

Title 18A.
 Subtitle 9.
 Chapter 640
 (New)
 Kean University
 Act
 §§1-33
 C.18A:640-1 to
 18A:640-33

P.L. 2021, CHAPTER 282, *approved November 8, 2021*
 Senate, No. 3811 (*First Reprint*)

1 **AN ACT** concerning Kean University, supplementing Title 18A of
 2 the New Jersey Statutes, and revising various parts of the
 3 statutory law.

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

7
 8 1. (New section) This act shall be known and may be cited as
 9 the “Kean University Act.”

10

11 2. (New section) The Legislature finds and declares that:

12 a. Kean University is a State university located in Union, Toms
 13 River, Manahawkin, and Jefferson, New Jersey, and Wenzhou,
 14 China, currently operating pursuant to the authority granted to State
 15 colleges by N.J.S.18A:64-1 et seq. and P.L.1994, c.48 (C.18A:3B-1
 16 et seq.).

17 b. An urban research university is defined as an institution of
 18 higher education having one or more campus locations based at an
 19 urban center that reflects the diversity of the region’s urban centers,
 20 serves as a hub for urban economic development by collaborating
 21 with policymakers and business leaders throughout the State, and
 22 applies education and research to inform urban public policy.
 23 Urban research universities provide high quality education at the
 24 undergraduate and graduate levels to underrepresented and
 25 underserved populations, predominantly commuter students, who
 26 would otherwise encounter numerous obstacles to advance beyond
 27 secondary education. By doing so, urban research universities play
 28 a vital and unique role in changing the face of professions that have
 29 historically been homogenous and monolithic, such as science,
 30 technology, engineering, and mathematics (STEM) fields,
 31 architecture, clinical sciences, and medicine. Urban research
 32 universities enrich the diversity of college student demographics,

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:

¹Senate SHI committee amendments adopted June 15, 2021.

1 promote inclusion, and nurture diversity of thought to the problem
2 solving of society's most challenging issues.

3 c. Building on a distinguished 166-year history, Kean
4 University is a leading institution of higher education in New
5 Jersey. The university's eight colleges and schools serve 14,000
6 undergraduate and graduate students in more than 50 baccalaureate
7 programs and more than 60 programs of graduate study, including
8 six doctoral programs.

9 d. Kean University is currently comprised of the College of
10 Liberal Arts, the Michael Graves College, the Dorothy and George
11 Hennings College of Science, Mathematics and Technology, the
12 College of Education, the College of Business and Public
13 Management, The New Jersey Center for Science, Technology and
14 Mathematics, the School of Kean Online Education, and the Nathan
15 Weiss Graduate College.

16 e. Effective December 4, 2017, the Office of the Secretary of
17 Higher Education officially changed Kean University's
18 programmatic mission to a doctoral degree-granting institution.

19 f. Since its founding in 1855 as the Newark Normal School,
20 Kean University has evolved from an urban-based teacher education
21 school into a comprehensive, doctoral-granting urban-research
22 university with a global reach. Since the Northwest Ordinance of
23 1787, access to higher education has been viewed as a right by
24 states, to prepare an educated citizenry as a foundation of social and
25 economic development of their communities.

26 g. Kean University has more than 30 research centers,
27 including the John S. Watson Institute for Urban Policy and
28 Research that engages the New Jersey Urban Mayors Association
29 that works with state and federal agencies, lawmakers, and
30 nongovernmental and community-based organizations to develop
31 and advance progressive and effective public policy to benefit urban
32 communities. Partnership with the New Jersey Legislative Black
33 Caucus allows Kean University to create innovative and sustaining
34 policies to unite thought leaders, decision-makers, and higher
35 education to address the systemic and structural need for equity in
36 urban communities.

37 h. Kean University is recognized for its diversity and social
38 mobility by the U.S. News and World Report, with an enrollment of
39 61 percent students of color. Kean University is designated as a
40 Hispanic-Serving Institution by the federal Department of
41 Education, exceeding the requirement of 25 percent of full-time
42 equivalent status, with Hispanic students comprising 34 percent of
43 the enrollment. The preponderance of Hispanic and African
44 American students reflects the rich diversity of the proximate urban
45 centers of Newark and Elizabeth, New Jersey to Kean University's
46 main campus in Union.

