other law of this State<sup>2</sup>;

22 d. All files, papers, records, equipment and other personal  
23 property of Rowan University shall be transferred to the university;  
24 and

25 e. All orders, rules or regulations theretofore made or  
26 promulgated by Rowan University shall continue in full force and  
27 effect as the orders, rules and regulations of the university until  
28 amended or repealed by the university.  
29

30 <sup>2</sup>[46.] 52.<sup>2</sup> (New section) This act shall not affect actions or  
31 proceedings, civil or criminal, brought by or against Rowan  
32 University, but such actions or proceedings may be prosecuted or  
33 defended in the same manner and to the same effect by the  
34 university as if the foregoing provisions had not taken effect; nor  
35 shall any of the foregoing provisions affect any order or regulation  
36 made by, or other matters or proceedings before, Rowan University,  
37 and all such matters or proceedings pending before Rowan  
38 University on the effective date of this act shall be continued by the  
39 university, as if the foregoing provisions had not taken effect.  
40

41 <sup>2</sup>[47.] 53.<sup>2</sup> (New section) Whenever in any law, rule, regulation,  
42 contract, document, judicial or administrative proceeding or  
43 otherwise, reference is made to Rowan University, the same shall  
44 mean and refer to Rowan University, herein referred to as  
45 "university," established as a public research university pursuant to  
46 the provisions of this act.

1       <sup>2</sup>[48.] 54.<sup>2</sup> (New section) The general powers of supervision  
2 and control of the Secretary of Higher Education at the request of  
3 the Governor over Rowan University include the power to visit the  
4 university to examine into its manner of conducting its affairs and  
5 to enforce an observance of its laws and regulations and the laws of  
6 the State.

7  
8       <sup>2</sup>[49.] 55.<sup>2</sup> (New section) Notwithstanding any of the  
9 provisions of the "New Jersey Contractual Liability Act"  
10 (N.J.S.59:13-1 et seq.) to the contrary, contract claims and suits  
11 against the university shall be governed by that act.

12  
13       <sup>2</sup>[50.] 56.<sup>2</sup> (New section) Every contract or agreement  
14 negotiated, awarded or made pursuant to this act shall contain a  
15 suitable warranty by the contractor that no person or selling agency  
16 has been employed or retained to solicit or secure such contract  
17 upon an agreement or understanding for a commission, percentage,  
18 brokerage or contingent fee, except bona fide employees or bona  
19 fide established commercial or selling agencies maintained by the  
20 contractor for the purpose of securing business, for the breach or  
21 violation of which warranty the university shall have the right to  
22 annul such contract without liability or in its discretion to deduct  
23 from the contract price or consideration the full amount of such  
24 commission, percentage, brokerage or contingent fee.

25  
26       <sup>2</sup>[51.] 57.<sup>2</sup> (New section) Any person willfully authorizing,  
27 consenting to, making or procuring to be made payment of  
28 university funds for or on account of any purchase, contract or  
29 agreement known to him to have been made or entered into in  
30 violation of any of the provisions of this act shall be guilty of a  
31 misdemeanor.

32  
33       <sup>2</sup>[52.] 58.<sup>2</sup> (New section) The payment of any fee, commission  
34 or compensation of any kind or the granting of any gift or gratuity  
35 of any kind, either directly or indirectly, whether or not in  
36 connection with any purchase, sale or contract, to any person  
37 employed by Rowan University, having any duties or  
38 responsibilities in connection with the purchase or acquisition of  
39 any property or services by the university, by or on behalf of any  
40 seller or supplier who has made, negotiated, solicited or offered to  
41 make and contract to sell or furnish real or personal property or  
42 services to the university is hereby prohibited. Any person offering,  
43 paying, giving, soliciting or receiving any fee, commission,  
44 compensation, gift or gratuity in violation of this section shall be  
45 guilty of a misdemeanor.



1       <sup>2</sup>[53.] 59.<sup>2</sup> (New section) The provisions of this act shall not  
2 alter the term of any member of the board, not specifically  
3 abolished herein, lawfully in office as of the effective date of this  
4 act, or require the reappointment thereof.

5  
6       <sup>2</sup>[54.] 60.<sup>2</sup> (New section) No provision of this act shall be  
7 deemed or construed to create or constitute a debt, liability, or a  
8 loan or pledge of the credit, of the State of New Jersey.

9  
10       <sup>2</sup>[55.] 61.<sup>2</sup> (New section) This act, being deemed and declared  
11 necessary for the welfare of the State and the people of New Jersey  
12 to provide for the development of public higher education in the  
13 State and thereby to improve the quality and increase the efficiency  
14 of the public system of educational services of the State, shall be  
15 liberally construed to effectuate the purposes and intent thereof.

16  
17       <sup>2</sup>[56.] 62.<sup>2</sup> (New section) In accordance with the provisions of  
18 section 27 of P.L.1994, c.48 (C.18A:3B-27), the university is  
19 allocated to the Department of State for the purposes of complying  
20 with the provisions of Article V, Section IV, Paragraph 1 of the  
21 New Jersey Constitution. Notwithstanding this allocation, the  
22 university shall be independent of any supervision or control of the  
23 Department of State or any board, commission, or officer thereof  
24 and the allocation shall not in any way affect the principles of  
25 institutional autonomy established by that act and as otherwise  
26 enumerated herein.

27  
28       <sup>2</sup>[57.] 63.<sup>2</sup> Section 2 of P.L.1991, c.387 (C.2A:14-1.2) is  
29 amended to read as follows:

30       2. a. Except where a limitations provision expressly and  
31 specifically applies to actions commenced by the State or where a  
32 longer limitations period would otherwise apply, and subject to any  
33 statutory provisions or common law rules extending limitations  
34 periods, any civil action commenced by the State shall be  
35 commenced within ten years next after the cause of action shall  
36 have accrued.

37       b. For purposes of determining whether an action subject to the  
38 limitations period specified in subsection a. of this section has been  
39 commenced within time, no such action shall be deemed to have  
40 accrued prior to January 1, 1992.

41       c. As used in this act, the term "State" means the State, its  
42 political subdivisions, any office, department, division, bureau,  
43 board, commission or agency of the State or one of its political  
44 subdivisions, and any public authority or public agency, including,  
45 but not limited to, the New Jersey Transit Corporation[ and the  
46 University of Medicine and Dentistry of New Jersey].

1 The provisions of this section shall not apply to any civil action  
2 commenced by the State concerning the remediation of a  
3 contaminated site or the closure of a sanitary landfill facility, or the  
4 payment of compensation for damage to, or loss of, natural  
5 resources due to the discharge of a hazardous substance, and subject  
6 to the limitations period specified in section 5 of P.L.2001, c.154  
7 (C.58:10B-17.1).

8 (cf: P.L.2001, c.154, s.7)

9

10 <sup>2</sup>[58.] 64.<sup>2</sup> N.J.S.11A:6-6 is amended to read as follows:

11 11A:6-6. State administrative leave. Administrative leave for  
12 personal reasons including religious observances for full-time State  
13 employees or those employees of Rutgers, The State University,  
14 New Jersey Institute of Technology and **【the University of  
15 Medicine and Dentistry of New Jersey】** Rowan University who  
16 perform services similar to those performed by employees of the  
17 New Jersey State colleges who are in the career service shall be  
18 three working days per calendar year. Administrative leave shall  
19 not be cumulative and any administrative leave unused by an  
20 employee at the end of any year shall be cancelled.

21 (cf: N.J.S.11A:6-6)

22

23 <sup>2</sup>[59.] 65.<sup>2</sup> N.J.S.11A:6-17 is amended to read as follows:

24 11A:6-17. Supplemental compensation; employees of Rutgers,  
25 The State University, New Jersey Institute of Technology, and **【the  
26 University of Medicine and Dentistry of New Jersey】** Rowan  
27 University. The supplemental compensation provided under this  
28 chapter shall also be paid to each employee of Rutgers, The State  
29 University, New Jersey Institute of Technology, **【and the University  
30 of Medicine and Dentistry of New Jersey】**, and Rowan University  
31 who performs services similar to those performed by employees of  
32 the New Jersey State colleges who are in the career service or who  
33 have been granted sick leave under terms and conditions similar to  
34 career service employees, including those employees of **【the  
35 University of Medicine and Dentistry of New Jersey】** Rutgers, The  
36 State University who are members of the Newark Employees'  
37 Retirement System.

38 (cf: N.J.S.11A:6-17)

39

40 <sup>2</sup>[60.] 66.<sup>2</sup> Section 4 of P.L.2003, c.193 (C.17B:27D-4) is  
41 amended to read as follows:

42 4. The commission shall consist of 17 voting members as  
43 follows: the Commissioners of Health and Senior Services, Human  
44 Services and Banking and Insurance or their designees, who shall  
45 serve ex officio; three public members appointed by the President  
46 of the Senate, who shall include a representative of a commercial  
47 health insurance company, a physician licensed in this State who is

1 a member of the Medical Society of New Jersey, and a  
2 representative of the New Jersey Business and Industry Association,  
3 no more than two of whom shall be from the same political party;  
4 three public members appointed by the Speaker of the General  
5 Assembly, who shall include a representative of a health service  
6 corporation, a physician licensed in this State, and a representative  
7 of organized labor, no more than two of whom shall be from the  
8 same political party; and eight public members appointed by the  
9 Governor, who shall include a medical educator from [the  
10 University of Medicine and Dentistry of New Jersey] Rutgers, The  
11 State University whose major field of expertise is the study and  
12 evaluation of the cost of health care and health insurance, a  
13 representative of the New Jersey Association of Health Plans, a  
14 representative of the New Jersey Hospital Association, a  
15 representative of the New Jersey State Nurses Association, a  
16 representative of the New Jersey Dental Association, a  
17 representative of a consumer advocacy organization and two  
18 representatives of the general public who are knowledgeable about  
19 health benefits plans.

20 The President of the Senate may appoint two members of the  
21 Senate, no more than one of whom shall be from the same political  
22 party, to serve as nonvoting members of the commission. The  
23 Speaker of the General Assembly may appoint two members of the  
24 General Assembly, no more than one of whom shall be from the  
25 same political party, to serve as nonvoting members of the  
26 commission. The legislative members shall serve during their  
27 legislative term of office.

28 Of the voting members first appointed, four shall serve for a term  
29 of two years, four for a term of three years and three for a term of  
30 four years.

31 Voting members appointed thereafter shall serve four-year terms,  
32 and any vacancy shall be filled by appointment for the unexpired  
33 term only. A member is eligible for reappointment. Vacancies in  
34 the membership of the commission shall be filled in the same  
35 manner as the original appointments were made.

36 (cf: P.L. 2003, c.193, s.4)

37

38 <sup>2</sup>[61.] 67.<sup>2</sup> Section 3 of P.L.1994, c.48 (C.18A:3B-3) is  
39 amended to read as follows:

40 3. For the purposes of this act, unless the context clearly  
41 requires a different meaning:

42 "Authority" means the Higher Education Student Assistance  
43 Authority established pursuant to N.J.S.18A:71A-3;

44 "Commission" means the New Jersey Commission on Higher  
45 Education established by this act;

46 "Council" means the New Jersey Presidents' Council established  
47 by this act;

1 "Programmatic Mission" means all program offerings consistent  
2 within those levels of academic degrees or certificates that the  
3 institution has been authorized to grant by the State Board of  
4 Higher Education prior to the effective date of this act or approved  
5 thereafter by the commission;

6 "Public Research University" means Rutgers, The State  
7 University of New Jersey, [the University of Medicine and  
8 Dentistry of New Jersey] Rowan University, and the New Jersey  
9 Institute of Technology;

10 "State college" means any of the State colleges or universities  
11 established pursuant to chapter 64 of Title 18A of the New Jersey  
12 Statutes including any State college designated as a teaching  
13 university.

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

15

16 <sup>2</sup>[62.] 68.<sup>2</sup> Section 12 of P.L.1994, c.48 (C.18A:3B-12) is  
17 amended to read as follows:

18 12. a. There shall be established an executive board which  
19 performs such duties as determined by the council. The executive  
20 board shall be composed of 15 members as follows:

21 The president of Rutgers, The State University;

22 [The president of the University of Medicine and Dentistry of  
23 New Jersey];

24 The president of New Jersey Institute of Technology;

25 The president of Rowan University;

26 Three presidents of State Colleges who shall be selected by the  
27 presidents of this sector;

28 Five presidents of county colleges who shall be selected by the  
29 presidents of this sector;

30 Three presidents of independent institutions who shall be  
31 selected by the presidents of this sector;

32 One president of the proprietary schools which have been  
33 authorized to offer licensed degree programs who shall be selected  
34 by the presidents of these proprietary schools.

35 b. The chair of the executive board shall be rotated among the  
36 following: one of the presidents of Rutgers, The State University of  
37 New Jersey, the president of [the University of Medicine and  
38 Dentistry of New Jersey] Rowan University, and the president of  
39 New Jersey Institute of Technology; a president selected by the  
40 presidents of the State Colleges; a president selected by the  
41 presidents of the county colleges; and a president selected by the  
42 presidents of the independent institutions. The chair of the  
43 executive board shall serve for a two-year period. Biennially, the  
44 executive board shall select the chair in the manner provided above,  
45 but not necessarily in the order provided above.

1 c. The chair of the executive board shall also serve as the chair  
2 of the council.

3 (cf: P.L.2009, c.246, s.2)

4

5 <sup>2</sup>[63.] 69.<sup>2</sup> Section 1 of P.L.2009, c.308 (C.18A:3B-46) is  
6 amended to read as follows:

7 1. As used in this act:

8 "Commission" means the New Jersey Commission on Higher  
9 Education established pursuant to section 13 of P.L.1994, c.48  
10 (C.18A:3B-13);

11 "Public research university" means Rutgers, The State University  
12 of New Jersey, [the University of Medicine and Dentistry of New  
13 Jersey] Rowan University, and the New Jersey Institute of  
14 Technology;

15 "State college" means the State colleges or universities  
16 established pursuant to chapter 64 of Title 18A of the New Jersey  
17 Statutes.

18 (cf: P.L.2009, c.308, s.1)

19

20 <sup>2</sup>[64.] 70.<sup>2</sup> Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is  
21 amended to read as follows:

22 2. a. The Commissioner of Education shall develop  
23 recommendations for autism and other developmental disabilities  
24 awareness instruction and methods of teaching students with autism  
25 and other developmental disabilities for teacher preparation  
26 programs in accordance with section 1 of this act and shall submit  
27 the recommendations to the State Board of Education. In  
28 developing the recommendations, the commissioner shall consult  
29 with the Commissioner of Health and Senior Services,  
30 representatives from entities that promote awareness about autism  
31 and other developmental disabilities and provide programs and  
32 services to people with autism and other developmental disabilities,  
33 including, but not limited to Autism Speaks, The Autism Center of  
34 New Jersey Medical School at [the University of Medicine and  
35 Dentistry of New Jersey] Rutgers, The State University, and The  
36 New Jersey Center for Outreach and Services for the Autism  
37 Community, and representatives of the education community,  
38 including, but not limited to the New Jersey Education Association,  
39 the New Jersey School Boards Association, the New Jersey  
40 Principals and Supervisors Association, and the New Jersey  
41 Professional Teaching Standards Board.

42 b. The Commissioner of Education shall develop  
43 recommendations to incorporate autism and other developmental  
44 disabilities awareness instruction and methods of teaching students  
45 with autism and other developmental disabilities for teacher and  
46 paraprofessional in-service and other training programs, where  
47 appropriate, and shall submit the recommendations to the State

1 board. In developing the recommendations, the commissioner shall  
2 consult with the Commissioner of Health and Senior Services,  
3 representatives from entities that promote awareness about autism  
4 and other developmental disabilities and provide programs and  
5 services to people with autism and other developmental disabilities,  
6 including, but not limited to Autism Speaks, The Autism Center of  
7 New Jersey Medical School at [the University of Medicine and  
8 Dentistry of New Jersey] Rutgers, The State University, and The  
9 New Jersey Center for Outreach and Services for the Autism  
10 Community, and representatives of the education community,  
11 including, but not limited to the New Jersey Education Association,  
12 the New Jersey School Boards Association, the New Jersey  
13 Principals and Supervisors Association, and the New Jersey  
14 Professional Teaching Standards Board.

15 c. The recommendations developed by the commissioner  
16 pursuant to subsections a. and b. of this section shall address the  
17 following:

18 (1) characteristics of students with autism and other  
19 developmental disabilities;

20 (2) curriculum planning, curricular and instructional  
21 modifications, adaptations, and specialized strategies and  
22 techniques;

23 (3) assistive technology; and

24 (4) inclusive educational practices, including collaborative  
25 partnerships.

26 (cf: P.L.2007, c.171, s.2)

27

28 <sup>2</sup>[65.] 71.<sup>2</sup> Section 1 of P.L.1985, c.161 (C.18A:64-45) is  
29 amended to read as follows:

30 1. There is established a body corporate and politic, with  
31 corporate succession, to be known as the New Jersey Association of  
32 State Colleges and Universities. New Jersey City University, Kean  
33 University, Montclair State University, Ramapo College of New  
34 Jersey, Richard Stockton College of New Jersey, [Rowan  
35 University,] Thomas Edison State College, The College of New  
36 Jersey and The William Paterson University of New Jersey shall  
37 constitute the membership of the association.

38 (cf: P.L.1999, c.46, s.35)

39

40 <sup>2</sup>[66.] 72.<sup>2</sup> Section 2 of P.L.1985, c.161 (C.18A:64-46) is  
41 amended to read as follows:

42 2. The association shall consist of [nine] eight voting members  
43 to be appointed as follows: one member from each member  
44 institution's boards of trustees, appointed by the members thereof.  
45 In addition the presidents of the member institutions shall serve as  
46 ex officio, nonvoting members.

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

3 (cf: P.L.1999, c.46, s.36)

4  
5 <sup>2</sup>[67.] 73.<sup>2</sup> Section 3 of P.L.2006, c.95 (C.18A:64G-6.1) is  
6 amended to read as follows:

7 3. a. The management, supervision, and administration of  
8 University Hospital shall be vested in <sup>3</sup>[a]<sup>3</sup> [nine-member] <sup>3</sup>[12-  
9 member] an 11-member<sup>3</sup> board of directors of University Hospital.  
10 The board shall be comprised of [four members of the board of  
11 trustees of the University of Medicine and Dentistry of New Jersey  
12 who shall serve ex officio and be appointed by the chairman of the  
13 board and five]:

14 (1) <sup>3</sup>[three] two<sup>3</sup> members who shall serve ex-officio,  
15 <sup>3</sup>[without vote,]<sup>3</sup> including: the Dean of New Jersey Medical  
16 School <sup>3</sup>[,] and<sup>3</sup> the Dean of New Jersey Dental School <sup>3</sup>[, and the  
17 Commissioner of Health and Senior Services]<sup>3</sup> ; and

18 (2) nine public members, who shall be appointed by the  
19 Governor, with the advice and consent of the Senate, for a five-year  
20 term[; except that in the case of the initial gubernatorial  
21 appointments to the board of directors, two shall serve for a term of  
22 two years, one for a term of three years, one for a term of four  
23 years, and one for a term of five years].

24 <sup>3</sup>The first additional appointments made by the Governor  
25 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
26 this bill), shall not require the advice and consent of the Senate, but  
27 thereafter such advice and consent shall be required.<sup>3</sup>

28 A person who is a member of the board of directors on the  
29 effective date of P.L. , c. (C. ) (pending before the Legislature  
30 as this bill) shall be permitted to serve for the balance of the term  
31 for which that person was appointed.

32 A member of the board of directors shall serve until [his] the  
33 member's successor is appointed and has qualified. Any vacancies  
34 in the membership occurring other than by expiration of term shall  
35 be filled in the same manner as the original appointment but for the  
36 unexpired term only. Each member of the board of directors before  
37 entering upon [his] the member's duties shall take and subscribe an  
38 oath to perform the duties of [his] the office faithfully, impartially,  
39 and justly to the best of [his] the member's ability. A record of the  
40 oath shall be filed in the office of the Secretary of State. Each  
41 member of the board may be removed from office by the Governor,  
42 for cause, after a public hearing.

43 b. The members of the board of directors shall meet at the call  
44 of the Governor for purposes of organizing. The board shall  
45 thereafter meet at such times and places as it shall designate.

1 c. The Governor shall designate one of the members as  
2 chairman of the board of directors. The board shall select the other  
3 officers from among its members as shall be deemed necessary.

4 d. The board of directors shall have the power to appoint and  
5 regulate the duties and procedures of committees, standing or  
6 special, from its members and such advisory committees or bodies,  
7 as it may deem necessary or conducive to the efficient management  
8 and operation of the hospital.

9 e. The board shall have the power and duty to:

10 (1) direct and control expenditures of University Hospital funds;

11 (2) borrow money;

12 (3) enter into contracts with the State or federal government, or  
13 any individual, firm, or corporation;

14 (4) solicit and accept grant moneys;

15 (5) acquire, own, lease, dispose of, use, and operate property;

16 (6) sue and be sued;

17 (7) enter into a contract or other agreement with a <sup>1</sup>['for-profit  
18 or'] nonprofit corporation operating one or more hospitals in New  
19 Jersey to operate and manage or assist in the operation and  
20 management of University Hospital <sup>2</sup>[' , without engaging in a  
21 competitive bidding process']<sup>2</sup>; and

22 (8) hire, fire, and fix salaries for all employees of University  
23 Hospital.

24 (cf: P.L.2006, c.95, s.3)

25  
26 <sup>2</sup>[68.] 74.<sup>2</sup> Section 1 of P.L.1999, c.353 (C.18A:64G-35) is  
27 amended to read as follows:

28 1. There is established a "Physician-Dentist Fellowship and  
29 Education Program to Provide Health Care to Persons with  
30 Developmental Disabilities" within **the University of Medicine and**  
31 **Dentistry of New Jersey** Rutgers, The State University. The  
32 purpose of the program is to provide physicians and dentists with  
33 graduate and fellowship training through academic institutions in  
34 the State and continuing medical and dental education on a  
35 Statewide basis, in the provision of medical and dental services to  
36 persons with developmental disabilities to ensure that these services  
37 are accessible and adequately available to persons with  
38 developmental disabilities in the State.