1 i. More than half of the students at Kean University are
2 supported by Pell Grants and are the first in their family to attend
3 college.

4 j. Kean University graduates, from undergraduate to doctoral
5 programs, reflect the diversity of New Jersey's urban centers. Kean
6 University's Hispanic and African American graduates represent 38
7 percent of baccalaureate degree recipients, 43 percent of Master's
8 degree recipients, and 31 percent of doctoral degree recipients, far
9 exceeding the nationwide averages for this group among
10 baccalaureate degree recipients (25 percent), Master's degree
11 recipients (24 percent), and doctoral degree recipients (17 percent).
12 Such diversity ranks Kean University among the most diverse urban
13 research universities in the nation. The five-year graduation rates
14 for Hispanic and African American students (at 77 percent and 63
15 percent respectively) in the combined Bachelor of Science and
16 Master of Science at Kean University's New Jersey Center for
17 Science, Technology and Mathematics are more than triple the
18 national average. Kean University qualified for State funding
19 through the New Jersey Office of the Secretary of Higher
20 Education's Outcomes-Based Allocation, with 43 percent academic
21 degree completions by underrepresented minorities and 5,717 Pell
22 Grant recipients for the 2019 to 2020 academic year.

23 k. Kean University's mission statement, "to serve as active and
24 contributing members of their communities," along with goals to
25 continue to evolve as a "doctoral university with rigorous research
26 activity" and to position Kean University as a "cultural, economic,
27 and educational epicenter for the entire community" in "Beyond
28 2020: Kean University Strategic Plan 2020-2025," are consistent
29 with criteria for urban research universities in the nation.

30 l. Kean University recently launched the Kean Scholar
31 Academy Innovative, an innovative dual enrollment program for
32 high school students. Students from urban districts in Union,
33 Essex, Passaic, and Middlesex counties can earn college credits in a
34 selected major and benefit from mentors and social-emotional
35 support.

36 m. Kean University has been recognized through awards of
37 highly competitive research grants from federal agencies including
38 the National Endowment for the Humanities, National Science
39 Foundation, National Institutes of Health, and the Department of
40 Education. These grant awards have supported the enhancement of
41 education and research for underrepresented and underserved
42 students, including Spanish-speaking students seeking degrees in
43 computer science.

44 n. Kean University has established the Center for Clinical
45 Laboratory Science and Pandemic Research that includes a
46 federally certified laboratory for COVID-19 testing on campus.
47 Kean University's COVID-19 testing and research capabilities
48 result from a unique partnership between the University, Union

1 County, the State, and private industry. Research seeks solutions to
2 address public health issues and racial health disparities
3 experienced during the pandemic. COVID-19 vaccinations are
4 available on campus in Union, New Jersey and mobile support is
5 available for urban centers across the State.

6 o. In light of Kean University's continuous contributions and
7 commitment to the advancement of important research initiatives, it
8 is appropriate at this time to designate Kean University as a public
9 urban research university.

10
11 3. (New section) As used in this act "Kean University,"
12 hereinafter referred to as "university," shall, unless the context
13 clearly indicates to the contrary, include and mean the public urban
14 research university herein designated "Kean University" as
15 presently and hereafter constituted, including all departments,
16 colleges, schools, centers, branches, educational and other units and
17 extensions thereof, extension and cooperative education programs,
18 continuing education programs and all other departments of higher
19 education maintained by the educational entity of the university.

20
21 4. (New section) There is hereby established a body corporate
22 and politic to be known as Kean University. The exercise by the
23 university of the powers conferred by this act shall be deemed to be
24 public and essential governmental functions necessary for the
25 welfare of the State and the people of New Jersey.

26
27 5. (New section) It is declared to be the public policy of the
28 State that the university shall be given a high degree of self-
29 government and that the governance and conduct of the university
30 shall be free of partisanship.

31
32 6. (New section) The board of trustees of the university is
33 continued and shall have and exercise the powers, authority, rights
34 and privileges and shall be subject to the duties, obligations, and
35 responsibilities set forth in this act.

36
37 7. (New section) a. The composition and size of the board of
38 trustees shall be determined by the board; however, the board shall
39 have not less than seven nor more than 15 members. The members
40 shall be appointed by the Governor with the advice and consent of
41 the Senate. The board of trustees shall recommend potential new
42 members to the Governor. The terms of office of appointed
43 members shall be for six years beginning on July 1 and ending on
44 June 30. Each member shall serve until the member's successor
45 shall have been appointed and qualified and vacancies shall be
46 filled in the same manner as the original appointments for the
47 remainder of the unexpired terms. Any member of the board of

1 trustees may be removed by the Governor for cause upon notice and
2 opportunity to be heard.

3 b. Members of the board as of the effective date of this act
4 shall continue in office until the expiration of their respective terms
5 and the qualification in office of their successors.

6 c. All voting members of the board of trustees, before
7 undertaking the duties of their office, shall take and subscribe an
8 oath or affirmation to support the Constitution of the State of New
9 Jersey and of the United States, to bear allegiance to the
10 government of the State, and to perform the duties of their office
11 faithfully, impartially and justly, to the best of their ability.

12 d. Members of the board of trustees shall not receive
13 compensation for their services. Each trustee shall be reimbursed
14 for actual expenses reasonably incurred in the performance of the
15 trustee's duties or in rendering service as a member of or on behalf
16 of the board or any committee of the board.

17 e. The board of trustees shall elect its chairperson from among
18 its voting members annually in July. The board shall select such
19 other officers from among its members as shall be deemed
20 necessary.

21 f. A voting member of the board of trustees shall not be a
22 salaried official of the State of New Jersey, or receive remuneration
23 for services from the university. If any member of the board shall
24 become ineligible by reason of the foregoing, a vacancy in the
25 member's office as trustee shall thereby occur.

26 g. The board of trustees shall have the power to appoint and
27 regulate the duties, functions, powers and procedures of
28 committees, standing or special, from its members and such
29 advisory committees or bodies as it may deem necessary or
30 conducive to the efficient management and operation of the
31 university, consistent with this act and other applicable statutes.

32

33 8. (New section) The board of trustees of the university shall
34 provide for the election of two student representatives, who shall be
35 full-time, regularly matriculated students in good academic
36 standing, and who shall be 18 years of age or older and citizens of
37 the United States. The student representatives shall be elected by
38 the members of the student government association to serve on the
39 board of trustees for terms of two years commencing at the next
40 organization of the board.

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

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

46 b. The standards for eligibility for student representatives on
47 the board of trustees shall be the same as those required for other
48 student government officers.

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

3 (1) any matter involving the employment, appointment,
4 termination of employment, terms and conditions of employment,
5 evaluation of the performance of, promotion or disciplining of any
6 specific prospective officer or employee or current officer or
7 employee employed or appointed by the board, unless all the
8 individual employees or appointees whose rights could be adversely
9 affected request in writing that the matter or matters be discussed at
10 a public meeting;

11 (2) any matter involving the purchase, lease, acquisition or sale
12 of real property with public funds, the setting of banking rates or
13 investment of public funds, where it could adversely affect the
14 public interest if discussion of these matters were disclosed; and

15 (3) any pending or anticipated litigation in which the board is,
16 or may become, a party, where it could adversely affect the public
17 interest if discussion of these matters were disclosed, or any matters
18 falling within the attorney-client privilege, to the extent that
19 confidentiality is required in order for the attorney to exercise the
20 attorney's ethical duties as a lawyer.

21 d. Upon assuming office, the students shall agree to adhere to
22 such standards of responsibility and confidentiality as are
23 established by the board of trustees.
24

25 9. (New section) The board of trustees of the university shall
26 have the general supervision over and be vested with the conduct of
27 the university. It shall have the power and duty to:

28 a. adopt and use a corporate seal;

29 b. determine the educational curriculum and program of the
30 university;

31 c. determine policies for the organization, administration, and
32 development of the university;

33 d. study the educational and financial needs of the university,
34 annually acquaint the Governor and Legislature with the condition
35 of the university, and prepare and submit an annual request for
36 appropriation to the Division of Budget and Accounting in the
37 Department of the Treasury in accordance with law;

38 e. disburse all moneys appropriated to the university by the
39 Legislature and all moneys received from tuition, fees, auxiliary
40 services and other sources;