39 (cf: P.L.1999, c.353, s.1)

40  
41 <sup>2</sup>[69.] 75.<sup>2</sup> Section 2 of P.L.1999, c.353 (C.18A:64G-36) is  
42 amended to read as follows:

43 2. There is established a 17-member Consortium on Physician  
44 and Dentist Training in Health Care for Persons with  
45 Developmental Disabilities to advise the director of the program on  
46 the implementation of this act.



1 a. The members of the consortium shall include: one  
2 representative each from the pediatric medicine, family medicine,  
3 internal medicine, neurology and psychiatry programs at [the  
4 University of Medicine and Dentistry of New Jersey] Rutgers, The  
5 State University, one representative from the New Jersey Dental  
6 School, and one representative of the University Affiliated  
7 Program, to be appointed by the President of [the University of  
8 Medicine and Dentistry of New Jersey] Rutgers, The State  
9 University; the director of the Mainstreaming Medical Care  
10 program of The Arc of New Jersey, who shall serve ex officio; the  
11 Director of the Division of Developmental Disabilities in the  
12 Department of Human Services, who shall serve ex officio; the  
13 Director of the Division of Medical Assistance and Health Services  
14 in the Department of Human Services, who shall serve ex officio;  
15 the Commissioner of Health and Senior Services or the  
16 commissioner's designee, who shall serve ex officio; three health  
17 care provider public members appointed by the Commissioner of  
18 Human Services, one each upon the recommendation of the Medical  
19 Society of New Jersey, the New Jersey Association of Osteopathic  
20 Physicians and Surgeons and the New Jersey Dental Association;  
21 and three public members appointed by the Commissioner of  
22 Human Services, two of whom shall represent community  
23 organizations that advocate for persons with developmental  
24 disabilities and one of whom shall be a family member of a person  
25 with a developmental disability or a person with a developmental  
26 disability who is a self advocate.

27 The President of the University of Medicine and Dentistry of  
28 New Jersey and the Commissioner of Human Services shall make  
29 the appointments to the consortium within 60 days of the effective  
30 date of this act.

31 Members of the consortium shall serve for a term of three years  
32 and are eligible for reappointment, but of the members first  
33 appointed, five shall serve for a term of one year, four for a term of  
34 two years and four for a term of three years. Vacancies shall be  
35 filled in the same manner as the original appointments were made.

36 b. Members shall serve without compensation, but the public  
37 members shall be entitled to reimbursement for necessary expenses  
38 incurred in the performance of their duties and within the limits of  
39 funds appropriated to the program.

40 c. The consortium shall organize as soon as may be practicable  
41 after the appointment of its members. The Director of the Division  
42 of Developmental Disabilities shall serve as the chairman of the  
43 consortium. The members of the consortium shall elect a vice-  
44 chairman from among the members. All members, including ex  
45 officio members, shall be eligible to vote on all matters before the  
46 consortium. The director of the program, appointed pursuant to  
47 section 5 of this act, shall serve as secretary to the consortium.

1 d. The consortium shall assist the director of the program in  
2 establishing policies and procedures for the nomination and  
3 selection of physicians and dentists as program fellows. The  
4 consortium shall otherwise advise the director on the operation of  
5 the program as the director deems necessary, and as specified in this  
6 act.

7 (cf: P.L.1999, c.353, s.2)

8

9 <sup>2</sup>[70.] 76.<sup>2</sup> Section 5 of P.L.1999, c.353 (C.18A:64G-39) is  
10 amended to read as follows:

11 5. The President of **[the University of Medicine and Dentistry**  
12 **of New Jersey]** Rutgers, The State University shall, in consultation  
13 with the consortium, appoint a director for the program who shall  
14 be a State licensed physician. The director of the program need not  
15 be solely responsible for the program and may continue to have  
16 other duties. The director may, in consultation with the consortium,  
17 appoint regional chairmen or chairmen of medical or dental practice  
18 specialties, as the director deems necessary for the operation of the  
19 program.

20 (cf: P.L.1999,c.353,s.5)

21

22 <sup>2</sup>[71.] 77.<sup>2</sup> Section 4 of P.L.1977, c.390 (C.18A:64H-4) is  
23 amended to read as follows:

24 4. The council shall consist of 15 members, 12 voting members  
25 and three nonvoting members; four members of the council shall be  
26 appointed by the Governor and 11 shall be ex officio members. The  
27 appointments shall consist of three representatives of the public and  
28 one student currently enrolled in a graduate medical training  
29 program; the appointed members shall be voting members of the  
30 council. The president of **[the University of Medicine and**  
31 **Dentistry of New Jersey]** Rutgers, The State University, who shall  
32 serve as chairperson; a dean from one of the medical schools of  
33 **[the University of Medicine and Dentistry of New Jersey]** Rutgers,  
34 The State University, to be selected by the president of **[the**  
35 **University of Medicine and Dentistry of New Jersey]** Rutgers, The  
36 State University; the dean of the School of Graduate Medical  
37 Education of Seton Hall University; the president of the New Jersey  
38 Hospital Association; the president of the Association of Hospital  
39 Directors of Medical Education of New Jersey; the president of the  
40 New Jersey Association of Osteopathic Physicians and Surgeons;  
41 the president of the Medical Society of New Jersey; and the  
42 president of the New Jersey Council of Teaching Hospitals or their  
43 designated representatives shall be ex officio, voting members of  
44 the council. The Commissioner of Health and Senior Services; the  
45 president of the State Board of Medical Examiners and the  
46 Commissioner of Human Services or their designated  
47 representatives shall be ex officio, nonvoting members. The

1 appointed members shall serve for a three-year term or until a  
2 successor is appointed. For those first appointed, two shall be  
3 appointed for a one-year term; one shall be appointed for a two-year  
4 term; and one shall be appointed for a three-year term. Any  
5 vacancies in the voting membership other than by expiration of term  
6 shall be filled in the same manner as the original appointment but  
7 for the unexpired term only. To assist the council in carrying out  
8 the intent of this act:

9 a. The council may appoint advisory committees representative  
10 of the medical and health care professions, educators, and students,  
11 representatives of medical and health care facilities and consumers.  
12 The advisory committees shall provide advice and assistance to the  
13 council for the council's performance of its designated functions.

14 b. The council may employ an executive director and  
15 additional staff to provide expertise in the gathering and analysis of  
16 data and administration. The executive director shall have the right  
17 to speak on all matters at meetings of the council but shall have no  
18 vote. The council and the advisory committees shall serve without  
19 compensation, but shall be reimbursed for necessary expenses  
20 incurred in the performance of their duties.

21 (cf: P.L.2008, c.5, s.1)

22

23 <sup>2</sup>[72.] 78.<sup>2</sup> Section 1 of P.L.2003, c.133 (C.18A:64H-9) is  
24 amended to read as follows:

25 1. a. There is created, within the [Commission on Higher  
26 Education] Office of the Secretary of Higher Education, the  
27 "Advisory Committee on Alternatively Accredited Medical School  
28 Clinical Clerkships."

29 The advisory committee shall consist of 11 members as follows:  
30 the Commissioner of Health and Senior Services or his designee,  
31 who shall serve ex officio; four members appointed by the  
32 Governor who include one representative of the Medical Society of  
33 New Jersey, one representative of the New Jersey Association of  
34 Osteopathic Physicians and Surgeons, one representative of the  
35 New Jersey Hospital Association and one representative of an  
36 alternatively accredited medical school; two members appointed by  
37 the President of the Senate who include one representative of the  
38 New Jersey Council of Teaching Hospitals and one representative  
39 of a teaching hospital in New Jersey that has students from an  
40 alternatively accredited medical school participating in a clinical  
41 clerkship program; two members appointed by the Speaker of the  
42 General Assembly who include one representative of an  
43 alternatively accredited medical school and one representative of a  
44 teaching hospital in New Jersey that has students from a medical  
45 school of [the University of Medicine and Dentistry of New Jersey]  
46 Rutgers, The State University in a clinical clerkship program; one  
47 member appointed by the State Board of Medical Examiners; and

1 one member appointed by the President of ~~the University of~~  
2 ~~Medicine and Dentistry of New Jersey]~~ Rutgers, The State  
3 University. No two members of the advisory committee shall be  
4 representatives of the same medical school or hospital.

5 b. Members shall serve for a term of three years from the date  
6 of their appointment and until their successors are appointed and  
7 qualified, except that of the members first appointed, four members  
8 shall serve for a term of one year, three members shall serve for a  
9 term of two years and three members shall serve for a term of three  
10 years. Vacancies shall be filled for the balance of the unexpired  
11 term in the same manner as the original appointments were made.  
12 A member of the advisory committee shall be eligible for  
13 reappointment.

14 c. The members of the advisory committee shall serve without  
15 compensation, but shall be reimbursed for necessary and reasonable  
16 expenses actually incurred in the performance of their duties, within  
17 the limits of funds appropriated or otherwise made available to the  
18 advisory committee for this purpose.

19 d. The advisory committee shall select a chairman from among  
20 its members, who shall serve a one-year term but may serve  
21 successive terms. The advisory committee shall meet upon the call  
22 of the chairman or of a majority of its members. A majority of the  
23 members of the advisory committee shall constitute a quorum, and  
24 no action of the advisory committee shall be taken except upon the  
25 affirmative vote of a majority of the members of the entire advisory  
26 committee.

27 e. As used in this act, "alternatively accredited medical school"  
28 means a medical school located outside the United States: (1) in a  
29 country that applies accreditation standards that have been  
30 determined by the National Committee on Foreign Medical  
31 Education and Accreditation within the United States Department of  
32 Education to be comparable to the accreditation standards applied to  
33 medical schools located within the United States; (2) that continues  
34 to meet the accreditation standards of that country; and (3) has  
35 medical school students participating in a clinical clerkship program  
36 in New Jersey prior to the effective date of this act, or is approved  
37 by the Advisory Graduate Medical Education Council of New  
38 Jersey pursuant to section 4 of this act to operate a clinical clerkship  
39 program in this State.

40 (cf: P.L.2003, c.133, s.1)

41

42 <sup>2</sup>[73.] 79.<sup>2</sup> Section 2 of P.L.1985, c.103 (C.18A:64J-2) is  
43 amended to read as follows:

44 2. For the purposes of this act:

45 a. "Advanced technology center" means one or more  
46 outstanding programs or departments at New Jersey's public and  
47 private institutions of higher education, which are provided  
48 substantial and concentrated financial support to promote their

- 1 development into national-level bases for innovative technology  
2 research.
- 3 b. "Business incubation facilities" means low-cost, short-term  
4 occupancy, rental spaces wherein assistance is granted to a targeted  
5 network of new companies employing selected technologies  
6 congruent with the strengths of the State's public and private  
7 institutions of higher education.
- 8 c. "Commission" means the Governor's Commission on  
9 Science and Technology as created by Executive Order No. 12 of  
10 1982 or its successor which is established by the Legislature.
- 11 d. "Consortium" means a cooperative arrangement between two  
12 or more institutions of higher education to pursue a program for  
13 strengthening academic programs, improving administration or  
14 providing for other special needs.
- 15 e. "Innovation partnership grants" means matching grants to  
16 academic researchers performing applied research in emerging  
17 technologies at any of the State's public and private institutions of  
18 higher education, which are of strategic importance to the New  
19 Jersey economy, under regulations adopted by the commission  
20 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
21 (C. 52:14B-1 et seq.).
- 22 f. "Private institutions of higher education" means independent  
23 colleges, universities or institutes incorporated and located in New  
24 Jersey, which by virtue of law or character or license are nonprofit  
25 educational institutions authorized to grant academic degrees and  
26 which provide a level of education which is equivalent to the  
27 education provided by the State's public institutions of higher  
28 education as attested by the receipt of and continuation of regional  
29 accreditation by the Middle States Association of Colleges and  
30 Schools, and which are eligible to receive State aid under the  
31 provisions of the Constitution of the United States and the  
32 Constitution of the State of New Jersey, but does not include any  
33 educational institution dedicated primarily to the education or  
34 training of ministers, priests, rabbis or other professional persons in  
35 the field of religion.
- 36 g. "Public institutions of higher education" means Rutgers, The  
37 State University, the State colleges, the New Jersey Institute of  
38 Technology, [the University of Medicine and Dentistry of New  
39 Jersey] Rowan University, the county colleges and any other public  
40 university or college now or hereafter established or authorized by  
41 law.
- 42 h. "Technology extension services" means programs that not  
43 only accelerate the application and transfer of technological  
44 innovations by the State's public and private institutions of higher  
45 education to existing industry, but also adapt these innovations to  
46 the requirements of individual business operations.  
47 (cf: P.L.1985, c.103, s.2)

1       <sup>2</sup>[74.] 80.<sup>2</sup> Section 3 of P.L.1985, c.103 (C.18A:64J-3) is  
2 amended to read as follows:

3       3. There is established the Advanced Technology Center in  
4 Hazardous and Toxic Substance Management, hereinafter referred  
5 to as the center, at the New Jersey Institute of Technology in the  
6 City of Newark, County of Essex with the cooperation of a research  
7 and public policy consortium led by the New Jersey Institute of  
8 Technology and including Stevens Institute of Technology, [the  
9 University of Medicine and Dentistry of New Jersey] and Rutgers,  
10 The State University. Various other public and private institutions  
11 of higher education and their faculties may be considered for  
12 participation in the work of the center in the future by the  
13 commission.

14 (cf: P.L.1985, c.103, s.3)

15

16       <sup>2</sup>[75.] 81.<sup>2</sup> Section 2 of P.L.1985, c.104 (C.18A:64J-9) is  
17 amended to read as follows:

18       2. For the purposes of this act:

19       a. "Advanced technology center" means one or more  
20 outstanding programs or departments at New Jersey's public and  
21 private institutions of higher education, which are provided  
22 substantial and concentrated financial support to promote their  
23 development into national-level bases for innovative technology  
24 research.

25       b. "Business incubation facilities" means low-cost, short-term  
26 occupancy, rental spaces wherein assistance is granted to a targeted  
27 network of new companies employing selected technologies  
28 congruent with the strengths of the State's public and private  
29 institutions of higher education.

30       c. "Commission" means the Governor's Commission on  
31 Science and Technology as created by Executive Order No. 12 of  
32 1982 or its successor which is established by the Legislature.

33       d. "Innovation partnership grants" means matching grants to  
34 academic researchers performing applied research in emerging  
35 technologies at any of the State's public and private institutions of  
36 higher education, which are of strategic importance to the New  
37 Jersey economy, under regulations adopted by the commission  
38 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
39 (C.52:14B-1 et seq.).

40       e. "Private institutions of higher education" means independent  
41 colleges or universities incorporated and located in New Jersey,  
42 which by virtue of law or character or license are nonprofit  
43 educational institutions authorized to grant academic degrees and  
44 which provide a level of education which is equivalent to the  
45 education provided by the State's public institutions of higher  
46 education as attested by the receipt of and continuation of regional  
47 accreditation by the Middle States Association of Colleges and  
48 Schools, and which are eligible to receive State aid under the

1 provisions of the Constitution of the United States and the  
2 Constitution of the State of New Jersey, but does not include any  
3 educational institution dedicated primarily to the education or  
4 training of ministers, priests, rabbis or other professional persons in  
5 the field of religion.

6 f. "Public institutions of higher education" means Rutgers, The  
7 State University, the State colleges, the New Jersey Institute of  
8 Technology, [the University of Medicine and Dentistry of New  
9 Jersey] Rowan University, the county colleges and any other public  
10 university or college now or hereafter established or authorized by  
11 law.

12 g. "Technology extension services" means programs that not  
13 only accelerate the application and transfer of technological  
14 innovations by the State's public and private universities to existing  
15 industry, but also adapt these innovations to the requirements of  
16 individual business operations.

17 (cf: P.L.1985, c.104, s. 2)

18

19 <sup>2</sup>[76.] 82.<sup>2</sup> Section 2 of P.L.1985, c.105 (C.18A:64J-16) is  
20 amended to read as follows:

21 2. For the purposes of this act:

22 a. "Advanced technology center" means one or more  
23 outstanding programs or departments at New Jersey's public and  
24 private institutions of higher education, which are provided  
25 substantial and concentrated financial support to promote their  
26 development into national-level bases for innovative technology  
27 research.

28 b. "Business incubation facilities" means low-cost, short-term  
29 occupancy, rental spaces wherein assistance is granted to a targeted  
30 network of new companies employing selected technologies  
31 congruent with the strengths of the State's public and private  
32 institutions of higher education.

33 c. "Commission" means the Governor's Commission on  
34 Science and Technology as created by Executive Order No. 12 of  
35 1982 or its successor which is established by the Legislature.

36 d. "Innovation partnership grants" means matching grants to  
37 academic researchers performing applied research in emerging  
38 technologies at any of the State's public and private institutions of  
39 higher education, which are of strategic importance to the New  
40 Jersey economy, under regulations adopted by the commission  
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
42 (C.52:14B-1 et seq.).

43 e. "Private institutions of higher education" means independent  
44 colleges or universities incorporated and located in New Jersey,  
45 which by virtue of law or character or license are nonprofit  
46 educational institutions authorized to grant academic degrees and  
47 which provide a level of education which is equivalent to the  
48 education provided by the State's public institutions of higher

1 education as attested by the receipt of and continuation of regional  
2 accreditation by the Middle States Association of Colleges and  
3 Schools, and which are eligible to receive State aid under the  
4 provisions of the Constitution of the United States and the  
5 Constitution of the State of New Jersey, but does not include any  
6 educational institution dedicated primarily to the education or  
7 training of ministers, priests, rabbis or other professional persons in  
8 the field of religion.

9 f. "Public institutions of higher education" means Rutgers, The  
10 State University, the State colleges, the New Jersey Institute of  
11 Technology, [the University of Medicine and Dentistry of New  
12 Jersey] Rowan University, the county colleges and any other public  
13 university or college now or hereafter established or authorized by  
14 law.

15 g. "Technology extension services" means programs that not  
16 only accelerate the application and transfer of technological  
17 innovations by the State's public and private institutions of higher  
18 education to existing industry, but also adapt these innovations to  
19 the requirements of individual business operations.

20 (cf: P.L.1985, c.105, s.2)

21

22 <sup>2</sup>[77.] 83.<sup>2</sup> Section 3 of P.L.1985, c.105 (C.18A:64J-17) is  
23 amended to read as follows:

24 3. There is established the Advanced Technology Center in  
25 Biotechnology (hereinafter referred to as the center) under the  
26 [joint] governance of Rutgers, The State University [and the  
27 University of Medicine and Dentistry of New Jersey] and with the  
28 participation of other public and private institutions of higher  
29 education and faculties who may be considered for participation in  
30 the work of the center in the future by the commission. The center  
31 shall be composed of various units at locations designated by the  
32 participating institutions, with the approval of the commission.

33 (cf: P.L.1985, c.105, s.3)

34

35 <sup>2</sup>[78.] 84.<sup>2</sup> Section 2 of P.L.1985, c.106 (C.18A:64J-23) is  
36 amended to read as follows:

37 2. For the purposes of this act:

38 a. "Advanced technology center" means one or more  
39 outstanding programs or departments at New Jersey's public and  
40 private institutions of higher education, which are provided  
41 substantial and concentrated financial support to promote their  
42 development into national-level bases for innovative technology  
43 research.

44 b. "Business incubation facility" means low-cost, short-term  
45 occupancy, rental spaces wherein assistance is granted to a targeted  
46 network of new companies employing selected technologies



1 congruent with the strengths of the State's public and private  
2 institutions of higher education.

3 c. "Commission" means the Governor's Commission on  
4 Science and Technology as created by Executive Order No. 12 of  
5 1982 or its successor which is established by the Legislature.

6 d. "Innovation partnership grants" means matching grants to  
7 academic researchers performing applied research in emerging  
8 technologies at any of the State's public and private institutions of  
9 higher education, which are of strategic importance to the New  
10 Jersey economy, under regulations adopted by the commission  
11 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
12 (C.52:14B-1 et seq.).

13 e. "Private institutions of higher education" means independent  
14 colleges or universities incorporated and located in New Jersey,  
15 which by virtue of law or character or license are nonprofit  
16 educational institutions authorized to grant academic degrees and  
17 which provide a level of education which is equivalent to the  
18 education provided by the State's public institutions of higher  
19 education as attested by the receipt of and continuation of regional  
20 accreditation by the Middle States Association of Colleges and  
21 Schools, and which are eligible to receive State aid under the  
22 provisions of the Constitution of the United States and the  
23 Constitution of the State of New Jersey, but does not include any  
24 educational institution dedicated primarily to the education or  
25 training of ministers, priests, rabbis or other professional persons in  
26 the field of religion.

27 f. "Public institutions of higher education" means Rutgers, The  
28 State University, the State colleges, the New Jersey Institute of  
29 Technology, [the University of Medicine and Dentistry of New  
30 Jersey] Rowan University, the county colleges and any other public  
31 university or college now or hereafter established or authorized by  
32 law.

33 g. "Technology extension services" means programs that not  
34 only accelerate the application and transfer of technological  
35 innovations by the State's public and private institutions of higher  
36 education to existing industry, but also adapt these innovations to  
37 the requirements of individual business operations.