41 f. direct and control expenditures and transfers of funds
42 appropriated to the university in accordance with the provisions of
43 the State budget and appropriation acts of the Legislature, and, as to
44 funds received from other sources, direct and control expenditures
45 and transfers in accordance with the terms of any applicable trusts,
46 gifts, bequests, or other special provisions, reporting changes and
47 additions thereto and transfers thereof to the Director of the
48 Division of Budget and Accounting in the Department of the

- 1 Treasury. All accounts of the university shall be subject to audit by
2 the State at any time;
- 3 g. in accordance with the provisions of the State budget and
4 appropriation acts of the Legislature, appoint and fix the
5 compensation and term of office of a president of the university
6 who shall be the executive officer of the university and an ex officio
7 member of the board of trustees, without vote, and shall serve at the
8 pleasure of the board of trustees;
- 9 h. in accordance with the provisions of the State budget and
10 appropriation acts of the Legislature, appoint, upon nomination of
11 the president, such deans and other members of the academic,
12 administrative, and teaching staffs as shall be required and fix their
13 compensation and terms of employment;
- 14 i. consistent with the provisions of its budget, this act and any
15 and all controlling collective bargaining agreements, have the
16 power, upon nomination or recommendation of the president, to
17 appoint, remove, promote and transfer all other officers, agents, or
18 employees which may be required to carry out the provisions of this
19 act and prescribe qualifications for those positions, and assign
20 requisite duties and determine and fix respective compensation for
21 those positions in accordance with duly adopted salary program
22 parameters;
- 23 j. grant diplomas, certificates or degrees;
- 24 k. enter into contracts and agreements with the State or any of
25 its political subdivisions or with the United States, or with any
26 public body, department or other agency of the State or the United
27 States or with any individual, firm or corporation which are deemed
28 necessary or advisable by the board for carrying out the provisions
29 of this act. A contract or agreement pursuant to this subsection may
30 require a municipality to undertake obligations and duties to be
31 performed subsequent to the expiration of the term of office of the
32 elected governing body of such municipality which initially entered
33 into or approved said contract or agreement, and the obligations and
34 duties so incurred by such municipality shall be binding and of full
35 force and effect, notwithstanding that the term of office of the
36 elected governing body of such municipality which initially entered
37 into or approved said contract or agreement, shall have expired;
- 38 l. exercise the right of eminent domain, pursuant to the
39 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
40 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 41 m. adopt, after consultation with the president and faculty,
42 bylaws and make and promulgate such rules, regulations, and
43 orders, not inconsistent with the provisions of this act as are
44 necessary and proper for the administration and operation of the
45 university and the carrying out of its purposes;
- 46 n. establish fees for room and board sufficient for the
47 operation, maintenance, and rental of student housing and food
48 services facilities;

- 1 o. fix and determine tuition rates and other fees to be paid by
2 students;
- 3 p. accept from any government or governmental department,
4 agency or other public or private body or from any other source
5 grants or contributions of money or property which the board may
6 use for or in aid of any of its purposes;
- 7 q. acquire, by gift, purchase, condemnation or otherwise, own,
8 lease, dispose of, use and operate property, whether real, personal
9 or mixed, or any interest therein, which is necessary or desirable for
10 university purposes;
- 11 r. employ architects to plan buildings; secure bids for the
12 construction of buildings and for the equipment thereof; make
13 contracts for the construction of buildings and for equipment; and
14 supervise the construction of buildings;
- 15 s. manage and maintain, and provide for the payment of all
16 charges on and expenses in respect of, all properties utilized by the
17 university;
- 18 t. borrow money and to secure the same by a mortgage on its
19 property or any part thereof, and to enter into any credit agreement
20 for the needs of the university, as deemed requisite by the board, in
21 such amounts and for such time and upon such terms as may be
22 determined by the board, provided that no such borrowing shall be
23 deemed or construed to create or constitute a debt, liability, or a
24 loan or pledge of the credit or be payable out of property or funds,
25 other than moneys appropriated for that purpose, of the State;
- 26 u. authorize any new program, educational department or
27 school consistent with the programmatic mission of the institution
28 or approved by the Secretary of Higher Education;
- 29 v. adopt standing operating rules and procedures for the
30 purchase of all equipment, materials, supplies and services;
31 however, no contract on behalf of the university shall be entered
32 into for the purchase of services, materials, equipment and supplies,
33 for the performance of any work, or for the hiring of equipment or
34 vehicles, where the sum to be expended exceeds \$33,000 or the
35 amount determined by the Governor as provided herein, unless the
36 university shall first publicly advertise for bids and shall award the
37 contract to that responsible bidder whose bid, conforming to the
38 invitation for bids, will be most advantageous to the university,
39 price and other factors considered. Such advertising shall not be
40 required in those exceptions created by the board of trustees of the
41 university, which shall be in substance those exceptions contained
42 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and C.52:34-10)
43 and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying
44 of any product or the rendering of any service by a public utility
45 subject to the jurisdiction of the Board of Public Utilities of this
46 State and tariffs and schedules of the charges made, charged, or
47 exacted by the public utility for any such products to be supplied or
48 services to be rendered are filed with the said board. Commencing