38 (cf: P.L.1985, c.106, s.2)

39

40 <sup>2</sup>[79.] 85.<sup>2</sup> Section 2 of P.L.1985, c.366 (C.18A:64J-30) is  
41 amended to read as follows:

42 2. For the purposes of this act:

43 a. "Advanced technology center" means one or more  
44 outstanding programs or departments at New Jersey's public and  
45 private institutions of higher education which are provided  
46 substantial and concentrated financial support to promote their  
47 development into national level bases for innovative technology  
48 research;

- 1       b. "Business incubation facilities" means low cost, short-term  
2 occupancy rental spaces wherein assistance is granted to a targeted  
3 network of new companies employing selected technologies  
4 congruent with the strengths of the State's public and private  
5 institutions of higher education;
- 6       c. "Commission" means the New Jersey Commission on  
7 Science and Technology as created by P.L.1985, c.102 (C.52:9X-1  
8 et seq.);
- 9       d. "Innovation partnership grants" means matching grants to  
10 academic researchers performing applied research in emerging  
11 technologies at any of the State's public and private institutions of  
12 higher education which are of strategic importance to the New  
13 Jersey economy under regulations adopted by the commission  
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
15 (C.52:14B-1 et seq.);
- 16       e. "Private institutions of higher education" means independent  
17 colleges or universities incorporated and located in New Jersey,  
18 which by virtue of law or character or license, are nonprofit  
19 educational institutions authorized to grant academic degrees and  
20 provide a level of education which is equivalent to the education  
21 provided by the State's public institutions of higher education as  
22 attested by the receipt of and continuation of regional accreditation  
23 by the Middle States Association of Colleges and Schools, and  
24 which are eligible to receive State aid under the provisions of the  
25 Constitution of the United States and the Constitution of the State  
26 of New Jersey, but does not include any educational institution  
27 dedicated primarily to the education or training of ministers, priests,  
28 rabbis or other professional persons in the field of religion;
- 29       f. "Public institutions of higher education" means Rutgers, The  
30 State University, the State colleges, the New Jersey Institute of  
31 Technology, [the University of Medicine and Dentistry of New  
32 Jersey] Rowan University, the county colleges and any other public  
33 university or college now or hereafter established or authorized by  
34 law;
- 35       g. "Technology extension services" means programs that not  
36 only accelerate the application and transfer of technological  
37 innovations by the State's public and private institutions of higher  
38 education to existing industry, but also adapt these innovations to  
39 the requirements of individual business operations.  
40 (cf: P.L.1985, c.366, s.2)

41  
42       <sup>2</sup>[80.] 86.<sup>2</sup> Section 2 of P.L.1985, c.397 (C.18A:64J-39) is  
43 amended to read as follows:

44       2. For the purposes of this act:

- 45       a. "Advanced technology center" means one or more  
46 outstanding programs or departments at New Jersey's public and  
47 private institutions of higher education, which are provided  
48 substantial and concentrated financial support to promote their

1 development into national-level bases for innovative technology  
2 research;

3 b. "Business incubation facilities" means low-cost, short-term  
4 occupancy rental spaces wherein assistance is granted to a targeted  
5 network of new companies employing selected technologies  
6 congruent with the strengths of the State's public and private  
7 institutions of higher education;

8 c. "Commission" means the New Jersey Commission on  
9 Science and Technology as created by P.L.1985, c.102 (C.52:9X-1  
10 et seq.);

11 d. "Innovation partnership grants" means matching grants to  
12 academic researchers performing applied research in emerging  
13 technologies at any of the State's public and private institutions of  
14 higher education, which are of strategic importance to the New  
15 Jersey economy, under regulations adopted by the commission  
16 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
17 (C. 52:14B-1 et seq.);

18 e. "Private institutions of higher education" means independent  
19 colleges or universities incorporated and located in New Jersey,  
20 which by virtue of law or character or license are nonprofit  
21 educational institutions authorized to grant academic degrees and  
22 provide a level of education which is equivalent to the education  
23 provided by the State's public institutions of higher education as  
24 attested by the receipt of and continuation of regional accreditation  
25 by the Middle States Association of Colleges and Schools, and  
26 which are eligible to receive State aid under the provisions of the  
27 Constitution of the United States and the Constitution of the State  
28 of New Jersey, but does not include any educational institution  
29 dedicated primarily to the education or training of ministers, priests,  
30 rabbis or other professional persons in the field of religion;

31 f. "Public institutions of higher education" means Rutgers, The  
32 State University, the State colleges, the New Jersey Institute of  
33 Technology, [the University of Medicine and Dentistry of New  
34 Jersey] Rowan University, the county colleges and any other public  
35 university or college now or hereafter established or authorized by  
36 law;

37 g. "Technology extension services" means programs that not  
38 only accelerate the application and transfer of technological  
39 innovations by the State's public and private institutions of higher  
40 education to existing industry, but also adapt these innovations to  
41 the requirements of individual business operations.

42 (cf: P.L.1985, c.397, s.2)

43

44 <sup>2</sup>[81.] 87.<sup>2</sup> N.J.S.18A:65-14 is amended to read as follows:

45 18A:65-14. The membership of the board of governors shall be  
46 classified as follows and consist of:

47 a. the president of the corporation, serving as an ex officio  
48 non-voting member; and

- 1       b. ~~11~~ 15 voting members,
- 2       i. ~~six~~ <sup>3</sup>~~nine~~ seven<sup>3</sup> of whom shall be appointed by the  
3 Governor of the State, with the advice and consent of the Senate,  
4 ~~and~~ <sup>2</sup>two of whom shall be from a northern county in the State,  
5 and one of whom shall be appointed jointly by the President of the  
6 Senate and the Speaker of the General Assembly and who shall be a  
7 resident of Essex County, and<sup>2</sup>
- 8       ii. <sup>3</sup>~~five~~ seven<sup>3</sup> of whom shall be appointed by the board of  
9 trustees, from among their members <sup>2</sup>one of whom shall be a  
10 resident of Essex County and one of whom shall be a resident of  
11 Middlesex County,<sup>2</sup> elected and serving under the provisions of  
12 subsection I.c. or I.d. of 18A:65-15 <sup>2</sup>, and
- 13       iii. the chairperson of the Rutgers-Newark board of governors<sup>2</sup>.

14       <sup>2</sup>The first additional appointments made by the Governor  
15 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
16 this bill), shall not require the advice and consent of the Senate, but  
17 thereafter such advice and consent shall be required.<sup>2</sup>

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

31

32       <sup>2</sup>~~82.~~ 88.<sup>2</sup> Section 4 of P.L.2009, c.4 (C.18A:65A-1) is  
33 amended to read as follows:

34       4. a. The board of trustees of a public institution of higher  
35 education may implement an energy savings improvement program  
36 in the manner provided by this section whenever it determines that  
37 the savings generated from reduced energy use from the program  
38 will be sufficient to cover the cost of the program's energy  
39 conservation measures as set forth in an energy savings plan. Under  
40 such a program, a board of trustees may enter into an energy  
41 savings services contract with an energy services company to  
42 implement the program or the board may authorize separate  
43 contracts to implement the program. The provisions of:  
44 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,  
45 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey  
46 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of  
47 Rutgers, the State University; ~~P.L.1970, c.102 (C.18A:64G-1 et~~

1 al.), in the case of the University of Medicine and Dentistry of New  
2 Jersey]; P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
3 bill), in the case of Rowan University; and N.J.S.18A:64A-1 et seq.,  
4 in the case of the county colleges; shall apply to any contracts  
5 awarded pursuant to this section to the extent that the provisions of  
6 such law are not inconsistent with any provision of this section.

7 In the case of Rutgers, the State University, references in this  
8 section to the board of trustees shall mean the Rutgers board of  
9 governors.

10 b. (1) To be eligible to enter into an energy savings services  
11 contract, an energy services company shall be a commercial entity  
12 that is qualified to provide energy savings services in accordance  
13 with the provisions of this section. A public institution of higher  
14 education may enter into an energy savings services contract  
15 through public advertising for bids and the receipt of bids therefor.

16 (2) (a) Public works activities performed under an energy  
17 savings improvement program shall be subject to all requirements  
18 regarding public bidding, bid security, performance guarantees,  
19 insurance and other public contracting requirements that are  
20 applicable to public works contracts, to the extent not inconsistent  
21 with this section. A general contractor, energy services company  
22 serving as general contractor, or any subcontractor hired for the  
23 furnishing of plumbing and gas fitting and all kindred work, and of  
24 steam and hot water heating and ventilating apparatus, steam power  
25 plants and kindred work, and electrical work, structural steel and  
26 ornamental iron work, shall be classified by the Division of  
27 Property Management and Construction in the Department of the  
28 Treasury in order to perform public works activities under an  
29 energy savings improvement program.

30 (b) Individuals or organizations performing energy audits,  
31 acting as commissioning agents, or conducting verification of  
32 energy savings plans, implementation of energy conservation  
33 measures, or verifying guarantees shall be prequalified by the  
34 Division of Property Management and Construction in the  
35 Department of the Treasury to perform their work under an energy  
36 savings improvement program.

37 (c) Where there is a need for compatibility of a direct digital  
38 control system with previously installed control systems and  
39 equipment, the bid specifications may include a requirement for  
40 proprietary goods, and if so included, the bid specification shall set  
41 forth an allowance price for its supply which shall be used by all  
42 bidders in the public bidding process.

43 (3) An energy services company may be designated as the  
44 general contractor for improvements to be made pursuant to an  
45 energy savings plan, provided that the hiring of subcontractors that  
46 are required to be classified pursuant to subparagraph (a) of  
47 paragraph (2) of this subsection shall be performed pursuant to the  
48 public bidding requirements of the board of trustees. A contract

1 with an energy savings company shall include, but not be limited to:  
2 preparation of an energy savings plan, the responsibilities of the  
3 parties for project schedules, installations, performance and quality,  
4 payment of subcontractors, project completion, commissioning,  
5 savings implementation; a requirement that the savings to be  
6 achieved by energy conservation measures be verified upon  
7 commissioning of the improvements; allocation of State and federal  
8 rebates and tax credits; and any other provisions deemed necessary  
9 by the parties.

10 (4) Except as provided in paragraph (5) of this subsection, a  
11 subsidiary or wholly-owned or partially-owned affiliate of the  
12 energy services company shall not be an eligible contractor or  
13 subcontractor under an energy savings services contract.

14 (5) When the energy services company is the manufacturer of  
15 direct digital control systems and contracts with the board of  
16 trustees to provide a guaranteed energy savings option pursuant to  
17 subsection f. of this section, the specification of such direct digital  
18 control systems may be treated as proprietary goods and if so  
19 treated, the bid specification shall set forth an allowance price for  
20 its supply by the energy services company which shall be used by  
21 all bidders in the public bidding process. Direct digital controls  
22 shall be open protocol format and shall meet the interoperability  
23 guidelines established by the American Society of Heating,  
24 Refrigerating and Air-Conditioning Engineers.

25 c. An energy savings improvement program may be financed  
26 through a lease-purchase agreement or through the issuance of  
27 energy savings obligations pursuant to this subsection.

28 (1) An energy savings improvement program may be financed  
29 through a lease-purchase agreement between a board of trustees and  
30 an energy services company or other public or private entity. Under  
31 a lease-purchase agreement, ownership of the energy savings  
32 equipment or improved facilities shall pass to the board of trustees  
33 when all lease payments have been made. Notwithstanding the  
34 provisions of any other law to the contrary, the duration of such a  
35 lease-purchase agreement shall not exceed 15 years, except that the  
36 duration of a lease purchase agreement for a combined heat and  
37 power or cogeneration project shall not exceed 20 years.

38 (2) Any lease-purchase or other agreement entered into in  
39 connection with an energy savings improvement program may be a  
40 general obligation of the public institution of higher education  
41 pursuant to this subsection, and may contain: a clause making it  
42 subject to the availability and appropriation annually of sufficient  
43 funds as may be required to meet the extended obligation; and a  
44 non-substitution clause maintaining that if the agreement is  
45 terminated for non-appropriation, the board of trustees may not  
46 replace the leased equipment or facilities with equipment or  
47 facilities that perform the same or similar functions.

1 (3) A board of trustees may arrange for incurring energy savings  
2 obligations to finance an energy savings improvement program and  
3 may enter into any agreement with the New Jersey Educational  
4 Facilities Authority or other persons in connection with the issuance  
5 by the authority of its obligations on behalf of the public institution  
6 of higher education in order to finance the institution's energy  
7 savings improvement program. Energy savings obligations may be  
8 funded through appropriations for utility services in the annual  
9 budget of the board, or incurred as a general obligation of the public  
10 institution of higher education in connection with the issuance by  
11 the New Jersey Educational Facilities Authority of bonds or notes  
12 pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county  
13 college, by a sponsoring county as a refunding bond pursuant to  
14 N.J.S.40A:2-52 et seq., including the issuance of bond anticipation  
15 notes as may be necessary, provided that all such bonds and notes  
16 mature within the periods authorized for such energy savings  
17 obligations.

18 (4) Lease-purchase agreements and energy savings obligations  
19 shall not be used to finance maintenance, guarantees, or verification  
20 of guarantees of energy conservation measures. Lease-purchase  
21 agreements and energy savings obligations may be used to finance  
22 the cost of an energy audit or the cost of verification of energy  
23 savings as part of adopting an energy savings plan. Maturity  
24 schedules of lease-purchase agreements or energy savings  
25 obligations must exceed the estimated useful life of the individual  
26 energy conservation measures.

27 d. (1) The energy audit component of an energy savings  
28 improvement program shall be conducted either by the board of  
29 trustees or by a qualified third party retained by the board for that  
30 purpose. It shall not be conducted by an energy services company  
31 subsequently hired to develop an energy savings improvement  
32 program. The energy audit shall identify the current energy use of  
33 any or all facilities and energy conservation measures that can be  
34 implemented in which the energy savings and energy efficiency  
35 could be realized and maximized.

36 (2) To implement an energy savings improvement program, a  
37 board of trustees shall develop an energy savings plan that consists  
38 of one or more energy conservation measures. The plan shall:

39 (a) contain the results of an energy audit;

40 (b) describe the energy conservation measures that will  
41 comprise the program;

42 (c) estimate greenhouse gas reductions resulting from those  
43 energy savings;

44 (d) identify all design and compliance issues that require the  
45 professional services of an architect or engineer and identify who  
46 will provide these services;

47 (e) include an assessment of risks involved in the successful  
48 implementation of the plan;

1 (f) identify the eligibility for, and costs and revenues associated  
2 with the PJM Independent System Operator for demand response  
3 and curtailable service activities;

4 (g) include schedules showing calculations of all costs of  
5 implementing the proposed energy conservation measures and the  
6 projected energy savings;

7 (h) identify maintenance requirements necessary to ensure  
8 continued energy savings, and describe how they will be fulfilled;  
9 and

10 (i) if developed by an energy services company, a description  
11 of, and cost estimates of an energy savings guarantee.

12 All professionals providing engineering services under the plan  
13 shall have errors and omissions insurance.

14 (3) Prior to the adoption of the plan, the board of trustees shall  
15 contract with a qualified third party to verify the projected energy  
16 savings to be realized from the proposed program have been  
17 calculated as required by subsection e. of this section.

18 (4) Upon adoption, the plan shall be submitted to the Board of  
19 Public Utilities, which shall post it on the Internet on a public  
20 webpage maintained for such purpose. If the board of trustees  
21 maintains its own website, it shall also post the plan on that site.  
22 The Board of Public Utilities may require periodic reporting  
23 concerning the implementation of the plan.

24 (5) Verification by a qualified third party shall be required when  
25 energy conservation measures are placed in service or  
26 commissioned, to ensure the savings projected in the energy savings  
27 plan shall be achieved.

28 (6) Energy-related capital improvements that do not reduce  
29 energy usage may be included in an energy savings improvement  
30 program but the cost of such improvements shall not be financed as  
31 a lease-purchase or through energy savings obligations authorized  
32 by subsection c. of this section. Nothing herein is intended to  
33 prevent the financing of such capital improvements through  
34 otherwise authorized means.

35 (7) A qualified third party when required by this subsection may  
36 include an employee of the public institution of higher education  
37 who is properly trained and qualified to perform such work.

38 e. (1) The calculation of energy savings for the purposes of  
39 determining that the energy savings resulting from the program will  
40 be sufficient to cover the cost of the program's energy conservation  
41 measures, as provided in subsection a. of this section, shall involve  
42 determination of the dollar amount saved through implementation  
43 of an energy savings improvement program using the guidelines of  
44 the International Performance Measurement and Verification  
45 Protocol or other protocols approved by the Board of Public  
46 Utilities and standards adopted by the Board of Public Utilities  
47 pursuant to this section. The calculation shall include all applicable  
48 State and federal rebates and tax credits, but shall not include the



1 cost of an energy audit and the cost of verifying energy savings.  
2 The calculation shall state which party has made application for  
3 rebates and credits and how these applications translate into energy  
4 savings.

5 (2) For the purposes of this section, the Board of Public Utilities  
6 shall adopt standards and uniform values for interest rates and  
7 escalation of labor, electricity, oil, and gas, as well as standards for  
8 presenting these costs in a life cycle and net present value format,  
9 standards for the presentation of obligations for carbon reductions,  
10 and other standards that the board may determine necessary.

11 f. (1) When an energy services company is awarded an energy  
12 savings services contract, it shall offer the board of trustees the  
13 option to purchase, for an additional amount, an energy savings  
14 guarantee. The guarantee, if accepted by a separate vote of the  
15 board of trustees, shall insure that the energy savings resulting from  
16 the energy savings improvement program, determined periodically  
17 over the duration of the guarantee, will be sufficient to defray all  
18 payments required to be made pursuant to the lease-purchase  
19 agreement or energy savings obligation, and if the savings are not  
20 sufficient, the energy services company will reimburse the board of  
21 trustees for any additional amounts. Annual costs of a guarantee  
22 shall not be financed or included as costs in an energy savings plan  
23 but shall be fully disclosed in an energy savings plan.

24 (2) When a guaranteed energy savings option is purchased, the  
25 contract shall require a qualified third party to verify the energy  
26 savings at intervals established by the parties.

27 g. As used in this section:

28 "direct digital control systems" means the devices and  
29 computerized control equipment that contain software and computer  
30 interfaces that perform the logic that control a building's heating,  
31 ventilating, and air conditioning system. Direct digital controls  
32 shall be open protocol format and shall meet the interoperability  
33 guidelines established by the American Society of Heating,  
34 Refrigerating and Air-Conditioning Engineers;

35 "educational facility" means a structure suitable for use as a  
36 dormitory, dining hall, student union, administrative building,  
37 academic building, library, laboratory, research facility, classroom,  
38 athletic facility, health care facility, teaching hospital, and parking,  
39 maintenance, storage or utility facility or energy conservation  
40 measures and other structures or facilities related thereto or required  
41 or useful for the instruction of students or the conducting of  
42 research or the operation of an institution for higher education, and  
43 public libraries, and the necessary and usual attendant and related  
44 facilities and equipment, but shall not include any facility used or to  
45 be used for sectarian instruction or as a place for religious worship;

46 "energy conservation measure" means an improvement that  
47 results in reduced energy use, including, but not limited to,  
48 installation of energy efficient equipment; demand response

1 equipment; combined heat and power systems; facilities for the  
2 production of renewable energy; water conservation measures,  
3 fixtures or facilities; building envelope improvements that are part  
4 of an energy savings improvement program; and related control  
5 systems for each of the foregoing;

6 "energy related capital improvement" means a capital  
7 improvement that uses energy but does not result in a reduction of  
8 energy use;

9 "energy saving obligation" means a bond, note or other  
10 agreement evidencing the obligation to repay borrowed funds  
11 incurred in order to finance energy saving improvements;

12 "energy savings" means a measured reduction in fuel, energy,  
13 operating or maintenance costs resulting from the implementation  
14 of one or more energy conservation measures services when  
15 compared with an established baseline of previous fuel, energy,  
16 operating or maintenance costs, including, but not limited to, future  
17 capital replacement expenditures avoided as a result of equipment  
18 installed or services performed as part of an energy savings plan;

19 "energy savings improvement program" means an initiative of a  
20 public institution of higher education to implement energy  
21 conservation measures in existing facilities, provided that the value  
22 of the energy savings resulting from the program will be sufficient  
23 to cover the cost of the program's energy conservation measures;

24 "energy savings plan" means the document that describes the  
25 actions to be taken to implement the energy savings improvement  
26 program;

27 "energy savings services contract" means a contract with an  
28 energy savings company to develop an energy savings plan, prepare  
29 bid specifications, manage the performance, provision,  
30 construction, and installation of energy conservation measures by  
31 subcontractors, to offer a guarantee of energy savings derived from  
32 the implementation of an energy savings plan, and may include a  
33 provision to manage the bidding process;

34 "energy services company" means a commercial entity that is  
35 qualified to develop and implement an energy savings plan in  
36 accordance with the provisions of this section;

37 "public works activities" means any work subject to the  
38 provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and

39 "water conservation measure" means an alteration to a facility or  
40 equipment that reduces water consumption, maximizes the  
41 efficiency of water use, or reduces water loss.

42 h. (1) The State Treasurer and the Board of Public Utilities may  
43 take such action as is deemed necessary and consistent with the  
44 intent of this section to implement its provisions.

45 (2) The State Treasurer and the Board of Public Utilities may  
46 adopt implementation guidelines or directives, and adopt such  
47 administrative rules, pursuant to the "Administrative Procedure  
48 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the

1 implementation of those agencies' respective responsibilities under  
2 this section, except that notwithstanding any provision of P.L.1968,  
3 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and  
4 the Board of Public Utilities may adopt, immediately upon filing  
5 with the Office of Administrative Law, such rules and regulations  
6 as deemed necessary to implement the provisions of this act which  
7 shall be effective for a period not to exceed 12 months and shall  
8 thereafter be amended, adopted or re-adopted in accordance with  
9 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).  
10 (cf: P.L.2009, c.4, s.4)  
11

12 <sup>2</sup>[83.] 89.<sup>2</sup> Section 2 of P.L.1969, c.242 (C.18A:66-168) is  
13 amended to read as follows:

14 2. Repeal of the act and parts of acts, and all amendments and  
15 supplements thereto, pursuant to section 1 of this act, is subject to  
16 the following provisos:

17 a. The alternate benefit programs established by [the Board of  
18 Trustees of the University of Medicine and Dentistry,] the Board  
19 of Governors of Rutgers, The State University of New Jersey, the  
20 Board of Trustees of the New Jersey Institute of Technology and  
21 the Board of Higher Education for certain employees of State and  
22 county colleges, are continued except as the benefit and  
23 contribution schedules are revised by this act.

24 b. The timely filing of applications for transfer from the Public  
25 Employees' Retirement System, the Teachers' Pension and Annuity  
26 Fund and the Group Annuity Plan as specified in such acts shall be  
27 deemed to have not been revised by this act.

28 c. The transfer of employee and employer contributions from  
29 the Public Employees' Retirement System, the Teachers' Pension  
30 and Annuity Fund and the Group Annuity Plan to the insurers or  
31 mutual fund companies of the alternate benefit programs shall be  
32 considered as having met the requirements of said acts and shall be  
33 continued as provided by this act.

34 d. Any contributions made by a member of the alternate benefit  
35 program for any additional death benefit coverage established under  
36 said acts shall not be returnable to the member or his beneficiary in  
37 any manner, or for any reason whatsoever, nor shall any  
38 contributions made for the additional death benefit coverage be  
39 included in any annuity payable to any such member or to his  
40 beneficiary.