1 on July 1 next following the effective date of this act, and every two
2 years thereafter, the Governor, in consultation with the Department
3 of the Treasury, shall adjust the threshold amount set forth in this
4 subsection in direct proportion to the rise or fall of the consumer
5 price index for all urban consumers in the New York City and the
6 Philadelphia areas as reported by the United States Department of
7 Labor. The Governor shall notify the university of the adjustment.
8 The adjustment shall become effective on July 1 of the year in
9 which it is reported. This subsection shall not prevent the
10 university from having any work performed by its own employees,
11 nor shall it apply to repairs, or to the furnishing of materials,
12 supplies or labor, or the hiring of equipment or vehicles, when the
13 safety or protection of its or other public property or the public
14 convenience requires or the exigency of the university's service will
15 not admit of such advertisement. In such case, the university shall,
16 by resolution passed by the affirmative vote of its board of trustees,
17 declare the exigency or emergency to exist, and set forth in the
18 resolution the nature and approximate amount to be expended; shall
19 maintain appropriate records as to the reason for such awards; and
20 shall report regularly to its board of trustees on all such purchases,
21 the amounts and the reasons therefor;

22 w. invest certain moneys in such obligations, securities and
23 other investments as the board shall deem prudent, consistent with
24 the purposes and provisions of this act and in accordance with State
25 and federal law, as follows:

26 (1) investment in not-for-profit corporations or for-profit
27 corporations organized and operated pursuant to the provisions of
28 subsection x. of this section may utilize income realized from the
29 sale or licensing of intellectual property as well as the reinvestment
30 of earnings on intellectual property; and

31 (2) investment in not-for-profit corporations may also utilize
32 income from overhead grant fund recovery as permitted by federal
33 law as well as other university funds except those specified in
34 paragraph (5) of subsection x. of this section;

35 x. (1) participate as the general partner or as a limited partner,
36 either directly or through a subsidiary corporation created by the
37 university, in limited partnerships, general partnerships, or joint
38 ventures engaged in the development, manufacture, or marketing of
39 products, technology, scientific information or services and create
40 or form for-profit or not-for-profit corporations to engage in such
41 activities; provided that any such participation shall be consistent
42 with the mission of the university and the board shall have
43 determined that such participation is prudent;

44 (2) the decision to participate in any activity described in
45 paragraph (1) of this subsection, including the creation or formation
46 of for-profit or not-for-profit corporations, shall be articulated in the
47 minutes of the board of trustees meeting in which the action was
48 approved;