41 (cf: P.L.1993, c.385, s.1)  
42

43 <sup>2</sup>[84.] 90.<sup>2</sup> Section 3 of P.L.1969, c.242 (C.18A:66-169) is  
44 amended to read as follows:

45 3. As used in this act:

46 a. "Accumulated deductions" means those contributions as  
47 defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84  
48 (C.43:15A-6).

1       b. "Base salary" means a participant's regular base or  
2 contractual salary. It shall exclude bonus, overtime or other forms  
3 of extra compensation such as (1) longevity lump sum payments,  
4 (2) lump sum terminal sick leave or vacation pay, (3) the value of  
5 maintenance, (4) individual pay adjustments made within or at the  
6 conclusion of the participant's final year of service, (5) retroactive  
7 salary adjustments or other pay adjustments made in the  
8 participant's final year of service unless such adjustment was made  
9 as a result of a general pay adjustment for all personnel of the  
10 department or institution, (6) any unscheduled individual  
11 adjustment made in the final year to place the member at the  
12 maximum salary level within his salary range and (7) any pay for  
13 services rendered during the summer vacation period by a  
14 participant who is required to work only 10 months of the year.

15       c. "Base annual salary" means the base salary upon which  
16 contributions by the member and his employer to the alternate  
17 benefit program were based during the last year of creditable  
18 service.

19       d. (Deleted by amendment, P.L.1994, c.48).

20       e. **["University of Medicine and Dentistry"** means the  
21 University of Medicine and Dentistry of New Jersey established  
22 pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-  
23 3).] Deleted by amendment, P.L. , c. (pending before the  
24 Legislature as this bill)

25       f. "County colleges" means the colleges so defined in  
26 N.J.S.18A:64A-1.

27       g. "Division of Pensions" means the division established in the  
28 Department of the Treasury pursuant to section 1 of P.L.1955, c.70  
29 (C.52:18A-95) and is the agency responsible for the administration  
30 of the alternate benefit program of the State and county colleges  
31 and for the administration of the group life and disability insurances  
32 of all alternate benefit programs established in the State for public  
33 employees.

34       h. "Full-time officers" and "full-time members of the faculty"  
35 shall include the president, vice president, secretary and treasurer of  
36 the respective school. "Full-time" shall also include eligible full-  
37 time officers and full-time members of the faculty who are granted  
38 sabbaticals or leaves of absence with pay where the compensation  
39 paid is 50% or more of the base salary at the time the leave  
40 commences and the period of eligibility terminates with the end of  
41 the school year following the year in which the sabbatical began.  
42 "Part-time" shall be defined as an appointment where the employee  
43 receives a salary or wages for a period of less than 50% of the  
44 normal work week. These definitions shall apply to teaching or  
45 administrative staff members or to employees serving in a dual  
46 capacity where the appointment includes teaching as well as  
47 administrative duties.

- 1 i. "Group Annuity Plan" refers to the Group Annuity Contract  
2 R-134 between the Board of Trustees of the New Jersey Institute of  
3 Technology and the Prudential Insurance Company of America.
- 4 j. "Member" or "participant" means a full-time officer or a  
5 full-time member of the faculty participating in the alternate benefit  
6 program, and after the effective date of P.L.2008, c.89, means an  
7 adjunct faculty member or a part-time instructor whose employment  
8 agreement begins after that effective date.
- 9 k. "New Jersey Institute of Technology" means the Newark  
10 College of Engineering.
- 11 l. "Pension reserve" means those moneys as defined in  
12 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).
- 13 m. "Rutgers, The State University" means the institution of  
14 higher education described in chapter 65 of Title 18A of the New  
15 Jersey Statutes.
- 16 n. "State Colleges" means the colleges so described in chapter  
17 64 of Title 18A of the New Jersey Statutes and any former State  
18 college designated as a public research university pursuant to  
19 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 20 o. "Mutual fund company" means an investment company or  
21 trust regulated by the federal "Investment Company Act of 1940,"  
22 15 U.S.C. s.80a-1 et seq.  
23 (cf: P.L.2008, c.89, s.12)  
24
- 25 <sup>2</sup>[85.] 91.<sup>2</sup> Section 4 of P.L.1969, c.242 (C.18A:66-170) is  
26 amended to read as follows:
- 27 4. All full-time officers and all full-time members of the  
28 faculty of [the University of Medicine and Dentistry of New  
29 Jersey,] Rutgers, The State University, the Newark College of  
30 Engineering, Rowan University, the State and county colleges and  
31 all regularly appointed teaching and administrative staff members in  
32 applicable positions, as determined by the Director of the Division  
33 of Pensions in the Department of the Treasury, shall be eligible and  
34 shall participate in the alternate benefit program, except those  
35 persons appointed in a part-time or temporary capacity, physicians  
36 and dentists holding employment in positions titled intern, resident  
37 or fellow on or after the effective date of this amendatory act,  
38 persons compensated on a fee basis, persons temporarily in the  
39 United States under an F or J visa and members of the Teachers'  
40 Pension and Annuity Fund, the Public Employees' Retirement  
41 System, the Police and Firemen's Retirement System or the Group  
42 Annuity Plan, who did not elect to transfer to the alternate benefit  
43 program in accordance with the provisions of chapter 64C or 65 of  
44 Title 18A of the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-  
45 130 et seq.), or c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181  
46 (C.18A:66-154 et seq.). An eligible person who has been enrolled in  
47 the alternate benefit program for at least one year pursuant to this  
48 section may continue to be enrolled in the program, notwithstanding

1 promotion or transfer to a position within the institution not  
2 otherwise eligible for the program.

3 Any person participating in the alternate benefit program shall be  
4 ineligible for membership in the Teachers' Pension and Annuity  
5 Fund, the Public Employees' Retirement System, the Police and  
6 Firemen's Retirement System or the Group Annuity Plan and any  
7 person electing to participate in the alternate benefit program shall  
8 thereby waive all rights and benefits provided by the Teachers'  
9 Pension and Annuity Fund, the Public Employees' Retirement  
10 System, the Police and Firemen's Retirement System or the Group  
11 Annuity Plan as a member of said fund, system or plan, except as  
12 herein and otherwise provided by law or under terms of the Group  
13 Annuity Plan.

14 Any person required to participate in the alternate benefit  
15 program by reason of employment, who at the time of such  
16 employment is a member of the Teachers' Pension and Annuity  
17 Fund, shall be permitted to transfer his membership in said fund to  
18 the Public Employees' Retirement System, by waiving all rights and  
19 benefits which would otherwise be provided by the alternate benefit  
20 program. Any such new employee who is a member of the Public  
21 Employees' Retirement System will be permitted to continue his  
22 membership in that system, by waiving all rights and benefits which  
23 would otherwise be provided by the alternate benefit program.  
24 Such waivers shall be accomplished by filing forms satisfactory to  
25 the Division of Pensions within 30 days of the beginning date of  
26 employment.

27 Any person receiving a benefit by reason of his retirement from  
28 any retirement or pension system of the State of New Jersey or any  
29 political subdivision thereof shall be ineligible to participate in the  
30 alternate benefit program.

31 No person eligible for participation in the alternate benefit  
32 program shall be eligible for, or receive, benefits under chapters 4  
33 and 8B of Title 43 of the Revised Statutes.

34 The alternate benefit programs established pursuant to this act  
35 are deemed to be pension funds or retirement systems for purposes  
36 of P.L.1968, c.23 (C.43:3C-1 et seq.).  
37 (cf: P.L.1994, c.48, s.188)

38  
39 <sup>2</sup>[86.] 92.<sup>2</sup> Section 7 of P.L.1969, c.242 (C.18A:66-173) is  
40 amended to read as follows:

41 7. (a) When a member of the Teachers' Pension and Annuity  
42 Fund or the Public Employees' Retirement System or the Police and  
43 Firemen's Retirement System elects to transfer to an alternate  
44 benefit program by filing the proper application form declaring his  
45 election to participate in such alternate benefit program, the  
46 respective retirement system shall transfer the amount of his  
47 accumulated deductions as of the date of transfer to his individual  
48 account in the program.

1 (b) There shall also be transferred from the contingent reserve  
2 fund or the pension fund of the Teachers' Pension and Annuity Fund  
3 or the Public Employees' Retirement System or the Police and  
4 Firemen's Retirement System or from the Group Annuity Plan to the  
5 individual's account in the alternate benefit program, the pension  
6 reserve required as of the date of his transfer to provide a pension  
7 for each year of service credited to the account of the member as set  
8 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in  
9 section 38 or section 48 of P.L.1954, c. 84 as such sections have  
10 been amended and supplemented as of July 1, 1969 (C.43:15A-38,  
11 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241  
12 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
13 for each year of service credited under the Group Annuity Plan.  
14 Such transfer from the contingent reserve fund or the pension fund  
15 of the Teachers' Pension and Annuity Fund or the Public  
16 Employees' Retirement System or the Police and Firemen's  
17 Retirement System or the Group Annuity Plan shall be made at the  
18 time of the member's transfer to the alternate benefit program in the  
19 case of any such member who has then met the eligibility  
20 requirements for a pension under the aforementioned N.J.S.18A:66-  
21 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,  
22 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
23 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
24 the Group Annuity Plan. In the case of any member who elects to  
25 participate in the alternate benefit program who has not then met  
26 the eligibility requirements for a pension under N.J.S.18A:66-36 or  
27 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,  
28 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
29 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
30 under the Group Annuity Plan, the transfer from the contingent  
31 reserve fund or the pension fund of the Teachers' Pension and  
32 Annuity Fund or the Public Employees' Retirement System or the  
33 Police and Firemen's Retirement System or the Group Annuity Plan  
34 shall be effected at the time such requirements have been met,  
35 taking into account for the purpose of such eligibility requirement  
36 his years of membership service at the time of his election and his  
37 subsequent years of service as a full-time member of the faculty of  
38 **【the University of Medicine and Dentistry,】** Rutgers, The State  
39 University, the New Jersey Institute of Technology, Rowan  
40 University, or the State or county colleges or as an eligible  
41 employee of the Department of Higher Education, or at the time he  
42 shall have 10 years of credit for New Jersey service and becomes  
43 physically incapacitated for the performance of duty if he had been  
44 a member of the Teachers' Pension and Annuity Fund or the Public  
45 Employees' Retirement System or the Police and Firemen's  
46 Retirement System as of the date of transfer.

47 The annuity to be used in determining the amount of pension is  
48 the actuarial equivalent of the member's accumulated deductions

1 transferred from the Teachers' Pension and Annuity Fund or the  
2 Public Employees' Retirement System or the Police and Firemen's  
3 Retirement System to the date the member attains 60 years of age, if  
4 subsequent to the date of election. The amount of pension is that  
5 established by formula within N.J.S.18A:66-44 or section 48 of  
6 P.L.1954, c.84 as such sections have been amended and  
7 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of  
8 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and  
9 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84  
10 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)  
11 enacted subsequent to this act or the Group Annuity Plan shall have  
12 no application to the provisions of this act.

13 In the event that the eligibility requirement under N.J.S.18A:66-  
14 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section  
15 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity  
16 Plan is changed at some future date to permit members to become  
17 eligible for such benefit prior to the completion of 15 years of  
18 service, the transfer of the reserve from the contingent reserve fund  
19 or the pension fund of the Teachers' Pension and Annuity Fund or  
20 the Public Employees' Retirement System or the Police and  
21 Firemen's Retirement System or from the Group Annuity Plan shall  
22 be effective as of the date the member who had elected the alternate  
23 benefit program meets the amended eligibility requirement or the  
24 effective date of the amendment, whichever is later.

25 In the event an option is available with respect to the distribution  
26 of employee and employer contributions between fixed and variable  
27 annuities under the alternate benefit program, the employee shall  
28 have the right to determine the percentage distribution of these  
29 funds subject to any limitations imposed by the designated insurer  
30 or insurers.

31 (c) No transfer of pension reserves shall be made pursuant to this  
32 section where more than two consecutive years elapse in which no  
33 employer contributions to an alternate benefit program are required.  
34 (cf: P.L.1993, c.385, s.5)

35  
36 <sup>2</sup>[87.] 93.<sup>2</sup> Section 8 of P.L.1969, c.242 (C.18A:66-174) is  
37 amended to read as follows:

38 8. (a) **[The University of Medicine and Dentistry of New**  
39 **Jersey,]** Rutgers, The State University and the New Jersey Institute  
40 of Technology shall reduce the compensation of each participant in  
41 the alternate benefit program and pay over to the insurers or mutual  
42 fund companies for the benefit of the participant an employee  
43 contribution for the retirement annuity contract or contracts equal to  
44 5% of the participant's base salary. The intervals for deductions or  
45 reductions and payments shall be determined by the respective  
46 school governing bodies.

47 The Division of Pensions and Benefits shall provide for  
48 reductions from the compensation of each participant in the



1 alternate benefit program employed by the State and county  
2 colleges of an employee contribution equal to 5% of the  
3 participant's base salary and pay this amount to the insurers or  
4 mutual fund companies for the individual's retirement annuity  
5 contract or contracts. The intervals for deductions or reductions  
6 and payments shall be determined by the Division of Pensions and  
7 Benefits.

8 The Division of Pensions and Benefits may require that all  
9 participant contributions be made in accordance with section 414(h)  
10 of the federal Internal Revenue Code (26 U.S.C. s.414(h)).

11 (b) Based on a certification to the Division of Pensions and  
12 Benefits by **the University of Medicine and Dentistry of New**  
13 **Jersey, Rutgers, The State University [and], the New Jersey**  
14 **Institute of Technology, and Rowan University** of the number and  
15 base salary of participants, the division shall authorize the State to  
16 make payment of the employer contributions to the alternate benefit  
17 program at a rate equal to 8% of the employee's base salary, except  
18 the amount of the contribution shall not exceed 8% of the maximum  
19 salary for department officers established pursuant to section 1 of  
20 P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the  
21 designated insurers or mutual fund companies for the benefit of  
22 each participant.

23 Based on a certification by the Division of Pensions and Benefits  
24 of the number and base salary of participants employed by the State  
25 and county colleges, the State shall make payment of the employer  
26 contributions to the alternate benefit program at a rate equal to 8%  
27 of the employee's base salary, except the amount of the contribution  
28 shall not exceed 8% of the maximum salary for department officers  
29 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-  
30 15.107), which moneys shall be paid to the designated insurers or  
31 mutual fund companies for the benefit of each participant.

32 (c) For the member of the Public Employees' Retirement System  
33 employed by the county colleges, who is defined in the regulations  
34 of the Division of Pensions and Benefits as a full-time faculty  
35 member and who is permitted to transfer his membership and does  
36 so, the State shall pay the employer contribution to the alternate  
37 benefit program at a rate equal to 8% of the member's base salary,  
38 except the amount of the contribution shall not exceed 8% of the  
39 maximum salary for department officers established pursuant to  
40 section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member  
41 continues membership in the Public Employees' Retirement System,  
42 the State shall pay the employer contribution to the retirement  
43 system on his behalf and such employer contribution shall be at a  
44 rate equal to the normal contribution made by the State on behalf of  
45 nonveteran members of the Public Employees' Retirement System.

46 (d) For any nonacademic employee of a county college, as  
47 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is  
48 eligible for the program according to the regulations of the Director

1 of the Division of Pensions and Benefits, the county college shall  
2 pay the employer contribution to the retirement system on the  
3 employee's behalf in the same manner as the State, pursuant to this  
4 section.

5 (cf: P.L.2010, c.31, s.1)

6

7 <sup>2</sup>[88.] 94.<sup>2</sup> Section 24 of P.L.1969, c.242 (C.18A:66-190) is  
8 amended 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, the Board of Trustees of Rowan University, and the  
13 boards of trustees of State and county colleges, are hereby  
14 authorized to enter into agreement with each employee participating  
15 in the alternate benefit program whereby the employee agrees to  
16 take a reduction in salary with respect to amounts earned after the  
17 effective date of such agreement in return for the agreement of the  
18 respective institution to use a corresponding amount to purchase an  
19 annuity for such employee so as to obtain the benefits afforded  
20 under section 403(b) of the federal Internal Revenue Code, as  
21 amended. Any such agreement shall specify the amount of such  
22 reduction, the effective date thereof, and shall be legally binding  
23 and irrevocable with respect to amounts earned while the agreement  
24 is in effect; provided, however, that such agreement may be  
25 terminated after it has been in effect for a period of not less than  
26 one year upon notice in writing by either party, and provided further  
27 that not more than one such agreement shall be entered into during  
28 any taxable year of the employee. For the purposes of this section,  
29 any annuity or other contract which meets the requirements of  
30 section 403(b) of the federal Internal Revenue Code, as amended,  
31 may be utilized. The amount of the reduction in salary under any  
32 agreement entered into between the institutions and any employee  
33 pursuant to this section shall not exceed the limitations set forth in  
34 P.L.93-406 (Employment Retirement Income Security Act of 1974)  
35 and Section 415(c) of the Internal Revenue Code of 1954 as  
36 amended for such year.

37 Amounts payable pursuant to this section by an institution on  
38 behalf of an employee for a pay period shall be transmitted and  
39 credited not later than the fifth business day after the date on which  
40 the employee is paid for that pay period.

41 (cf: P.L.1999, c.247, s.2)

42

43 <sup>2</sup>[89.] 95.<sup>2</sup> Section 25 of P.L.1969, c.242 (C.18A:66-191) is  
44 amended to read as follows:

45 25. No retirement, death or other benefit shall be payable by the  
46 State, **[**the University of Medicine and Dentistry,**]** Rutgers, The  
47 State University, the New Jersey Institute of Technology, Rowan

1 University or the Division of Pensions under the alternate benefit  
2 program. Benefits shall be payable to participating employees and  
3 their beneficiaries only by the designated insurers or mutual fund  
4 companies under the terms of the contracts.

5 (cf: P.L.1994, c.48, s.192)

6

7 <sup>2</sup>[90.] 96.<sup>2</sup> Section 3 of P.L.1969, c.142 (C.18A:71-30) is  
8 amended to read as follows:

9 3. As used in this act, unless the context clearly indicates  
10 otherwise, the following terms shall have the following meanings:

11 (a) The term "board" shall mean the Board of Directors of the  
12 New Jersey Educational Opportunity Fund created by section 4 of  
13 P.L.1968, c.142 (C.18A:71-31).

14 (b) (Deleted by amendment, P.L.1994, c.48).

15 (c) The term "department" shall mean the Department of State.

16 (d) The term "fund" shall mean the New Jersey Educational  
17 Opportunity Fund created by section 4 of P.L.1968, c.142  
18 (C.18A:71-31).

19 (e) The term "higher education" shall mean that education  
20 which is provided by any or all of the public institutions of higher  
21 education as herein defined or any or all equivalent private  
22 institutions.

23 (f) The term "public institutions of higher education" shall mean  
24 and include Rutgers, The State University, the New Jersey Institute  
25 of Technology, **the University of Medicine and Dentistry of New**  
26 **Jersey** Rowan University, the **[nine]** eight State colleges, the  
27 county colleges, and any other public universities, colleges or  
28 county colleges now or hereafter established or authorized by law.

29 (cf: P.L.1994, c.48, s.212)

30

31 <sup>2</sup>[91.] 97.<sup>2</sup> N.J.S.18A:71A-4 is amended to read as follows:

32 18A:71A-4. a. The Board of the Higher Education Student  
33 Assistance Authority shall consist of 18 members as follows: the  
34 State Treasurer, ex-officio, or a designee; the **chairperson of the**  
35 **Commission on Higher Education** Secretary of Higher Education,  
36 ex-officio, or a designee from among the public members of the  
37 commission; the chairperson of the Board of Directors of the  
38 Educational Opportunity Fund, ex-officio, or a designee from  
39 among the public members of the board; five representatives from  
40 eligible institutions in this State, including one from Rutgers, the  
41 State University, one from either the New Jersey Institute of  
42 Technology or **the University of Medicine and Dentistry of New**  
43 **Jersey** Rowan University, one from the county colleges, one from  
44 the State colleges, and one from the independent institutions of  
45 higher education in the State; two students from different collegiate  
46 institutional sectors; seven public members who shall be residents  
47 of this State, including one who shall represent a lender party to a

1 participation agreement with the authority; and the executive  
2 director of the authority, or designee, who shall be an ex-officio,  
3 non-voting member of the board.

4 b. The seven public members, including the lender member,  
5 shall be appointed by the Governor with the advice and consent of  
6 the Senate. No more than four of the public members shall be  
7 members of the same political party. The institutional  
8 representatives shall be nominated by the respective institution in  
9 the case of Rutgers, the State University, New Jersey Institute of  
10 Technology, ~~and University of Medicine and Dentistry of New~~  
11 ~~Jersey]~~ and Rowan University. The remaining institutional  
12 representatives shall be nominated by the respective sector  
13 association. Institutional representatives shall be appointed by the  
14 Governor with the advice and consent of the Senate. The student  
15 members shall be the individuals that the Student Advisory  
16 Committee elects as its chairperson and vice-chairperson. The  
17 Student Advisory Committee shall be created by the board to  
18 include students from all collegiate institutional sectors. The  
19 necessary appointments shall be made within 45 days of the  
20 enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

21 c. Public and institutional members of the board shall serve a  
22 term of four years and until a successor is appointed and qualified,  
23 except in the case of the first members so appointed, four of whom  
24 shall be appointed for a term of four years, four of whom shall be  
25 appointed for a term of three years, two of whom shall be appointed  
26 for a term of two years, and two of whom shall be appointed for a  
27 term of one year. Student members shall serve a term of office not  
28 to exceed two years. Any vacancy in the membership of the board,  
29 occurring otherwise than by expiration of term, shall be filled in the  
30 same manner as the original appointment or election was made, but  
31 for the unexpired term only.

32 (cf: N.J.S.18A:71A-4)

33

34 <sup>2</sup>[92.] 98.<sup>2</sup> Section 3 of P.L.2000, c.163 (C.18A:71B-55) is  
35 amended to read as follows:

36 3. As used in this act, the following terms shall have the  
37 following meanings:

38 "Board" means the Board of Trustees of the Tony Pompelio  
39 Commemorative Scholarship Fund for the children of crime victims  
40 created pursuant to this act.

41 "Chairman" means the Chairman of the Violent Crimes  
42 Compensation Board.

43 "Executive director" means the chief executive and  
44 administrative officer of the authority.

45 "Authority" means the Higher Education Student Assistance  
46 Authority established pursuant to N.J.S.18A:71A-1 et seq., the  
47 "Higher Education Student Assistance Authority Law," or any  
48 body, entity, commission, or department succeeding to the principal

1 functions thereof or to whom the powers conferred upon the  
2 authority by N.J.S.18A:71A-1 et seq. shall be given by law.

3 "Public Institutions of Higher Education" means the State  
4 colleges and universities created pursuant to chapter 64 of Title 18A  
5 of the New Jersey Statutes; the county colleges; [the University of  
6 Medicine and Dentistry of New Jersey]; the New Jersey Institute of  
7 Technology; Rutgers, the State University; Rowan University; and  
8 any other public universities, colleges, county colleges and junior  
9 colleges now or hereafter established or authorized by law.  
10 (cf: P.L.2000, c.163, s.3)

11

12 <sup>2</sup>[93.] 99.<sup>2</sup> N.J.S.18A:71C-32 is amended to read as follows:

13 18A:71C-32. "Approved site" means a site located within a State  
14 designated underserved area or a health professional shortage area,  
15 or a clinic which is part of the extramural network of dental clinics  
16 established by the New Jersey Dental School of [the University of  
17 Medicine and Dentistry of New Jersey] Rutgers, The State  
18 University, or a site that has been determined by the Higher  
19 Education Student Assistance Authority, in consultation with the  
20 Department of Health and Senior Services, to serve medically  
21 underserved populations according to criteria determined by the  
22 authority, including, but not limited to, the percentage of medically  
23 underserved patients served.

24 "Authority" means the Higher Education Student Assistance  
25 Authority.

26 "Eligible qualifying loan expenses" means the cumulative  
27 outstanding balance of student loans covering the cost of attendance  
28 at an undergraduate institution of medical, dental, or other primary  
29 care professional education at the time an applicant is selected for  
30 the program. Interest paid or due on qualifying loans that an  
31 applicant has taken out for use in paying the costs of undergraduate  
32 medical, dental, or other primary care professional education shall  
33 be considered eligible for reimbursement under the program. The  
34 authority may establish a limit on the total amount of qualifying  
35 loans which may be redeemed for participants under the program,  
36 provided that the total redemption of qualifying loans does not  
37 exceed \$120,000, or the maximum amount authorized by the federal  
38 government, whichever is greater, either in State funds or the sum  
39 of federal, State, and other non-federal matching funds, pursuant to  
40 section 338I of the Public Health Service Act (42 U.S.C.s.254q-1),  
41 whichever is applicable.

42 "Executive director" means the executive director of the Higher  
43 Education Student Assistance Authority.

44 "Health professional shortage area" (HPSA) means an urban or  
45 rural area, a population group or a public or non-profit private  
46 medical or dental facility or other public facility which the  
47 Secretary of Health and Human Services determines has a health

1 professional shortage pursuant to section 332 of the Public Health  
2 Service Act (42 U.S.C. s.254e).

3 "Primary care" means the practice of family medicine, general  
4 internal medicine, general pediatrics, general obstetrics,  
5 gynecology, pediatric dentistry, general dentistry, public health  
6 dentistry, and any other areas of medicine or dentistry which the  
7 Commissioner of Health and Senior Services may define as primary  
8 care. Primary care also includes the practice of a nurse-practitioner,  
9 certified nurse-midwife, and physician assistant.

10 "Primary care practitioner" means a State-licensed or certified  
11 health care professional who has obtained a degree in allopathic or  
12 osteopathic medicine, dentistry, or another primary care profession  
13 at an undergraduate institution of medical, dental, or other primary  
14 care professional education, as applicable.

15 "Program" means the Primary Care Practitioner Loan  
16 Redemption Program established pursuant to N.J.S.18A:71C-33.

17 "Program participant" means a primary care practitioner who  
18 contracts with the authority to engage in the clinical practice of  
19 primary care at an approved site in exchange for the redemption of  
20 eligible qualifying loan expenses provided under the program.

21 "Qualifying loan" means a government or commercial loan for  
22 the actual costs paid for tuition and reasonable education and living  
23 expenses relating to the obtaining of a degree in allopathic or  
24 osteopathic medicine, dentistry, or another primary care profession.

25 "State designated underserved area" means a geographic area in  
26 this State which has been ranked by the Commissioner of Health  
27 and Senior Services on the basis of health status and economic  
28 indicators as reflecting a medical or dental health professional  
29 shortage.

30 "Total and permanent disability" means a physical or mental  
31 disability that is expected to continue indefinitely or result in death  
32 and renders a participant in the program unable to perform that  
33 person's service obligation, as determined by the executive director  
34 or his designee.

35 "Undergraduate medical, dental, or other primary care  
36 professional education" means the period of time between entry into  
37 medical school, dental school, or other primary care professional  
38 training program and the award of a degree in allopathic or  
39 osteopathic medicine, dentistry, or another primary care profession,  
40 respectively.

41 (cf: P.L.2009, c.145, s.1)

42

43 <sup>2</sup>[94.] 100.<sup>2</sup> N.J.S.18A:71C-35 is amended to read as follows:

44 18A:71C-35. The Commissioner of Health and Senior Services,  
45 after consultation with the Commissioner of Corrections and the  
46 Commissioner of Human Services, shall designate and establish a  
47 ranking of State designated underserved areas. The criteria used by

1 the Commissioner of Health and Senior Services in designating  
2 areas shall include, but not be limited to:

- 3 a. the financial resources of the population under  
4 consideration, including the percentage of the population that is  
5 eligible for medical assistance pursuant to P.L.1968, c.413  
6 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8 et seq.), and the  
7 percentage of the population that does not have health insurance  
8 coverage;
- 9 b. the population's access to primary care services;
- 10 c. appropriate physician, dentist, or other primary care staffing  
11 in State, county, municipal and private nonprofit health care  
12 facilities and in clinics which are part of the extramural network of  
13 dental clinics established by the New Jersey Dental School of [the  
14 University of Medicine and Dentistry of New Jersey] Rutgers, The  
15 State University; and
- 16 d. the extent to which racial and ethnic disparities in health  
17 care in a geographic area, including, but not limited to, disparities  
18 in the incidence of cancer, cardiovascular disease, stroke, chemical  
19 dependency, diabetes, asthma, homicide, suicide, accidental injury,  
20 infant mortality, child immunization rates, HIV/AIDS, dental caries,  
21 and periodontal disease, indicate the need to increase access to  
22 primary care services among racial and ethnic minority populations  
23 in that area.

24 The Commissioner of Health and Senior Services shall transmit  
25 the list of State designated underserved areas and the number of  
26 positions needed in each area to the executive director or designee.  
27 (cf: P.L.2009, c.145, s.4)

28

29 <sup>2</sup>[95.] 101.<sup>2</sup> Section 10 of P.L.2009, c.145 (C.18A:71C-36.1) is  
30 amended to read as follows:

31 10. a. A program participant, as a condition of participation,  
32 shall be required to adhere to performance standards established by  
33 the executive director or his designee and if the approved site is a  
34 clinic which is part of the extramural network of dental clinics  
35 established by the New Jersey Dental School of [the University of  
36 Medicine and Dentistry of New Jersey] Rutgers, The State  
37 University the program participant shall also meet performance  
38 standards set by the New Jersey Dental School.

39 b. The standards shall include, but not be limited to,  
40 requirements that a participant:

- 41 (1) maintain residency in the State;
- 42 (2) maintain a license or certification to practice a primary care  
43 profession in the State;
- 44 (3) remain current with payments on student loans;
- 45 (4) enter into a mutually acceptable contract with an approved  
46 site;

1 (5) maintain satisfactory performance of services rendered at an  
2 approved site; and

3 (6) report to the authority or its designee, on a form and in a  
4 manner prescribed by the authority or its designee, on the program  
5 participant's performance of services rendered at an approved site  
6 prior to repayment of the annual amount eligible for redemption.  
7 (cf: P.L.2009, c.145, s.10)

8

9 <sup>2</sup>[96.] 102.<sup>2</sup> N.J.S.18A:71C-38 is amended to read as follows:

10 18A:71C-38. Each program participant shall serve a six-month  
11 probationary period upon initial placement at an approved site.  
12 During that period, the primary care staff of the approved site, or in  
13 the case of a clinic which is part of the extramural network of dental  
14 clinics established by the New Jersey Dental School of [the  
15 University of Medicine and Dentistry of New Jersey] Rutgers, The  
16 State University, the director of the clinics and the vice-dean of the  
17 dental school, together with the program participant and the  
18 executive director or his designee, shall evaluate the suitability of  
19 the placement for the program participant. At the end of the  
20 probationary period, the primary care staff shall recommend the  
21 continuation of the program participant's present placement, a  
22 change in placement, or its determination that the program  
23 participant is an unsuitable candidate for the program. If the  
24 primary care staff of the approved site recommends a change in  
25 placement, the executive director or a designee shall approve an  
26 alternate placement at an approved site. If the primary care staff  
27 determines that the program participant is not a suitable candidate  
28 for the program, the executive director or his designee shall take  
29 this recommendation into consideration in regard to the program  
30 participant's final acceptance into the program. No loan redemption  
31 payment shall be made during the six-month probationary period;  
32 however, a program participant shall receive credit for the six-  
33 month period in calculating the first year of required service under  
34 the loan redemption contract.

35 (cf: P.L.2009, c.145, s.7)

36

37 <sup>2</sup>[97.] 103.<sup>2</sup> N.J.S.18A:72A-3 is amended to read as follows:

38 18A:72A-3. As used in this act, the following words and terms  
39 shall have the following meanings, unless the context indicates or  
40 requires another or different meaning or intent:

41 "Authority" means the New Jersey Educational Facilities  
42 Authority created by this chapter or any board, body, commission,  
43 department or officer succeeding to the principal functions thereof  
44 or to whom the powers conferred upon the authority by this chapter  
45 shall be given by law;

46 "Bond" means bonds or notes of the authority issued pursuant to  
47 this chapter;



1 "County college capital project" means any capital project of a  
2 county college certified pursuant to section 2 of P.L.1971, c.12  
3 (C.18A:64A-22.2) and approved by the State Treasurer for funding  
4 pursuant to the "County College Capital Projects Fund Act,"  
5 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

6 "Dormitory" means a housing unit with necessary and usual  
7 attendant and related facilities and equipment, and shall include a  
8 dormitory of a public or private school, or of a public or private  
9 institution of higher education;

10 "Educational facility" means a structure suitable for use as a  
11 dormitory, dining hall, student union, administration building,  
12 academic building, library, laboratory, research facility, classroom,  
13 athletic facility, health care facility, teaching hospital, and parking  
14 maintenance storage or utility facility and other structures or  
15 facilities related thereto or required or useful for the instruction of  
16 students or the conducting of research or the operation of an  
17 institution for higher education, and public libraries, and the  
18 necessary and usual attendant and related facilities and equipment,  
19 but shall not include any facility used or to be used for sectarian  
20 instruction or as a place for religious worship;

21 "Emerging needs program" means a program at one or more  
22 public or private institutions of higher education directed to meeting  
23 new and advanced technology needs or to supporting new academic  
24 programs in science and technology;

25 "Higher education equipment" means any property consisting of,  
26 or relating to, scientific, engineering, technical, computer,  
27 communications or instructional equipment;

28 "Participating college" means a public institution of higher  
29 education or private college which, pursuant to the provisions of  
30 this chapter, participates with the authority in undertaking the  
31 financing and construction or acquisition of a project;

32 "Project" means a dormitory or an educational facility or any  
33 combination thereof, or a county college capital project;

34 "Private college" means an institution for higher education other  
35 than a public college, situated within the State and which, by virtue  
36 of law or charter, is a nonprofit educational institution empowered  
37 to provide a program of education beyond the high school level;

38 "Private institution of higher education" means independent  
39 colleges or universities incorporated and located in New Jersey,  
40 which by virtue of law or character or license, are nonprofit  
41 educational institutions authorized to grant academic degrees and  
42 which provide a level of education which is equivalent to the  
43 education provided by the State's public institutions of higher  
44 education as attested by the receipt of and continuation of regional  
45 accreditation by the Middle States Association of Colleges and  
46 Schools, and which are eligible to receive State aid;

47 "Public institution of higher education" means Rutgers, The State  
48 University, the State colleges, the New Jersey Institute of

1 Technology, [the University of Medicine and Dentistry of New  
2 Jersey] Rowan University, the county colleges and any other public  
3 university or college now or hereafter established or authorized by  
4 law;

5 "School" means a secondary school, military school, or boarding  
6 school;

7 "University" means Rutgers, The State University.  
8 (cf: P.L.2000, c.56, s.10)

9  
10 <sup>2</sup>[98.] 104.<sup>2</sup> N.J.S.18A:72A-26 is amended to read as follows:

11 18A:72A-26. In order to provide new dormitories and to enable  
12 the construction and financing thereof, to refinance indebtedness  
13 hereafter created by the authority for the purpose of providing a  
14 dormitory or dormitories or additions or improvements thereto, or  
15 for any one or more of said purposes, but for no other purpose  
16 unless authorized by law, each of the following bodies shall have  
17 the powers hereafter enumerated to be exercised upon such terms  
18 and conditions, including the fixing of any consideration or rental to  
19 be paid or received, as it shall determine by resolution as to such  
20 property and each shall be subject to the performance of the duties  
21 hereafter enumerated, that is to say, the treasurer as to such as are  
22 located on land owned by the State or by the authority, the board of  
23 governors of the university, the board of trustees of the New Jersey  
24 Institute of Technology [or the University of Medicine and  
25 Dentistry of New Jersey] or Rowan University, the board of  
26 trustees of a State college or the board of trustees of a county  
27 college as to such as are located on land owned by the university or  
28 by the particular college respectively, namely:

29 a. The power to sell and to convey to the authority title in fee  
30 simple in any such land and any existing dormitories thereon owned  
31 by the State or owned by the board of trustees of a county college or  
32 the power to sell and to convey to the authority such title as the  
33 university or the college respectively may have in any such land and  
34 any existing dormitories thereon.

35 b. The power to lease to the authority any land and any existing  
36 dormitories thereon so owned for a term or terms not exceeding 50  
37 years each.

38 c. The power to lease or sublease from the authority, and to  
39 make available, any such land and existing dormitories conveyed or  
40 leased to the authority under subsections a. and b. of this section,  
41 and any new dormitories erected upon such land or upon any other  
42 land owned by the authority, any rentals to be payable, as to the  
43 university or as to any such college from available funds other than  
44 moneys appropriated to it by the State.

45 d. The power and duty, upon receipt of notice of any  
46 assignment by the authority of any lease or sublease made under  
47 subsection c. of this section, or of any of its rights under any such

1 lease or sublease, to recognize and give effect to such assignment,  
2 and to pay to the assignee thereof rentals or other payments then  
3 due or which may become due under any such lease or sublease  
4 which has been so assigned by the authority.

5 (cf: P.L.1994, c.48, s.238)

6

7 <sup>2</sup>[99.] 105.<sup>2</sup> N.J.S.18A:72A-27.1 is amended to read as follows:

8 18A:72A-27.1. In addition to the powers and duties with respect  
9 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the  
10 treasurer, the board of governors of the university, the board of  
11 trustees of the New Jersey Institute of Technology, the board of  
12 trustees of a State college, the board of trustees of Rowan  
13 University, and the board of trustees of a county college **[and the**  
14 **board of trustees of the University of Medicine and Dentistry of**  
15 **New Jersey]** shall also have the same power and be subject to the  
16 same duties in relation to any conveyance, lease or sublease made  
17 under subsection a., b., or c. of section 18A:72A-26, with respect to  
18 revenue producing facilities; that is to say, structures or facilities  
19 which produce revenues sufficient to pay the rentals due and to  
20 become due under any lease or sublease made under subsection c.  
21 of section 18A:72A-26 including, without limitation, student unions  
22 and parking facilities.

23 (cf: P.L.1994, c.48, s.239)

24

25 <sup>2</sup>[100.] 106.<sup>2</sup> Section 48 of P.L.2009, c.90 (C.18A:72A-82) is  
26 amended to read as follows:

27 48. As used in sections 48 and 49 of P.L.2009, c.90  
28 (C.18A:72A-82 and C.18A:72A-83):

29 "Board" means the Local Finance Board established in the  
30 Division of Local Government Services in the Department of  
31 Community Affairs.

32 "Bonds" mean bonds, notes or other obligations issued to finance  
33 or refinance higher education projects by a municipality, or on  
34 behalf of a municipality by a county improvement authority created  
35 pursuant to the "county improvement authorities law," P.L.1960,  
36 c.183 (C.40:37A-44 et seq.).

37 "Higher education partnership agreement" means an agreement  
38 between a municipality and an institution of higher education  
39 providing for the issuance of bonds by the municipality, a county  
40 improvement authority or a redevelopment entity, and the pledge of  
41 payments by the institution of higher education to secure those  
42 bonds to finance a higher education project, or part thereof.

43 "Higher education project" means the establishment and  
44 construction of higher education buildings and the expansion and  
45 construction of additional facilities at, and the acquisition of  
46 additional and upgraded equipment for existing higher education  
47 buildings, including but not limited to the planning, erecting,  
48 purchasing, improving, developing, constructing, reconstructing,

1 extending, rehabilitating, renovating, upgrading, demolishing and  
2 equipping of facilities at institutions of higher education.

3 "Institution of higher education" means: Rutgers, The State  
4 University; a State college or university established pursuant to  
5 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
6 Institute of Technology; **the University of Medicine and Dentistry**  
7 **of New Jersey** Rowan University; a county college and any other  
8 public university or college now or hereafter established or  
9 authorized by State law; and any college or university incorporated  
10 and located in New Jersey, which by virtue of law or character or  
11 license is a nonprofit educational institution authorized to grant  
12 academic degrees and which provides a level of education which is  
13 equivalent to the education provided by the State's public  
14 institutions of higher education, as attested by the receipt of and  
15 continuation of regional accreditation by the Middle States  
16 Association of Colleges and Schools, and which is eligible to  
17 receive State aid under the provisions of the Constitution of the  
18 United States and the Constitution of the State of New Jersey, but  
19 does not include any educational institution dedicated primarily to  
20 the education or training of ministers, priests, rabbis or other  
21 professional persons in the field of religion.

22 "Municipality" means the municipal governing body or an entity  
23 acting on behalf of the municipality if permitted by the federal  
24 Internal Revenue Code of 1986, or, if a redevelopment agency or  
25 redevelopment entity is established in the municipality pursuant to  
26 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
27 provides, the redevelopment agency or entity so established.  
28 (cf: P.L.2009, c.90, s.48)

29  
30 <sup>2</sup>**[101.] 107.**<sup>2</sup> Section 3 of P.L.1985, c.493 (C.18A:72H-3) is  
31 amended to read as follows:

32 3. As used in this act:

33 a. "Auditorily impaired" means a hearing impairment of such  
34 severity that the individual depends primarily upon visual  
35 communication.

36 b. "Competent authority" means any doctor of medicine or any  
37 doctor of osteopathy licensed to practice medicine and surgery in  
38 this State.

39 c. (Deleted by amendment, P.L.1994, c.48).

40 d. "Eligible student" means any student "admitted to a public or  
41 independent institution of higher education who is" suffering from a  
42 visual impairment, auditory impairment or a specific learning  
43 disability within guidelines established by the Commission on  
44 Higher Education pursuant to regulations promulgated under this  
45 act.

46 e. "Independent institution of higher education" means a  
47 college or university incorporated and located in New Jersey, which  
48 by virtue of law or character or license is a nonprofit educational

1 institution authorized to grant academic degrees and which provides  
2 a level of education which is equivalent to the education provided  
3 by the State's public institutions of higher education, as attested by  
4 the receipt of and continuation of regional accreditation by the  
5 Middle States Association of Colleges and Schools, and which is  
6 eligible to receive State aid under the provisions of the Constitution  
7 of the United States and the Constitution of the State of New Jersey,  
8 but does not include any educational institution dedicated primarily  
9 to the education or training of ministers, priests, rabbis or other  
10 professional persons in the field of religion.

11 f. "Learning disability" means a significant barrier to learning  
12 caused by a disorder in one or more of the basic psychological  
13 processes involved in understanding or in using language, spoken or  
14 written, which disorder may manifest itself in imperfect ability to  
15 listen, think, speak, read, write, spell, or do mathematical  
16 calculations. The disorder includes conditions such as perceptual  
17 handicap, brain injury, minimal brain dysfunction, dyslexia, and  
18 developmental aphasia. This term shall not include learning  
19 problems which are primarily the result of visual, hearing, or motor  
20 handicaps, mental retardation, emotional disturbances, or  
21 environmental, cultural, or economic disadvantage.

22 g. "Program" means the Higher Education Services for  
23 Visually Impaired, Auditorily Impaired and Learning Disabled  
24 Students Program established pursuant to this act.

25 h. "Public institution of higher education" means Rutgers, The  
26 State University, the New Jersey Institute of Technology, [the  
27 University of Medicine and Dentistry of New Jersey] Rowan  
28 University, the State colleges and the county colleges.

29 i. "Support services" or "supportive services" means services  
30 that assist eligible students in obtaining a college education and  
31 include, but are not limited to, interpreters, note takers, and tutors.

32 j. "Visually impaired" means a vision impairment where the  
33 better eye with correction does not exceed 20/200 or where there is  
34 a field defect in the better eye in which the diameter of the field is  
35 no greater than 20 degrees.

36 (cf: P.L.1994, c.48, s.282)

37

38 <sup>2</sup>[102.] 108.<sup>2</sup> Section 2 of P.L.1987, c.183 (C.18A:72J-2) is  
39 amended to read as follows:

40 2. There are created the Martin Luther King Physician-Dentist  
41 Scholarships which shall be maintained by the State and awarded  
42 and administered pursuant to this act to students from  
43 disadvantaged or minority backgrounds enrolled in the [University  
44 of Medicine and Dentistry of New Jersey and the Fairleigh  
45 Dickinson] Rutgers University School of Dentistry.