- 1 (3) the provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall
2 continue to apply to the university, its employees, and officers;
- 3 (4) nothing herein shall be deemed or construed to create or
4 constitute a debt, liability, or a loan or pledge of the credit or be
5 payable out of property or funds of the State;
- 6 (5) funds directly appropriated to the university from the State
7 or derived from the university's academic programs shall not be
8 utilized by the for-profit or not-for-profit corporations organized
9 and operated pursuant to this subsection in the development,
10 manufacture, or marketing of products, technology or scientific
11 information;
- 12 (6) employees of any joint venture, subsidiary corporation,
13 partnership, or other jural entity entered into or owned wholly or in
14 part by the university shall not be deemed public employees;
- 15 (7) a joint venture, subsidiary corporation, partnership, or other
16 jural entity entered into or owned wholly or in part by the university
17 shall not be deemed an instrumentality of the State of New Jersey;
- 18 (8) income realized by the university as a result of participation
19 in the development, manufacture, or marketing of products,
20 technology, or scientific information may be invested or reinvested
21 pursuant to subsection w. of this section, or any other provision of
22 this act or State or federal law, or retained by the board for use in
23 furtherance of any of the purposes of this act or of other applicable
24 statutes;
- 25 (9) the board shall annually report to the State Treasurer on the
26 operation of all joint ventures, subsidiary corporations,
27 partnerships, or such other jural entities entered into or owned
28 wholly or in part by the university;
- 29 y. sue and be sued in its own name;
- 30 z. retain independent counsel including representation by the
31 Attorney General in accordance with subsection h. of section 6 of
32 P.L.1994, c.48 (C.18A:3B-6);
- 33 aa. (1) procure and enter into contracts for any type of
34 insurance and indemnify against loss or damage to property from
35 any cause, including loss of use and occupancy, against death or
36 injury of any person, against employees' liability, against any act of
37 any member, officer, employee or servant of the university, whether
38 part-time, full-time, compensated or non-compensated in the
39 performance of the duties of his office or employment or any other
40 insurable risk. In addition, the university shall carry its own
41 liability insurance or maintain an actuarially sound program of self
42 insurance. Any joint venture, subsidiary corporation, or partnership
43 or such other jural entity entered into or owned wholly or in part by
44 the university shall carry insurance or maintain reserves in such
45 amounts as are determined by an actuary to be sufficient to meet its
46 actual or accrued claims;
- 47 (2) moneys in the fund known as the Self-Insurance Trust Fund
48 administered by the State Treasurer shall continue to be available to

1 the university solely to indemnify and defend claims against the
2 university and its employees, officers and servants but only to the
3 extent that the university has elected on behalf of itself and its
4 employees to obtain representation from the Attorney General
5 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-
6 6) and such entity or individuals would have been entitled to
7 defense and indemnification pursuant to the "New Jersey Tort
8 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
9 employee but for the provision of subsection z. of this section. Any
10 expenditure of such funds shall be made only in accordance with
11 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
12 seq., including but not limited to the provisions of chapters 10, 10A,
13 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall
14 be construed to authorize the use of the Self-Insurance Trust Fund
15 to indemnify or insure in any way, directly or indirectly the
16 activities of any joint venture, partnership or corporation entered
17 into or created by the university pursuant to subsection x. of this
18 section;

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

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

27 dd. establish a procedure for the confidential, anonymous
28 submission of employee concerns regarding alleged wrongdoing at
29 the university.

30

31 10. (New section) Notwithstanding the provisions of section 43
32 of P.L.2009, c.90 (C.18A:64-85) to the contrary, the university may
33 enter into a public-private partnership agreement in accordance with
34 the provisions of that section.

35

36 11. (New section) a. The university is authorized to be a
37 participating contracting unit in a cooperative pricing system
38 established pursuant to the laws of this State.

39 b. The university may make purchases and contract for services
40 through the use of a nationally-recognized and accepted cooperative
41 purchasing agreement, including a cooperative purchasing
42 agreement in existence as of the effective date of P.L.2016, c.50
43 (C.18A:64-63.1 et al.), in accordance with the provisions of
44 paragraph (3) of subsection b. of section 7 of P.L.1996, c.16
45 (C.52:34-6.2).

46 c. The State Treasurer may promulgate rules and regulations
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
2 of this section.

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

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

33
34 13. (New section) The university shall maintain an Internet
35 website for the board of trustees. The purpose of the website shall
36 be to provide increased public access to board operations and
37 activities. The website shall be updated on a regular basis. The
38 following information shall be posted on the board's website:

39 a. the board's rules, regulations, resolutions, and official policy
40 statements;

41 b. notice, posted at least five business days prior to a meeting
42 of the board or any of its committees, setting forth the time, date,
43 location, and agenda of the meeting;

44 c. the minutes of each meeting of the board and its committees;
45 and

46 d. information on any contract entered into by the board that
47 was not competitively bid and the statutory authority for the
48 contracting process.

1 14. (New section) The board of trustees, in addition to the other
2 powers and duties provided herein, shall be vested with the right of
3 perpetual succession and shall have and exercise all the powers,
4 rights, and privileges that are incident to the proper governance,
5 conduct, and management of the university and the control of its
6 properties and funds and such powers granted to the university or
7 the board or reasonably implied, may be exercised without recourse
8 or reference to any department or agency of the State, except as
9 otherwise provided by this act.