46 (cf: P.L.1987, c.183, s.2)

1       <sup>2</sup>[103.] 109.<sup>2</sup> Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is  
2 amended to read as follows:

3       2. The Early Intervention Program in the Department of Health  
4 and Senior Services established pursuant to section 2 of P.L.1993,  
5 c.309 (C.26:1A-36.7) shall conduct activities to address the specific  
6 needs of children with autism spectrum disorders and their families.  
7 These activities shall include, but not be limited to, the following:

8       a. developing, in consultation with autism experts and  
9 advocates, including, but not limited to, the Governor's Council for  
10 Medical Research and Treatment of Autism, Autism Speaks, The  
11 New Jersey Center for Outreach and Services for the Autism  
12 Community, The Autism Center of New Jersey Medical School at  
13 **the University of Medicine and Dentistry of New Jersey** Rutgers,  
14 The State University, the Statewide Parent Advocacy Network, Inc.,  
15 and the New Jersey chapter of the American Academy of Pediatrics,  
16 guidelines for health care professionals to use in evaluating infants  
17 and toddlers living in the State for autism and to ensure the timely  
18 referral by health care professionals of infants and toddlers who are  
19 identified as having autism or suspected of being on the autism  
20 spectrum to the Early Intervention Program in order to provide  
21 appropriate services to those infants and toddlers as early as  
22 possible;

23       b. referring affected children who are identified as having  
24 autism or suspected of being on the autism spectrum and their  
25 families to schools and agencies, including community, consumer,  
26 and parent-based agencies, and organizations and other programs  
27 mandated by Part C of the "Individuals with Disabilities Education  
28 Act" (20 U.S.C. s.1431 et seq.), which offer programs specifically  
29 designed to meet the unique needs of children with autism;

30       c. collecting data on Statewide autism screening, diagnosis,  
31 and intervention programs and systems that can be used for applied  
32 research, program evaluation, and policy development; and

33       d. disseminating information on the medical care of individuals  
34 with autism to health care professionals and the general public.

35 (cf: P.L.2007, c.172, s.2)

36

37       <sup>2</sup>[104.] 110.<sup>2</sup> Section 23 of P.L.1972, c.29 (C.26:2I-23) is  
38 amended to read as follows:

39       23. In order to provide new health care organizations and to  
40 enable the construction and financing thereof, to refinance  
41 indebtedness hereafter created by the authority for the purpose of  
42 providing one or more health care organizations or additions or  
43 improvements thereto or modernization thereof or for any one or  
44 more of said purposes but for no other purpose unless authorized by  
45 law, each of the following bodies shall have the powers hereafter  
46 enumerated to be exercised upon such terms and conditions,  
47 including the fixing of fair consideration or rental to be paid or  
48 received, as it shall determine by resolution as to such property and

1 each shall be subject to the performance of the duties hereafter  
2 enumerated, that is to say, the Department of Health and Senior  
3 Services as to such as are located on land owned by, or owned by  
4 the State and held for, any State institution or on lands of the  
5 institutions under the jurisdiction of the Department of Health and  
6 Senior Services or of the Department of Human Services, or by the  
7 authority, the Commissioner of Human Services as to State  
8 institutions operated by that department, the board of trustees or  
9 governing body of any public health care organization, the board of  
10 **【trustees of the University of Medicine and Dentistry of New**  
11 **Jersey】** governors of Rutgers, The State University, as to such as  
12 are located on land owned by the university, or by the State for the  
13 university, the State or by the particular public health care  
14 organization, respectively, namely:

15 a. The power to sell and to convey to the authority title in fee  
16 simple in any such land and any existing health care facility thereon  
17 owned by the State and held for any department thereof or of any of  
18 the institutions under the jurisdiction of the Department of Health  
19 and Senior Services or the power to sell and to convey to the  
20 authority such title as the State or the public health care  
21 organization, respectively, may have in any such land and any  
22 existing health care facility thereon.

23 b. The power to lease to the authority any land and any existing  
24 health care facility thereon so owned for a term or terms not  
25 exceeding 50 years each.

26 c. The power to lease or sublease from the authority, and to  
27 make available, any such land and existing health care facility  
28 conveyed or leased to the authority under subsections a. and b. of  
29 this section, and any new health care facility erected upon such land  
30 or upon any other land owned by the authority.

31 d. The power and duty, upon receipt of notice of any  
32 assignment by the authority of any lease or sublease made under  
33 subsection c. of this section, or of any of its rights under any such  
34 lease or sublease, to recognize and give effect to such assignment,  
35 and to pay to the assignee thereof rentals or other payments then  
36 due or which may become due under any such lease or sublease  
37 which has been so assigned by the authority.

38 (cf: P.L.1997, c.435, s.9)

39

40 <sup>2</sup>**【105.】** 111.<sup>2</sup> Section 25 of P.L.1972, c.29 (C.26:2I-25) is  
41 amended to read as follows:

42 25. In addition to the powers and duties with respect to health  
43 care organizations given under sections 23 and 24 of P.L.1972, c.29  
44 (C.26:2I-23 and C.26:2I-24, respectively), the board of trustees or  
45 governing body of any State institution or public health care  
46 organization and the board of **【trustees of the University of**  
47 **Medicine and Dentistry of New Jersey】** governors of Rutgers, The

1 State University shall also have the same powers and be subject to  
2 the same duties in relation to any conveyance, lease or sublease  
3 made under subsection a., b., or c. of section 24 of P.L.1972, c.29  
4 (C.26:2I-24), with respect to revenue producing facilities; that is to  
5 say, structures or facilities which produce revenues sufficient to pay  
6 the rentals due and to become due under any lease or sublease made  
7 under subsection c. of section 24 of P.L.1972, c.29 (C.26:2I-24),  
8 including, without limitation, extended care and parking facilities.  
9 (cf: P.L.1997, c.435, s.11)

10

11 <sup>2</sup>[106.] 112.<sup>2</sup> Section 27 of P.L.1972, c.29 (C.26:2I-27) is  
12 amended to read as follows:

13 27. To the extent not otherwise expressly provided under  
14 existing law, all powers and duties conferred upon any State  
15 institution or **[the University of Medicine and Dentistry of New**  
16 **Jersey]** Rutgers, The State University or any county, city or  
17 municipal health care organization pursuant to this act shall be  
18 exercised and performed by resolution of its governing body and all  
19 powers and duties conferred upon any of these health care  
20 organizations pursuant to this act shall be exercised and performed  
21 by resolution of its board of trustees or governing body.  
22 (cf: P.L.1997, c.435, s.12)

23

24 <sup>2</sup>[107.] 113.<sup>2</sup> Section 1 of P.L.1986, c.106 (C.26:2K-35) is  
25 amended to read as follows:

26 1. As used in this act:

27 a. "Commissioner" means the Commissioner of the Department  
28 of Health and Senior Services.

29 b. "Dispatch" means the coordinated request for and dispatch  
30 of the emergency medical service helicopter response unit by a  
31 central communications center located in the service area, following  
32 protocols developed by the mobile intensive care hospital, the  
33 regional trauma or critical care center, the commissioner and the  
34 superintendent.

35 c. "Emergency medical service helicopter response unit" means  
36 a specially equipped hospital-based emergency medical service  
37 helicopter staffed by advanced life support personnel and operated  
38 for the provision of advanced life support services under the  
39 medical direction of a mobile intensive care program and the  
40 regional trauma or critical care center authorized by the  
41 commissioner.

42 d. "Emergency medical transportation" means the prehospital  
43 or interhospital transportation of an acutely ill or injured patient by  
44 a dedicated emergency medical service helicopter response unit  
45 operated, maintained and piloted by the Division of State Police of  
46 the Department of Law and Public Safety, pursuant to regulations  
47 adopted by the commissioner under chapter 40 of Title 8 of the New  
48 Jersey Administrative Code.



1 e. "Medical direction" means the medical control and medical  
2 orders transmitted from the physician of the mobile intensive care  
3 hospital or from the physician at the regional trauma or critical care  
4 center to the staff of the helicopter. The mobile intensive care unit  
5 coordinating center and regional trauma or critical care center shall  
6 have the ability to cross patch and consult with each other as  
7 approved by the commissioner.

8 f. "Mobile intensive care hospital" means a hospital authorized  
9 by the commissioner to develop and maintain a mobile intensive  
10 care unit to provide advanced life support services in accordance  
11 with P.L.1984, c.146 (C.26:2K-7 et al.).

12 g. "Regional trauma center" means a State designated level one  
13 hospital-based trauma center equipped and staffed to provide  
14 emergency medical services to an accident or trauma victim,  
15 including, but not limited to, the level one trauma centers at [the  
16 University of Medicine and Dentistry of New Jersey-] University  
17 Hospital in Newark, known as the "Eric Munoz Trauma Center,"  
18 and at the Cooper Hospital/University Medical Center in Camden.

19 h. "Critical care center" means a hospital authorized by the  
20 commissioner to provide regional critical care services, such as  
21 trauma, burn, spinal cord, cardiac, poison or neonatal care.

22 i. "Superintendent" means the Superintendent of the Division  
23 of State Police of the Department of Law and Public Safety.  
24 (cf: P.L.2010, c.80, s.1)

25

26 <sup>2</sup>[108.] 114.<sup>2</sup> Section 2 of P.L.1986, c.134 (C.26:2N-2) is  
27 amended to read as follows:

28 2. The commissioner shall prepare and make available to all  
29 health care providers in the State and parents and guardians, upon  
30 request, a pamphlet which explains the benefits and possible  
31 adverse reactions to immunizations for pertussis. This pamphlet  
32 may contain any information which the commissioner deems  
33 necessary and may be revised by the department whenever new  
34 information concerning these immunizations becomes available.  
35 The pamphlet shall include the following information:

36 a. A list of the immunizations required for admission to a  
37 public or private school in the State;

38 b. Specific information regarding the pertussis vaccine which  
39 includes:

40 (1) The circumstances under which pertussis vaccine should not  
41 be administered or should be delayed, including the categories of  
42 persons who are significantly more vulnerable to major adverse  
43 reactions than are members of the general population;

44 (2) Possible adverse reactions to pertussis vaccine and the early  
45 warning signs or symptoms that may be precursors to a major  
46 adverse reaction which, upon occurrence, should be brought to the  
47 immediate attention of the health care provider who administered  
48 the vaccine;

1 (3) A form that the parent or guardian may use to monitor  
2 symptoms of a possible adverse reaction and which includes places  
3 where the parent or guardian can record information about the  
4 symptoms that will assist the health care provider; and

5 (4) Measures that a parent or guardian should take to reduce the  
6 risk of, or to respond to, a major adverse reaction including  
7 identification of who should be notified of the reaction and when  
8 the notification should be made.

9 The commissioner shall prepare the pamphlet in consultation  
10 with the Medical Society of New Jersey [and the University of  
11 Medicine and Dentistry of New Jersey] and shall adopt by  
12 regulation the information contained in the pamphlet, pursuant to  
13 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
14 seq.)

15 (cf: P.L.1986, c.134, s.2)

16

17 <sup>2</sup>[109.] 115.<sup>2</sup> Section 2 of P.L.1999, c.66 (C.26:2U-2) is  
18 amended to read as follows:

19 2. The Department of Health and Senior Services, in  
20 consultation with the New Jersey Chronic Fatigue Syndrome  
21 Association, Inc., and the Academy of Medicine of New Jersey  
22 [and the University of Medicine and Dentistry of New Jersey],  
23 shall prepare and make available to all health care providers in the  
24 State, upon request, a manual which provides information about the  
25 clinical significance, diagnosis and treatment of chronic fatigue  
26 syndrome. The manual may contain any other information which  
27 the Commissioner of Health and Senior Services deems necessary  
28 and may be revised by the department whenever new information  
29 about chronic fatigue syndrome becomes available. The department  
30 shall publicize and make available the manual to the maximum  
31 extent possible.

32 (cf: P.L.1999, c.66, s.2)

33

34 <sup>2</sup>[110.] 116.<sup>2</sup> Section 4 of P.L.1984, c.126 (C.26:5C-4) is  
35 amended to read as follows:

36 4. [The University of Medicine and Dentistry of New Jersey]  
37 Rutgers, The State University shall, in coordination with the State  
38 Department of Health and Senior Services, serve as a resource  
39 center and may offer diagnostic procedures, medical treatment,  
40 counseling, as well as any other services that may be necessary to  
41 assist AIDS victims and their families.

42 (cf: P.L.1984, c.126, s.4)

43

44 <sup>2</sup>[111.] 117.<sup>2</sup> Section 115 of P.L.2008, c.29 (C.26:2NN-1) is  
45 amended to read as follows:

1 115. a. The Department of Health and Senior Services shall  
2 maintain a toll-free information "Law Enforcement Officer Crisis  
3 Intervention Services" telephone hotline on a 24-hour basis.

4 The hotline shall receive and respond to calls from law  
5 enforcement officers and sheriff's officers who have been involved  
6 in any event or incident which has produced personal or job-related  
7 depression, anxiety, stress, or other psychological or emotional  
8 tension, trauma, or disorder for the officer and officers who have  
9 been wounded in the line of duty. The operators of the hotline shall  
10 seek to identify those officers who should be referred to further  
11 debriefing and counseling services, and to provide such referrals.  
12 In the case of wounded officers, those services may include peer  
13 counseling, diffusing, debriefing, group therapy and individual  
14 therapy as part of a coordinated assistance program, to be known as  
15 the "Blue Heart Law Enforcement Assistance Program," designed  
16 and implemented by the **【University of Medicine and Dentistry of**  
17 **New Jersey's】** University Behavioral Healthcare Unit of Rutgers,  
18 The State University.

19 b. The operators of the hotline shall be trained by the  
20 Department of Health and Senior Services and, to the greatest  
21 extent possible, shall be persons, who by experience or education,  
22 are: (1) familiar with post trauma disorders and the emotional and  
23 psychological tensions, depressions, and anxieties unique to law  
24 enforcement officers and sheriff's officers; or (2) trained to provide  
25 counseling services involving marriage and family life, substance  
26 abuse, personal stress management and other emotional or  
27 psychological disorders or conditions which may be likely to  
28 adversely affect the personal and professional well-being of a law  
29 enforcement officer and a sheriff's officer.

30 c. To ensure the integrity of the telephone hotline and to  
31 encourage officers to utilize it, the commissioner shall provide for  
32 the confidentiality of the names of the officers calling, the  
33 information discussed by that officer and the operator, and any  
34 referrals for further debriefing or counseling; provided, however,  
35 the commissioner may, by rule and regulation, (1) establish  
36 guidelines providing for the tracking of any officer who exhibits a  
37 severe emotional or psychological disorder or condition which the  
38 operator handling the call reasonably believes might result in harm  
39 to the officer or others and (2) establish a confidential registry of  
40 wounded New Jersey law enforcement officers.

41 (cf: P.L.2008, c.29, s.115)

42  
43 <sup>2</sup>**【112.】** 118.<sup>2</sup> Section 10 of P.L.2011, c.210 (C.26:5B-6) is  
44 amended to read as follows:

45 10. a. The Department of Health and Senior Services, in  
46 consultation with the Medical Society of New Jersey and **【the**  
47 **【University of Medicine and Dentistry of New Jersey】** Rutgers,

1 The State University, shall prepare, and make available on its  
2 Internet website, information in English and Spanish, which is  
3 designed to be easily understandable by the general public, about  
4 the genetic risk factors associated with, and the symptoms and  
5 treatment of, sickle cell anemia, in addition to any other information  
6 that the Commissioner of Health and Senior Services deems  
7 necessary for the purposes of this act. The department shall revise  
8 this information whenever new information about sickle cell anemia  
9 becomes available.

10 b. The department shall prepare an informational booklet in  
11 English and Spanish that contains the information posted on its  
12 website pursuant to subsection a. of this section, as funds become  
13 available for that purpose. The department shall make a supply of  
14 booklets available to all licensed health care facilities engaged in  
15 the diagnosis or treatment of sickle cell anemia, as well as to health  
16 care professionals, community health centers, members of the  
17 public, and social services agencies upon their request.

18 (cf: P.L.2011, c.210, s.10)

19

20 <sup>2</sup>[113.] 119.<sup>2</sup> Section 2 of P.L.2005, c.379 (C.34:11-56.59) is  
21 amended to read as follows:

22 2. As used in this act:

23 "Commissioner" means the Commissioner of Labor and  
24 Workforce Development or the commissioner's duly authorized  
25 representatives.

26 "Building services" means any cleaning or building maintenance  
27 work, including but not limited to sweeping, vacuuming, floor  
28 cleaning, cleaning of rest rooms, collecting refuse or trash, window  
29 cleaning, engineering, securing, patrolling, or other work in  
30 connection with the care, securing, or maintenance of an existing  
31 building, except that "building services" shall not include any  
32 maintenance work or other public work for which a contractor is  
33 required to pay the "prevailing wage" as defined in section 2 of  
34 P.L.1963, c.150 (C.34:11-56.26).

35 "Leased by the State" means that not less than 55% of the  
36 property or premises is leased by the State, provided that the portion  
37 of the property or premises that is leased by the State measures  
38 more than 20,000 square feet.

39 "Prevailing wage for building services" means the wage and  
40 benefit rates designated by the commissioner based on the  
41 determinations made by the General Services Administration  
42 pursuant to the federal "Service Contract Act of 1965" (41U.S.C.  
43 s.351 et seq.), for the appropriate localities and classifications of  
44 building service employees.

45 "The State" means the State of New Jersey and all of its  
46 departments, bureaus, boards, commissions, agencies and  
47 instrumentalities, including any State institutions of higher  
48 education, but does not include political subdivisions.

1 "State institutions of higher education," means Rutgers, The  
2 State University of New Jersey [, the University of Medicine and  
3 Dentistry of New Jersey] Rowan University, and the New Jersey  
4 Institute of Technology, and any of the State colleges or universities  
5 established pursuant to chapter 64 of Title 18A of the New Jersey  
6 Statutes, but does not include any county college established  
7 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

8 (cf: P.L.2005, c.379, s.2)

9  
10 <sup>2</sup>[114.] 120.<sup>2</sup> Section 1 of P.L.2011, c.116 (C.38A:13-10) is  
11 amended to read as follows:

12 1. a. The Legislature finds and declares that the Department of  
13 Military and Veterans' Affairs, in conjunction with [the University  
14 of Medicine and Dentistry] Rutgers, The State University of New  
15 Jersey, has established a veteran to veteran peer support program  
16 telephone helpline. The helpline receives and responds to calls  
17 from veterans, servicemembers, and their families. It provides them  
18 with access to a comprehensive mental health provider network of  
19 mental health professionals specializing in post traumatic stress  
20 disorder and other veterans issues. All services are free and  
21 confidential.

22 b. Since its inception, the helpline has fielded over 6,000 calls  
23 from veterans and their families and based on prior statistics, a 10%  
24 increase in calls has been projected.

25 c. The helpline is funded through an allocation from a State  
26 appropriation for post traumatic stress disorder. It is appropriate  
27 that the helpline have a separate annual appropriation.

28 (cf: P.L.2011, c.116, s.1)

29  
30 <sup>2</sup>[115.] 121.<sup>2</sup> Section 2 of P.L.2011, c.116 (C.38A:13-11) is  
31 amended to read as follows:

32 2. a. The Department of Military and Veterans' Affairs shall  
33 establish, in coordination with University Behavioral HealthCare of  
34 [the University of Medicine and Dentistry] Rutgers, The State  
35 University of New Jersey, a toll free veteran to veteran peer support  
36 helpline.

37 b. The helpline shall be accessible 24 hours a day seven days  
38 per week and shall respond to calls from veterans, servicemembers  
39 and their families. The operators of the helpline shall seek to  
40 identify the veterans, servicemembers and their families who should  
41 be referred to further peer support and counseling services, and  
42 provide referrals.

43 c. The operators of the helpline shall be trained by University  
44 Behavioral Healthcare of [the University of Medicine and  
45 Dentistry] Rutgers, The State University of New Jersey and, to the  
46 greatest extent possible, shall be trained veterans or mental health  
47 professionals with military service expertise and (1) familiar with

1 post traumatic stress disorder, traumatic brain injury and the  
2 emotional and psychological tensions, depressions, and anxieties  
3 unique to veterans, servicemembers, and their families or (2)  
4 trained to provide counseling services involving marriage and  
5 family life, substance abuse, personal stress management and other  
6 emotional or psychological disorders or conditions which may be  
7 likely to adversely affect the personal and service related well-being  
8 of veterans, servicemembers, and their families.

9 d. The Department of Military and Veterans' Affairs and **【the**  
10 **University of Medicine and Dentistry】** Rutgers, The State  
11 University of New Jersey shall provide for the confidentiality of the  
12 names of the persons calling, the information discussed, and any  
13 referrals for further peer support or counseling; provided, however,  
14 the Department of Military and Veterans' Affairs and **【the**  
15 **University of Medicine and Dentistry】** Rutgers, The State  
16 University of New Jersey may establish guidelines providing for the  
17 tracking of any person who exhibits a severe emotional or  
18 psychological disorder or condition which the operator handling the  
19 call reasonably believes might result in harm to the veteran or  
20 servicemember or any other person.

21 (cf: P.L.2011, c.116, s.2)

22

23 <sup>2</sup>**【116.】** 122.<sup>2</sup> Section 3 of P.L.2011, c.116 (C.38A:13-12) is  
24 amended to read as follows:

25 3. University Behavioral Healthcare of **【the University of**  
26 **Medicine and Dentistry】** Rutgers, The State University of New  
27 Jersey shall maintain a list of credentialed military-oriented  
28 behavioral healthcare providers throughout the State of New Jersey.  
29 Case management services shall also be provided to ensure that  
30 veterans, servicemembers, and their families receive ongoing  
31 counseling throughout all pre and post deployment events in New  
32 Jersey. The continuum of services shall utilize the National Yellow  
33 Ribbon guidelines while providing ongoing peer support  
34 customized for each branch of military service.

35 (cf: P.L.2011, c.116, s.3)

36

37 <sup>2</sup>**【117.】** 123.<sup>2</sup> Section 4 of P.L.2011, c.116 (C.38A:13-13) is  
38 amended to read as follows:

39 4. In establishing the helpline authorized under the provisions  
40 of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant  
41 General of the Department of Military and Veterans' Affairs and  
42 University Behavioral Healthcare of **【the University of Medicine**  
43 **and Dentistry】** Rutgers, The State University of New Jersey shall  
44 consult on a quarterly basis with the New Jersey Division of Mental  
45 Health Services within the Department of Human Services, the  
46 United States Department of Veterans' Affairs, the New Jersey

1 Veterans Healthcare Network, at least two New Jersey Veteran  
2 Centers, and at least two State recognized veteran groups.

3 (cf: P.L.2011, c.116, s.4)

4

5 <sup>2</sup>[118.] 124.<sup>2</sup> Section 25 of P.L1954, c.84 (C.43:15A-25) is  
6 amended to read as follows:

7 25. a. The annuity savings fund shall be the fund in which shall  
8 be credited accumulated deductions and contributions by members  
9 or on their behalf to provide for their allowances. A single account  
10 shall be established in this fund for each person who is or shall  
11 become a member and all contributions deducted from each such  
12 member's compensation shall be credited to this single account.

13 b. (1) Members enrolled in the retirement system on or after  
14 July 1, 1994 shall contribute 5% of compensation to the system.  
15 Members enrolled in the system prior to July 1, 1994 shall  
16 contribute 5% of compensation to the system effective with the  
17 payroll period for which the beginning date is closest to July 1,  
18 1995, provided, however, that any member enrolled before July 1,  
19 1994, whose full contribution rate under the system prior to the  
20 revisions by this act was less than 6%, shall pay 4% of  
21 compensation to the system effective with the payroll period for  
22 which the beginning date is closest to July 1, 1995, and 5% of  
23 compensation to the system effective with the payroll period for  
24 which the beginning date is closest to July 1, 1996.

25 (2) Members enrolled in the retirement system on or after July  
26 1, 2007 who are:

27 employees of the State, other than employees of the Judicial  
28 Branch;

29 employees of an independent State authority, board, commission,  
30 corporation, agency or organization;

31 employees of a local school district, regional school district,  
32 county vocational school district, county special services school  
33 district, jointure commission, educational services commission,  
34 State-operated school district, charter school, county college, any  
35 officer, board, or commission under the authority of the  
36 Commissioner of Education or of the State Board of Education, and  
37 any other public entity which is established pursuant to authority  
38 provided by Title 18A of the New Jersey Statutes; or

39 employees of a State public institution of higher education [,  
40 other than employees of the University of Medicine and Dentistry  
41 of New Jersey] shall contribute 5.5% of compensation to the  
42 system, and all such members described above enrolled in the  
43 system prior to July 1, 2007 shall contribute 5.5% of compensation  
44 to the system effective with the payroll period for which the  
45 beginning date is closest to July 1, 2007.

46 Members enrolled in the retirement system on or after July 1,  
47 2008, other than those described in the paragraph above, shall  
48 contribute 5.5% of compensation to the system. Members enrolled

1 in the system prior to July 1, 2008, other than those described in the  
2 paragraph above, shall contribute 5.5% of compensation to the  
3 system effective with the payroll period that begins immediately  
4 after July 1, 2008.

5 (3) Members of the retirement system shall contribute 6.5% of  
6 compensation to the system on and after the effective date of  
7 P.L.2011, c.78, with an additional contribution of 1% to be phased  
8 in in equal increments over a period of seven years commencing  
9 with the first year following that effective date.

10 c. The retirement system shall certify to each State department  
11 or subdivision thereof, and to each branch of the State service not  
12 included in a State department, and to every other employer, the  
13 proportion of each member's compensation to be deducted and to  
14 facilitate the making of deductions the retirement system may  
15 modify the deduction required by a member by such an amount as  
16 shall not exceed 1/10 of 1% of the compensation upon the basis of  
17 which the deduction is to be made.

18 If payment in full, representing the monthly or biweekly  
19 transmittal and report of salary deductions, is not made within 15  
20 days of the due date established by the retirement system, interest at  
21 the rate of 6% per annum shall commence to run against the total  
22 transmittal of salary deductions for the period on the first day after  
23 such fifteenth day.

24 d. Every employee to whom this act applies shall be deemed to  
25 consent and agree to any deduction from his compensation required  
26 by this act and to all other provisions of this act. Notwithstanding  
27 any other law, rule or regulation affecting the salary, pay,  
28 compensation, other perquisites, or tenure of a person to whom this  
29 act applies, or shall apply, and notwithstanding that the minimum  
30 salary, pay, or compensation or other perquisites provided by law  
31 for him shall be reduced thereby, payment, less such deductions,  
32 shall be a full and complete discharge and acquittance of all claims  
33 and demands for service rendered by him during the period covered  
34 by such payment.

35 (cf: P.L.2011, c.78, s.10)

36

37 <sup>2</sup>[119.] 125.<sup>2</sup> Section 3 of P.L.1948, c.110 (C.43:21-27) is  
38 amended to read as follows:

39 3. As used in this act, unless the context clearly requires  
40 otherwise:

41 (a) (1) "Covered employer" means, with respect to whether an  
42 employer is required to provide benefits during an employee's own  
43 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
44 individual or type of organization, including any partnership,  
45 association, trust, estate, joint-stock company, insurance company  
46 or corporation, whether domestic or foreign, or the receiver, trustee  
47 in bankruptcy, trustee or successor thereof, or the legal  
48 representative of a deceased person, who is an employer subject to



1 the "unemployment compensation law" (R.S.43:21-1 et seq.),  
2 except the State, its political subdivisions, and any instrumentality  
3 of the State unless such governmental entity elects to become a  
4 covered employer pursuant to paragraph (2) of this subsection (a);  
5 provided, however, that commencing with the effective date of this  
6 act, the State of New Jersey, including Rutgers, The State  
7 University [, the University of Medicine and Dentistry of New  
8 Jersey] and the New Jersey Institute of Technology, shall be  
9 deemed a covered employer, as defined herein.

10 "Covered employer" means, after June 30, 2009, with respect to  
11 whether the employer is an employer whose employees are eligible  
12 for benefits during periods of family temporary disability leave  
13 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December  
14 31, 2008, whether employees of the employer are required to make  
15 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual  
16 or type of organization, including any partnership, association,  
17 trust, estate, joint-stock company, insurance company or domestic  
18 or foreign corporation, or the receiver, trustee in bankruptcy, trustee  
19 or successor thereof, or the legal representative of a deceased  
20 person, who is an employer subject to the "unemployment  
21 compensation law" (R.S.43:21-1 et seq.), including any  
22 governmental entity or instrumentality which is an employer under  
23 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or  
24 instrumentality has not elected to be a covered employer pursuant to  
25 paragraph (2) of this subsection (a).

26 (2) Any governmental entity or instrumentality which is an  
27 employer under R.S.43:21-19(h)(5) may, with respect to the  
28 provision of benefits during an employee's own disability pursuant  
29 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered  
30 employer" under this subsection beginning with the date on which  
31 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of  
32 any year thereafter by filing written notice of such election with the  
33 division within at least 30 days of the effective date. Such election  
34 shall remain in effect for at least two full calendar years and may be  
35 terminated as of January 1 of any year thereafter by filing with the  
36 division a written notice of termination at least 30 days prior to the  
37 termination date.

38 (b) (1) "Covered individual" means, with respect to whether an  
39 individual is eligible for benefits during an individual's own  
40 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
41 person who is in employment, as defined in the "unemployment  
42 compensation law" (R.S.43:21-1 et seq.), for which the individual is  
43 entitled to remuneration from a covered employer, or who has been  
44 out of such employment for less than two weeks, except that a  
45 "covered individual" who is employed by the State of New Jersey,  
46 including Rutgers, The State University [, the University of  
47 Medicine and Dentistry of New Jersey and] or the New Jersey  
48 Institute of Technology, or by any governmental entity or

1 instrumentality which elects to become a "covered employer"  
2 pursuant to this amendatory act, shall not be eligible to receive any  
3 benefits under the "Temporary Disability Benefits Law" until such  
4 individual has exhausted all sick leave accumulated as an employee  
5 in the classified service of the State or accumulated under terms and  
6 conditions similar to classified employees or accumulated under the  
7 terms and conditions pursuant to the laws of this State or as the  
8 result of a negotiated contract with any governmental entity or  
9 instrumentality which elects to become a "covered employer."

10 "Covered individual" shall not mean, with respect to whether an  
11 individual is eligible for benefits during an individual's own  
12 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
13 member of the Division of State Police in the Department of Law  
14 and Public Safety.

15 (2) "Covered individual" means, with respect to whether an  
16 individual is eligible for benefits during the individual's period of  
17 family temporary disability leave pursuant to P.L.1948, c.110  
18 (C.43:21-25 et al.), any individual who is in employment, as  
19 defined in the "unemployment compensation law" (R.S.43:21-1 et  
20 seq.), for which the individual is entitled to remuneration from a  
21 covered employer, or who has been out of that employment for less  
22 than two weeks.

23 (c) "Division" or "commission" means the Division of  
24 Temporary Disability Insurance of the Department of Labor and  
25 Workforce Development, and any transaction or exercise of  
26 authority by the director of the division shall be deemed to be  
27 performed by the division.

28 (d) "Day" shall mean a full calendar day beginning and ending  
29 at midnight.

30 (e) "Disability" shall mean such disability as is compensable  
31 under section 5 of P.L.1948, c.110 (C.43:21-29).

32 (f) "Disability benefits" shall mean any cash payments which  
33 are payable to a covered individual for all or part of a period of  
34 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

35 (g) "Period of disability" with respect to any covered individual  
36 shall mean:

37 (1) The entire period of time during which the covered  
38 individual is continuously and totally unable to perform the duties  
39 of the covered individual's employment because of the covered  
40 individual's own disability, except that two periods of disability due  
41 to the same or related cause or condition and separated by a period  
42 of not more than 14 days shall be considered as one continuous  
43 period of disability; provided the individual has earned wages  
44 during such 14-day period with the employer who was the  
45 individual's last employer immediately preceding the first period of  
46 disability; and

1 (2) On or after July 1, 2009, the entire period of family  
2 temporary disability leave taken from employment by the covered  
3 individual.

4 (h) "Wages" shall mean all compensation payable by covered  
5 employers to covered individuals for personal services, including  
6 commissions and bonuses and the cash value of all compensation  
7 payable in any medium other than cash.

8 (i) (1) (Deleted by amendment, P.L.2001, c.17).

9 (2) (Deleted by amendment, P.L.2001, c.17).

10 (3) "Base week" with respect to periods of disability  
11 commencing on or after October 1, 1985 and before January 1,  
12 2001, means any calendar week during which a covered individual  
13 earned in employment from a covered employer remuneration equal  
14 to not less than 20% of the Statewide average weekly wage  
15 determined under subsection (c) of R.S.43:21-3, which shall be  
16 adjusted to the next higher multiple of \$1.00 if not already a  
17 multiple thereof.

18 (4) "Base week" with respect to periods of disability  
19 commencing on or after January 1, 2001, means any calendar week  
20 of a covered individual's base year during which the covered  
21 individual earned in employment from a covered employer  
22 remuneration not less than an amount 20 times the minimum wage  
23 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on  
24 October 1 of the calendar year preceding the calendar year in which  
25 the benefit year commences, which amount shall be adjusted to the  
26 next higher multiple of \$1.00 if not already a multiple thereof,  
27 except that if in any calendar week an individual subject to this  
28 paragraph is in employment with more than one employer, the  
29 covered individual may in that calendar week establish a base week  
30 with respect to each of the employers from whom the covered  
31 individual earns remuneration equal to not less than the amount  
32 defined in this paragraph during that week.

33 (j) (1) "Average weekly wage" means the amount derived by  
34 dividing a covered individual's total wages earned from the  
35 individual's most recent covered employer during the base weeks in  
36 the eight calendar weeks immediately preceding the calendar week  
37 in which a period of disability commenced, by the number of such  
38 base weeks.

39 (2) If the computation in paragraph (1) of this subsection (j)  
40 yields a result which is less than the individual's average weekly  
41 earnings in employment with all covered employers during the base  
42 weeks in such eight calendar weeks, then the average weekly wage  
43 shall be computed on the basis of earnings from all covered  
44 employers during the base weeks in the eight calendar weeks  
45 immediately preceding the week in which the period of disability  
46 commenced.

47 (3) For periods of disability commencing on or after July 1,  
48 2009, if the computations in paragraphs (1) and (2) of this

1 subsection (j) both yield a result which is less than the individual's  
2 average weekly earnings in employment with all covered employers  
3 during the base weeks in the 26 calendar weeks immediately  
4 preceding the week in which the period of disability commenced,  
5 then the average weekly wage shall, upon a written request to the  
6 department by the individual on a form provided by the department,  
7 be computed by the department on the basis of earnings from all  
8 covered employers of the individual during the base weeks in those  
9 26 calendar weeks, and, in the case of a claim for benefits from a  
10 private plan, that computation of the average weekly wage shall be  
11 provided by the department to the individual and the individual's  
12 employer.

13 When determining the "average weekly wage" with respect to a  
14 period of family temporary disability leave for an individual who  
15 has a period of family temporary disability immediately after the  
16 individual has a period of disability for the individual's own  
17 disability, the period of disability is deemed to have commenced at  
18 the beginning of the period of disability for the individual's own  
19 disability, not the period of family temporary disability.

20 (k) "Child" means a biological, adopted, or foster child,  
21 stepchild or legal ward of a covered individual, child of a domestic  
22 partner of the covered individual, or child of a civil union partner of  
23 the covered individual, who is less than 19 years of age or is 19  
24 years of age or older but incapable of self-care because of mental or  
25 physical impairment.

26 (l) "Domestic partner" means a domestic partner as defined in  
27 section 3 of P.L.2003, c.246 (C.26:8A-3).

28 (m) "Civil union" means a civil union as defined in section 2 of  
29 P.L.2006, c.103 (C.37:1-29).

30 (n) "Family member" means a child, spouse, domestic partner,  
31 civil union partner or parent of a covered individual.

32 (o) "Family temporary disability leave" means leave taken by a  
33 covered individual from work with an employer to (1) participate in  
34 the providing of care, as defined in the "Family Leave Act,"  
35 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted  
36 pursuant to that act, for a family member of the individual made  
37 necessary by a serious health condition of the family member; or (2)  
38 be with a child during the first 12 months after the child's birth, if  
39 the individual, or the domestic partner or civil union partner of the  
40 individual, is a biological parent of the child, or the first 12 months  
41 after the placement of the child for adoption with the individual.  
42 "Family temporary disability leave" does not include any period of  
43 time in which a covered individual is paid benefits pursuant to  
44 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable  
45 to perform the duties of the individual's employment due to the  
46 individual's own disability.

1 (p) "Health care provider" means a health care provider as  
2 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et  
3 seq.), and any regulations adopted pursuant to that act.

4 (q) "Parent of a covered individual" means a biological parent,  
5 foster parent, adoptive parent, or stepparent of the covered  
6 individual or a person who was a legal guardian of the covered  
7 individual when the covered individual was a child.

8 (r) "Placement for adoption" means the time when a covered  
9 individual adopts a child or becomes responsible for a child pending  
10 adoption by the covered individual.

11 (s) "Serious health condition" means an illness, injury,  
12 impairment or physical or mental condition which requires:  
13 inpatient care in a hospital, hospice, or residential medical care  
14 facility; or continuing medical treatment or continuing supervision  
15 by a health care provider.

16 (t) "12-month period" means, with respect to an individual who  
17 establishes a valid claim for disability benefits during a period of  
18 family temporary disability leave, the 365 consecutive days that  
19 begin with the first day that the individual first establishes the  
20 claim.

21 (cf: P.L.2008, c.17, s.2)

22  
23 <sup>2</sup>[120.] 126.<sup>2</sup> Section 22 of P.L.1948, c.110 (C.43:21-46) is  
24 amended to read as follows:

25 22. State disability benefits fund. (a) The State disability  
26 benefits fund, hereinafter referred to as the fund, is hereby  
27 established. The fund shall remain in the custody of the State  
28 Treasurer, and to the extent of its cash requirements shall be  
29 deposited in authorized public depositories in the State of New  
30 Jersey. There shall be deposited in and credited to the fund the  
31 amount of worker and employer contributions provided under  
32 subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7  
33 and subsection (e) of R.S.43:21-7, less refunds authorized by the  
34 chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and  
35 the entire amount of interest and earnings from investments of the  
36 fund, and all assessments, fines and penalties collected under this  
37 act. The fund shall be held in trust for the payment of disability  
38 benefits pursuant to this act, for the payment of benefits pursuant to  
39 subsection (f) of R.S.43:21-4, and for the payment of any  
40 authorized refunds of contributions. All warrants for the payment  
41 of benefits shall be issued by and bear only the signature of the  
42 Director of the Division of Unemployment and Temporary  
43 Disability Insurance or his duly authorized agent for that purpose.  
44 All other moneys withdrawn from the fund shall be upon warrant  
45 signed by the State Treasurer and countersigned by the Director of  
46 the Division of Unemployment and Temporary Disability Insurance  
47 of the Department of Labor of the State of New Jersey. The  
48 Treasurer shall maintain books, records and accounts for the fund,

1 appoint personnel and fix their compensation within the limits of  
2 available appropriations. The expenses of the Treasurer in  
3 administering the fund and its accounts shall be charged against the  
4 administration account, as hereinafter established. A separate  
5 account, to be known as the administration account, shall be  
6 maintained in the fund, and there shall be credited to such account  
7 an amount determined to be sufficient for proper administration, not  
8 to exceed, however, 1/10 of 1% of the wages with respect to which  
9 current contributions are payable into the fund, and the entire  
10 amount of any assessments against covered employers, as  
11 hereinafter provided, for costs of administration prorated among  
12 approved private plans. The costs of administration of this act,  
13 including R.S.43:21-4(f), shall be charged to the administration  
14 account.

15 (b) further separate account, to be known as the unemployment  
16 disability account, shall be maintained in the fund. Such account  
17 shall be charged with all benefit payments under R.S.43:21-4(f).  
18 Prior to July 1 of each calendar year, the Division of  
19 Unemployment and Temporary Disability Insurance of the  
20 Department of Labor of the State of New Jersey shall determine the  
21 average rate of interest and other earnings on all investments of the  
22 State disability benefits fund for the preceding calendar year. An  
23 amount equal to the sum of the amounts withdrawn from the  
24 unemployment trust fund pursuant to section 23 hereof multiplied  
25 by such average rate shall be determined by the division and  
26 credited to the unemployment disability account as of the end of the  
27 preceding calendar year.

28 If the unemployment disability account shall show an  
29 accumulated deficit in excess of \$200,000.00 at the end of any  
30 calendar year after interest and other earnings have been credited as  
31 provided hereinabove, the division shall determine the ratio of such  
32 deficit to the total of all taxable wages paid during the preceding  
33 calendar year, and shall make an assessment against all employers  
34 in an amount equal to the taxable wages paid by them during such  
35 preceding calendar year to employees, multiplied by such ratio, but  
36 in no event shall any such assessment exceed 1/10 or 1% of such  
37 wages; provided, however, that the assessment made against the  
38 State (including Rutgers, The State University [, the University of  
39 Medicine and Dentistry of New Jersey] and the New Jersey  
40 Institute of Technology) shall not exceed the sum of all benefits  
41 paid under the provisions of R.S.43:21-4(f) as the result of  
42 employment with the State. Such amounts shall be collectible by  
43 the division in the same manner as provided for the collection of  
44 employee contributions under this chapter (R.S.43:21-1 et seq.). In  
45 making this assessment, the division shall furnish to each affected  
46 employer a brief summary of the determination thereof. The  
47 amount of such assessments collected by the division shall be  
48 credited to the unemployment disability account.

1 As used in this section, "taxable wages" shall mean wages with  
2 respect to which employer contributions have been paid or are  
3 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

4 (c) A board of trustees, consisting of the State Treasurer, the  
5 Secretary of State, the Commissioner of Labor and Industry, the  
6 director of the division, and the State Comptroller, is hereby  
7 created. The board shall invest and reinvest all moneys in the fund  
8 in excess of its cash requirements, and such investments shall be  
9 made in obligations legal for savings banks; provided, however, that  
10 the provisions of this subsection shall in all respects be subject to  
11 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

12 (d) There is hereby appropriated, to be paid out of the fund, such  
13 amounts as may from time to time be required for the payment of  
14 disability benefits, and such amounts as may be required each year,  
15 as contained in the annual appropriation act, for the administration  
16 of this act, including R.S.43:21-4(f).

17 (cf: P.L.1994, c.112, s.3)

18

19 <sup>2</sup>[121.] 127.<sup>2</sup> Section 2 of P.L.1999, c.201 (C.52:9E-2) is  
20 amended to read as follows:

21 2. As used in this act:

22 a. "Approved research project" means a peer reviewed  
23 scientific research project, which is approved by the commission  
24 and which focuses on the treatment and cure of spinal cord injuries  
25 and diseases that damage the spinal cord.

26 b. "Commission" means the New Jersey Commission on  
27 Spinal Cord Research established pursuant to this act.

28 c. "Institutional support services" means all services, facilities,  
29 equipment, personnel and expenditures associated with the creation  
30 and maintenance of approved research projects.

31 d. "Qualifying research institution" means [the University of  
32 Medicine and Dentistry of New Jersey;] <sup>3</sup>Rowan University;<sup>3</sup>  
33 Rutgers, The State University; Princeton University; the Kessler  
34 Medical Rehabilitation Research and Education Corporation; the  
35 Coriell Institute for Medical Research; and any other research  
36 institution in the State approved by the commission.

37 (cf: P.L.1999, c.201, s.2)

38

39 <sup>2</sup>[122.] 128.<sup>2</sup> Section 3 of P.L.1999, c. 201 (C.52:9E-3) is  
40 amended to read as follows:

41 3. a. There is established in the Executive Branch of the State  
42 government, the New Jersey Commission on Spinal Cord Research.  
43 For the purposes of complying with the provisions of Article V,  
44 Section IV, paragraph 1 of the New Jersey Constitution, the  
45 commission is allocated within the Department of Health and  
46 Senior Services, but notwithstanding that allocation, the  
47 commission shall be independent of any supervision or control by  
48 the department or by any board or officer thereof.