10

11 15. (New section) The board shall appoint and fix the
12 compensation of a president of the university. The president shall
13 be responsible to the board of trustees and shall have such powers
14 as shall be requisite for the executive management and conduct of
15 the university in all departments, branches and divisions, and for the
16 execution and enforcement of bylaws, ordinances, rules,
17 regulations, statutes, and orders governing the management,
18 conduct and administration of the university.

19

20 16. (New section) No trustee or officer of the university shall be
21 personally liable for any debt, obligation, or other liability of the
22 university or incurred by or on behalf of the university or any
23 constituent unit thereof.

24

25 17. (New section) The board of trustees shall advise the
26 Governor and Legislature, in consultation with the Secretary of
27 Higher Education and the President's Council and successor bodies,
28 on the manner in which the facilities and services of the university
29 may be utilized so as to increase the efficiency of the public
30 education system and provide, maintain, and improve upon the
31 quality of higher education for the people of the State. The board of
32 trustees shall make recommendations to the Governor and the
33 Legislature respecting the needs for the facilities and services of the
34 university as an educational instrumentality of the State for that
35 purpose.

36

37 18. (New section) Subject to the provisions of P.L.1969, c.242
38 (C.18A:66-167 et seq.) and except as otherwise provided by law,
39 the university shall be deemed to be an employer for the purposes
40 of the "Public Employees' Retirement System Act," P.L.1954, c.84
41 (C.43:15A-1 et seq.), and shall also be deemed to be a "public
42 agency or organization" within the meaning of section 71 of
43 P.L.1954, c.84 (C.43:15A-71). The university's commissioned
44 police officers shall be eligible for participation in and subject to
45 the provisions of the "Police and Firemen's Retirement Systems
46 Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall
47 be deemed an employer within the meaning of P.L.1944, c.255
48 (C.43:16A-1 et seq.).

1 19. (New section) Nothing herein contained shall be construed
2 to impair, annul or affect any vested rights, grants, privileges,
3 exemptions, immunities, powers, prerogatives, franchises, or
4 advantages heretofore obtained or enjoyed by the university or any
5 constituent unit thereof, under any authority or any act of this State
6 or under any grant, deed, conveyance, transfer, lease, estate,
7 remainder, expectancy, trust, gift, donation, legacy, devise,
8 endowment or fund, all of which are hereby ratified and confirmed
9 except insofar as the same may have expired, be or have been
10 repealed or altered, or may be inconsistent with this act or with
11 existing provisions of law; subject however, thereto and to all of the
12 rights, obligations, relations, conditions, terms, trust, duties, and
13 liabilities to which the same are subject.

14

15 20. (New section) The enactment and adoption of this act shall
16 not, of itself, affect the official, operational, or organizational status
17 of any officer of the university or any and all outstanding
18 authorizations of any officer, agent, or employee to take specified
19 action, or any and all outstanding commitments or undertakings of
20 or by the university, except and only to the extent that any of the
21 same may be inconsistent with this act.

22

23 21. (New section) Upon the establishment of the body corporate
24 and politic known as Kean University:

25 a. all appropriations, grants, debt service, research funds, and
26 other monies available to Kean University prior to the effective date
27 of this act and to become available shall be transferred to the
28 university by the Director of the Division of Budget and Accounting
29 in the Department of the Treasury and shall be available for the
30 objects and purposes for which appropriated, subject to any terms,
31 restrictions, limitations or other requirements imposed by the State
32 budget;

33 b. all other grants, gifts, other moneys and property available to
34 Kean University prior to the effective date of this act and to become
35 available to or for Kean University shall be transferred to the
36 university and shall be available for the objects and purposes of the
37 university, subject to any terms, restrictions, limitations or other
38 requirements imposed by State and federal law or otherwise;

39 c. all employees of Kean University prior to the effective date
40 of this act shall become employees of the university. Nothing in
41 this act shall be construed so as to deprive any person of any right
42 of tenure or under any retirement system or to any pension,
43 disability, social security or similar benefit, to which the person is
44 entitled by law or contractually. All persons employed at Kean
45 University shall continue to be represented by the majority
46 representative that represented them on the effective date of this act,
47 shall continue to be represented by the executive branch Statewide
48 collective negotiations units they were in on the effective date of