1       b. The commission shall consist of ~~11~~<sup>3</sup>~~10~~ 11<sup>3</sup> members,  
2 including the Commissioner of Health and Senior Services, or his  
3 designee, who shall serve ex officio; ~~one representative of the~~  
4 ~~University of Medicine and Dentistry of New Jersey;~~ <sup>3</sup>one  
5 representative of Rowan University;<sup>3</sup> one representative of Rutgers,  
6 The State University; one representative of the federally designated  
7 Spinal Cord Injury Model System; one representative from the  
8 American Paralysis Association; and six public members who are  
9 residents of the State knowledgeable about spinal cord injuries and  
10 who include at least one physician licensed in this State and at least  
11 one person with a spinal cord injury. The members shall be  
12 appointed by the Governor with the advice and consent of the  
13 Senate.

14       c. The term of office of each appointed member shall be three  
15 years, but of the members first appointed, three shall be appointed  
16 for a term of one year, four for terms of two years, and three for  
17 terms of three years. All vacancies shall be filled for the balances of  
18 the unexpired terms in the same manner as the original  
19 appointments. Appointed members are eligible for reappointment  
20 upon the expiration of their terms. A member shall continue to  
21 serve upon the expiration of his term until a successor is appointed.

22       The members of the commission shall not receive compensation  
23 for their services, but shall be reimbursed for the actual and  
24 necessary expenses incurred in the performance of their duties as  
25 members of the commission.

26 (cf: P.L.1999, c.201, s.3)

27

28       <sup>2</sup>~~123.~~ 129.<sup>2</sup> Section 2 of P.L.2003, c.200 (C.52:9EE-2) is  
29 amended to read as follows:

30       2. As used in this act:

31       "Approved research project" means a scientific research project,  
32 which is approved by the commission and which focuses on the  
33 treatment and cure of brain injuries.

34       "Commission" means the New Jersey State Commission on Brain  
35 Injury Research established pursuant to this act.

36       "Institutional support services" means all services, facilities,  
37 equipment, personnel and expenditures associated with the creation  
38 and maintenance of approved research projects.

39       "Qualifying research institution" means ~~the University of~~  
40 ~~Medicine and Dentistry of New Jersey and~~ Rutgers, The State  
41 University of New Jersey <sup>3</sup>, Rowan University,<sup>3</sup> and any other  
42 institution approved by the commission, which is conducting an  
43 approved research project.

44 (cf: P.L.2003, c.200, s.2)

45

46       <sup>2</sup>~~124.~~ 130.<sup>2</sup> Section 3 of P.L.2003, c.200 (C.52:9EE-3) is  
47 amended to read as follows:



1       3. a. There is established in the Executive Branch of the State  
2 government, the New Jersey State Commission on Brain Injury  
3 Research. For the purposes of complying with the provisions of  
4 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
5 the commission is allocated within the Department of Health and  
6 Senior Services, but notwithstanding that allocation, the  
7 commission shall be independent of any supervision or control by  
8 the department or by any board or officer thereof.

9       b. The commission shall consist of ~~11~~<sup>3</sup>~~10~~ 11<sup>3</sup> members,  
10 including the Commissioner of Health and Senior Services, or his  
11 designee, who shall serve ex officio; ~~one representative of the~~  
12 ~~University of Medicine and Dentistry of New Jersey;~~ one  
13 representative of Rutgers, The State University of New Jersey; <sup>3</sup>one  
14 representative of Rowan University;<sup>3</sup> six public members,  
15 appointed by the Governor with the advice and consent of the  
16 Senate, one of whom shall be a licensed physician in this State and  
17 one of whom shall be a person with a brain injury; and two public  
18 members, one of whom shall be appointed by the President of the  
19 Senate and one of whom shall be appointed by the Speaker of the  
20 General Assembly. All public members shall be residents of the  
21 State or otherwise associated with the State, and shall be known for  
22 their knowledge, competence, experience or interest in brain injury  
23 medical research.

24       c. The term of office of each public member shall be three  
25 years, but of the members first appointed, three shall be appointed  
26 for terms of one year, three for terms of two years, and two for  
27 terms of three years. All vacancies shall be filled for the balances of  
28 the unexpired terms in the same manner as the original  
29 appointments. Appointed members are eligible for reappointment  
30 upon the expiration of their terms. A member shall continue to  
31 serve upon the expiration of his term until a successor is appointed.

32       The members of the commission shall not receive compensation  
33 for their services, but shall be reimbursed for the actual and  
34 necessary expenses incurred in the performance of their duties as  
35 members of the commission.

36 (cf: P.L.2003, c.200, s.3)

37  
38       <sup>2</sup>~~125.~~ 131.<sup>2</sup> Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended  
39 to read as follows:

40       3. As used in this act:

41       a. "Approved research project" means a scientific research  
42 project, which is approved by the commission and which focuses on  
43 the genetic, biochemical, viral, microbiological and environmental  
44 causes of cancer, and may include, but is not limited to, behavioral,  
45 socio-economic, demographic and psychosocial research or research  
46 into methods of clinical treatment; or which focuses on pain  
47 management and palliative care for persons diagnosed with cancer.

1       b. "Commission" means the New Jersey State Commission on  
2 Cancer Research established pursuant to this act.

3       c. "Institutional support services" means all services, facilities,  
4 equipment, personnel and expenditures associated with the creation  
5 and maintenance of approved research projects.

6       d. "Qualifying research institution" means the <sup>3</sup>Coriell<sup>3</sup>  
7 Institute for Medical Research in Camden, New Jersey, **[**the  
8 University of Medicine and Dentistry of New Jersey,**]** Rutgers--The  
9 State University, <sup>3</sup>Rowan University,<sup>3</sup> Princeton University and any  
10 other institution approved by the commission, which is conducting  
11 an approved research project.

12 (cf: P.L.2000, c.63, s.1)

13

14       <sup>2</sup>**[126.]** 132.<sup>2</sup> Section 2 of P.L.2008, c.85 (C.52:16A-100) is  
15 amended to read as follows:

16       2. a. The Ellis Island Advisory Commission is hereby created  
17 and established in the Executive Branch of the State Government.  
18 For the purposes of complying with the provisions of Article V,  
19 Section IV, paragraph 1, of the New Jersey Constitution, the  
20 commission is allocated within the Department of State.

21       The commission shall consist of **[20]** 19 voting members, as  
22 follows:

23       (1) a representative of the Governor's office, the Secretary of  
24 State or a designee, the State Treasurer or a designee, the Attorney  
25 General or a designee, the Commissioner of Environmental  
26 Protection or a designee, the Commissioner of Education or a  
27 designee, the Executive Director of the New Jersey Commerce  
28 Commission or a designee, the Commissioner of Health and Senior  
29 Services or a designee, the Commissioner of Transportation or a  
30 designee, the New Jersey State representative of the National Trust  
31 for Historic Preservation or a designee, and the President of Save  
32 Ellis Island, Inc. or a designee, each serving ex officio;

33       (2) four members of the Legislature, of whom one shall be  
34 appointed by the Senate President, one by the Senate Minority  
35 Leader, one by the Speaker of the General Assembly and one by the  
36 Minority Leader of the General Assembly. Legislators appointed to  
37 the commission shall serve as members thereof for terms co-  
38 extensive with their respective terms as members of the Houses of  
39 the Legislature from which they were appointed; and

40       (3) **[five]** four members shall be appointed by the Governor,  
41 with the advice and consent of the Senate, of whom one shall be a  
42 representative of Rutgers, the State University of New Jersey,  
43 chosen with expertise in immigration issues, **[**and one shall be a  
44 representative of the University of Medicine and Dentistry of New  
45 Jersey, chosen with expertise in public health issues,**]** and three  
46 shall be members of the public, chosen with due regard for their  
47 knowledge of the role of Ellis Island in American history, including

1 one member with expertise in the hospitality industry and one  
2 member with expertise in the development industry. No public  
3 members shall hold elective office.

4 b. Each public member of the commission shall serve for a  
5 term of three years, except that of the initial members so appointed:  
6 one member shall serve for one year, two members shall serve for  
7 two years, and two members shall serve for three years. Public  
8 members shall be eligible for reappointment. They shall serve until  
9 their successors are appointed and qualified, and the term of any  
10 successor of any incumbent shall be calculated from the expiration  
11 of the term of that incumbent. A vacancy occurring other than by  
12 expiration of the term shall be filled in the same manner as the  
13 original appointment but for the unexpired term only. Public  
14 members may be removed by the Governor for cause.

15 c. The members of the commission shall serve without  
16 compensation but shall be reimbursed for necessary expenses  
17 incurred in the performance of their duties subject to the availability  
18 of funds.

19 d. The Secretary of State, or a designee, shall serve as chair,  
20 and the members of the commission shall elect annually one of the  
21 public members to serve as vice-chair. The chair may appoint a  
22 secretary, who need not be a member of the commission. The  
23 presence of a majority of the full membership of the commission  
24 shall be required for the conduct of official business.

25 e. The commission shall meet at the call of the chair. The  
26 commission shall hold at least two meetings annually which shall  
27 be held at the State capitol and at such other times and places as the  
28 commission may deem expedient, including on Ellis Island.

29 (cf: P.L.2008, c.85, s.2)

30

31 <sup>2</sup>[127.] 133.<sup>2</sup> Section 12 of P.L.1978, c.39 (C.52:18A-174) is  
32 amended to read as follows:

33 12. Subject to the independent approval of the State Treasurer,  
34 the board may authorize the transfer of funds necessary to permit  
35 individuals employed at **[**the University of Medicine and Dentistry  
36 of New Jersey,**]** the New Jersey Institute of Technology, Rutgers,  
37 The State University, Rowan University, and any other agency,  
38 authority, commission, or instrumentality of State government  
39 which has an independent corporate existence, to participate in the  
40 plan.

41 (cf: P.L.1985, c.449, s.1)

42

43 <sup>2</sup>[128.] 134.<sup>2</sup> Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is  
44 amended to read as follows:

45 1. The Director of the Division of Purchase and Property may,  
46 by joint action, purchase any articles used or needed by the State  
47 and the Palisades Interstate Park Commission, the New Jersey  
48 Highway Authority, the New Jersey Turnpike Authority, the

1 Delaware River Joint Toll Bridge Commission, the Port Authority  
2 of New York and New Jersey, the South Jersey Port Corporation,  
3 the Passaic Valley Sewerage Commission, the Delaware River Port  
4 Authority, Rutgers, The State University, [the University of  
5 Medicine and Dentistry of New Jersey] Rowan University, the  
6 New Jersey Sports and Exposition Authority, the New Jersey  
7 Housing Finance Agency, the New Jersey Mortgage Finance  
8 Authority, the New Jersey Health Care Facilities Financing  
9 Authority, the New Jersey Education Facilities Authority, the New  
10 Jersey Economic Development Authority, the South Jersey  
11 Transportation Authority, the Hackensack Meadowlands  
12 Development Commission, the New Jersey Water Supply  
13 Authority, the Higher Education Student Assistance Authority or  
14 any other agency, commission, board, authority or other such  
15 governmental entity which is established and is allocated to a State  
16 department or any bi-state governmental entity of which the State of  
17 New Jersey is a member.

18 (cf: P.L.1999, c.440, s.89)

19

20 <sup>2</sup>[129.] 135.<sup>2</sup> Section 2 of P.L.2005, c.373 (C.52:27C-97) is  
21 amended to read as follows:

22 2. The Foundation for Technology Advancement shall be  
23 governed by a [23-member] 22-member board of trustees who are  
24 appointed as follows:

25 a. The Executive Director of the New Jersey Commerce  
26 Commission; the Executive Director of the New Jersey Economic  
27 Development Authority; the Executive Director of the New Jersey  
28 Commission on Science and Technology; and the Chief Technology  
29 Officer in the Office of Information Technology; or their designees,  
30 all of whom shall serve ex officio;

31 b. A faculty member appointed by the president of each of the  
32 following academic institutions: The New Jersey Institute of  
33 Technology; Rutgers, the State University; [The University of  
34 Medicine and Dentistry of New Jersey;] and Princeton University,  
35 all of whom shall serve ex officio; and

36 c. Fifteen public members appointed by the Governor as  
37 follows: a representative of each of the following organizations: the  
38 New Jersey Technology Council, the Biotechnology Council of  
39 New Jersey, the Forum for Academicians, Scientists and  
40 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
41 Region for Tomorrow States Organization, the New Jersey Business  
42 and Industry Association, the Commerce and Industry Association  
43 of New Jersey, the New Jersey State Chamber of Commerce, the  
44 New Jersey Tooling and Manufacturing Association, the Research  
45 and Development Council of New Jersey, the American Electronics  
46 Association - New Jersey/Pennsylvania Council, and a  
47 representative employed by a corporation from each of the

1 following industry sectors: pharmaceuticals, financial services,  
2 advanced technology, information technology, and nanotechnology.

3 Of the public members first appointed, four shall serve for a term  
4 of two years, four for a term of three years, four for a term of four  
5 years, and three for a term of five years.

6 Members appointed thereafter shall serve five-year terms, and  
7 any vacancy shall be filled by appointment for the unexpired term  
8 only. A member is eligible for reappointment. Vacancies in the  
9 membership of the foundation shall be filled in the same manner as  
10 the original appointments were made.

11 The members shall elect a chair and vice chair from the  
12 membership of the board of trustees.

13 (cf: P.L.2007, c.253, s.38)

14

15 <sup>2</sup>[130.] 136.<sup>2</sup> Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is  
16 amended to read as follows:

17 5. a. (1) Except where a limitations provision expressly and  
18 specifically applies to actions commenced by the State or where a  
19 longer limitations period would otherwise apply, and subject to any  
20 statutory provisions or common law rules extending limitations  
21 periods, any civil action concerning the remediation of a  
22 contaminated site or the closure of a sanitary landfill facility  
23 commenced by the State pursuant to the State's environmental laws  
24 shall be commenced within three years next after the cause of action  
25 shall have accrued.

26 (2) For purposes of determining whether a civil action subject to  
27 the limitations periods specified in paragraph (1) of this subsection  
28 has been commenced within time, no cause of action shall be  
29 deemed to have accrued prior to January 1, 2002 or until the  
30 contaminated site is remediated or the sanitary landfill has been  
31 properly closed, whichever is later.

32 b. (1) Except where a limitations provision expressly and  
33 specifically applies to actions commenced by the State or where a  
34 longer limitations period would otherwise apply, and subject to any  
35 statutory provisions or common law rules extending limitations  
36 periods, any civil action concerning the payment of compensation  
37 for damage to, or loss of, natural resources due to the discharge of a  
38 hazardous substance, commenced by the State pursuant to the  
39 State's environmental laws, shall be commenced within five years  
40 and six months next after the cause of action shall have accrued.

41 (2) For purposes of determining whether a civil action subject to  
42 the limitations periods specified in paragraph (1) of this subsection  
43 has been commenced within time, no cause of action shall be  
44 deemed to have accrued prior to January 1, 2002 or until the  
45 completion of the remedial action for the entire contaminated site or  
46 the entire sanitary landfill facility, whichever is later.

47 c. As used in this section:

1 "State's environmental laws" means the "Spill Compensation and  
2 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water  
3 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),  
4 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and  
5 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
6 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330  
7 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,  
8 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical  
9 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the  
10 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279  
11 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and  
12 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the  
13 "Regional Low-Level Radioactive Waste Disposal Facility Siting  
14 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or  
15 regulation by which the State may compel a person to perform  
16 remediation activities on contaminated property; and

17 "State" means the State, its political subdivisions, any office,  
18 department, division, bureau, board, commission or agency of the  
19 State or one of its political subdivisions, and any public authority or  
20 public agency, including, but not limited to, the New Jersey Transit  
21 Corporation [and the University of Medicine and Dentistry of New  
22 Jersey] .

23 d. Nothing in the amendatory provisions to this section adopted  
24 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a  
25 limitations period that has expired prior to the date of enactment of  
26 P.L.2009, c.60 (C.58:10C-1 et al.).  
27 (cf: P.L.2009, c.60, s.50)

28  
29 <sup>2</sup>[131.] 137.<sup>2</sup> Section 8 of P.L.2001, c.246 (App.A:9-71) is  
30 amended to read as follows:

31 8. a. There is established in the Department of Law and Public  
32 Safety the Domestic Security Preparedness Planning Group, which  
33 shall assist the task force in performing its duties under this act. In  
34 cooperation with the task force, the planning group shall develop  
35 and provide to the task force, for consideration, a coordinated plan  
36 to be included in the State Emergency Operations Plan to prepare  
37 for, respond to, mitigate and recover from incidents of terrorism.

38 b. The members of the planning group shall include the  
39 Director of the New Jersey Office of Emergency Management, the  
40 Adjutant General of Military and Veterans' Affairs or his designee,  
41 the Commissioner of Agriculture or his designee, the Commissioner  
42 of Community Affairs or his designee, the Commissioner of  
43 Corrections or his designee, the Commissioner of Environmental  
44 Protection or his designee, the Commissioner of Health and Senior  
45 Services or his designee, the Commissioner of Human Services, or  
46 his designee, the Commissioner of Transportation or his designee,  
47 the Executive Director of the New Jersey Transit Corporation or his  
48 designee, the State Treasurer or his designee, the New Jersey State

1 Medical Examiner or his designee, [a representative of the  
2 University of Medicine and Dentistry of New Jersey,] the President  
3 of the Board of Public Utilities or his designee, a representative of  
4 the New Jersey County Emergency Management Coordinators  
5 Association, a representative of the New Jersey State Fire Chiefs  
6 Association, and a representative of the New Jersey State Police  
7 Chiefs Association. The planning group may include, to the extent  
8 such individuals may be made available for such purpose, a  
9 representative of the Federal Emergency Management Agency, a  
10 representative of the Federal Bureau of Investigation, a  
11 representative of the American Red Cross, and a representative of  
12 such other charitable groups as may be appropriate. The  
13 chairperson of the task force shall appoint the chair and vice chair  
14 of the planning group.

15 (cf: P.L.2001, c.246, s.8)

16

17 <sup>2</sup>138. (New section) <sup>3</sup>[For a period of 12 months following the  
18 effective date of this act] On and between the enactment date of  
19 this act and July 1, 2014<sup>3</sup> , there shall be no layoff of any employee  
20 represented by a majority representative, who was employed as of  
21 the effective date of this act, at the University of Medicine and  
22 Dentistry of New Jersey, Rutgers, the State University or Rowan  
23 University as a result of any reorganization, restructuring, merger or  
24 acquisition of any school, facility, hospital, entity, function or  
25 operation of the University of Medicine and Dentistry of New  
26 Jersey, Rutgers, the State University or Rowan University that  
27 occurs pursuant to or as a result of the implementation of this act.<sup>2</sup>

28

29 <sup>2</sup>139. (New section) Nothing in P.L. , c. (C. )(pending  
30 before the Legislature as this bill) shall be construed to modify or  
31 contravene the rights and obligations of employers or employees  
32 under the “New Jersey Employer-Employee Relations Act,”  
33 P.L.1941, c.100 (C.34:13A-1 et seq.).<sup>2</sup>

34

35 <sup>2</sup>[132.] <sup>2</sup>140.<sup>2</sup> The following sections are repealed:

36 P.L.1970, c.102 (C.18A:64G-1 et seq.);

37 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-  
38 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,  
39 18A:64G-3.6);

40 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,  
41 18A:64G-3.9, and 18A:64G-3.);

42 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and

43 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

44

45 141. <sup>2</sup>The State of New Jersey does hereby pledge to and  
46 covenant and agree with the holders of any bonds heretofore issued  
47 and outstanding pursuant to a bond resolution of Rutgers, The State

1 University or Rowan University that the entities established  
2 pursuant to this act shall abide by and otherwise fulfill the terms of  
3 any agreement, covenant, or indenture made by Rutgers, The State  
4 University to its bond holders and Rowan University to its bond  
5 holders, and will not in any way impair the rights or remedies of  
6 such holders.<sup>2</sup>

7  
8 <sup>3</sup>142. (New section) In transferring the assets of the University  
9 of Medicine and Dentistry of New Jersey to Rutgers, The State  
10 University, it is the intention of the Legislature to protect Rutgers,  
11 The State University, and to hold it harmless, subject to future  
12 appropriation, for unexpected costs or losses associated with  
13 undisclosed liabilities of the University of Medicine and Dentistry  
14 of New Jersey that were not reasonably foreseeable or contemplated  
15 at the time of the transfers required by this act. Therefore, if  
16 Rutgers, The State University experiences, during fiscal years 2014  
17 and 2015, costs or losses associated with liabilities of the University  
18 of Medicine and Dentistry of New Jersey that were not identified in  
19 the certified financial statements of the University of Medicine and  
20 Dentistry of New Jersey for the time periods preceding the  
21 incurrence of the cost or loss, the State shall reimburse Rutgers, The  
22 State University for such cost or loss, subject to appropriation by  
23 the Legislature.<sup>3</sup>

24  
25 <sup>3</sup>143. (New section) The State Treasurer shall establish a  
26 Transition Committee in such composition and with such  
27 subcommittees as he deems appropriate to advise him regarding all  
28 matters pursuant to this act, related to the division, allocation and  
29 assignment of State appropriations, debt issues, allocation of  
30 budgets, allocation of State personnel, and allocation of costs and  
31 resource, monetary and otherwise, of centralized services, involving  
32 Rowan University, Rutgers University-Camden, Rutgers, The State  
33 University, the University of Medicine and Dentistry of New  
34 Jersey, and University Hospital. Upon the advice of the committee  
35 or of its subcommittees, the State Treasurer shall be empowered to  
36 take all necessary administrative acts to implement the provisions  
37 of this act.<sup>3</sup>

38  
39 <sup>3</sup>144. (New section) The provisions of each of the transfers of  
40 the schools, functions, institutes, campuses and centers, and rights,  
41 assets and privileges thereof, shall be considered to be  
42 interdependent and essential to the intent and purpose of this act  
43 and shall be non-severable, and if any of these transfers shall be  
44 deemed unenforceable or invalid, the remaining transfers shall be  
45 unenforceable and invalid.<sup>3</sup>



1       <sup>2</sup>[133.] <sup>3</sup>[142.<sup>2</sup>] 145. **[This]** Sections 15, 20, 26, 33, and 38 of  
2 this act shall take effect and become operational on the 90th day  
3 after the date of enactment and the remainder of this<sup>3</sup> act shall take  
4 effect on <sup>2</sup>[the 180th day after the date of enactment] July 1, 2013  
5 and shall first apply to the 2013-2014 academic year<sup>2</sup>, but  
6 anticipatory administrative action may be taken in advance of the  
7 operative date as shall be necessary for the implementation of this  
8 act.