1 this act, and shall continue to be covered by the collective
2 negotiations agreements that were in effect on the effective date of
3 this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1),
4 the Governor shall continue to function as the public employer
5 under the "New Jersey Employer-Employee Relations Act,"
6 P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at Kean
7 University. The executive branch Statewide collective negotiations
8 units referenced in this section are the units specified in subsection
9 b. of section 1 of P.L.2005, c.142 (C.34:13A-5.10). The employees
10 of Kean University employed on the effective date of this act shall
11 not be considered new employees for any purpose and shall retain
12 any accrued seniority, rank, and tenure, which shall be applied
13 when determining eligibility for all benefits, including all paid
14 leave time, longevity increases, promotions and health benefits.
15 Nothing in this act shall be construed to deprive any person
16 employed at Kean University of any tenure rights or to in any
17 manner affect the tenure, rank, or academic track of any employees
18 holding a faculty position. Such tenure, rank and academic track
19 shall continue to be through Kean University and shall be held or
20 granted pursuant to the authority of the board of trustees of Kean
21 University for all current and future employees employed at Kean
22 University. Nothing in this act shall be construed to deprive any
23 officers or employees employed at Kean University of their rights,
24 privileges, obligations or status under any pension, retirement,
25 health benefits system, civil service law or any other law of this
26 State;

27 d. all files, papers, records, equipment and other personal
28 property of Kean University shall be transferred to the university;
29 and

30 e. all orders, rules or regulations theretofore made or
31 promulgated by Kean University shall continue in full force and
32 effect as the orders, rules and regulations of the university until
33 amended or repealed by the university.

34

35 22. (New section) This act shall not affect actions or
36 proceedings, civil or criminal, brought by or against Kean
37 University, but such actions or proceedings may be prosecuted or
38 defended in the same manner and to the same effect by the
39 university as if the foregoing provisions had not taken effect; nor
40 shall any of the foregoing provisions affect any order or regulation
41 made by, or other matters or proceedings before, Kean University,
42 and all such matters or proceedings pending before Kean University
43 on the effective date of this act shall be continued by the university,
44 as if the foregoing provisions had not taken effect.

45

46 23. (New section) Whenever in any law, rule, regulation,
47 contract, document, judicial or administrative proceeding or
48 otherwise, reference is made to Kean University, the same shall

1 mean and refer to Kean University, herein referred to as
2 "university," established as a public urban research university
3 pursuant to the provisions of this act.
4

5 24. (New section) The general powers of supervision and
6 control of the Secretary of Higher Education at the request of the
7 Governor over Kean University include the power to visit the
8 university to examine into its manner of conducting its affairs and
9 to enforce an observance of its laws and regulations and the laws of
10 the State.
11

12 25. (New section) Notwithstanding any of the provisions of the
13 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to
14 the contrary, contract claims and suits against the university shall be
15 governed by that act.
16

17 26. (New section) Every contract or agreement negotiated,
18 awarded or made pursuant to this act shall contain a suitable
19 warranty by the contractor that no person or selling agency has been
20 employed or retained to solicit or secure such contract upon an
21 agreement or understanding for a commission, percentage,
22 brokerage or contingent fee, except bona fide employees or bona
23 fide established commercial or selling agencies maintained by the
24 contractor for the purpose of securing business, for the breach or
25 violation of which warranty the university shall have the right to
26 annul such contract without liability or in its discretion to deduct
27 from the contract price or consideration the full amount of such
28 commission, percentage, brokerage or contingent fee.
29

30 27. (New section) Any person willfully authorizing, consenting
31 to, making or procuring to be made payment of university funds for
32 or on account of any purchase, contract or agreement known to the
33 person to have been made or entered into in violation of any of the
34 provisions of this act shall be guilty of a misdemeanor.
35

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

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

5
6 30. (New section) No provision of this act shall be deemed or
7 construed to create or constitute a debt, liability, or a loan or pledge
8 of the credit, of the State of New Jersey.

9
10 31. (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 32. (New section) In accordance with the provisions of section
18 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to
19 the Department of State for the purposes of complying with the
20 provisions of Article V, Section IV, paragraph 1 of the New Jersey
21 Constitution. Notwithstanding this allocation, the university shall
22 be independent of any supervision or control of the Department of
23 State or any board, commission, or officer thereof and the allocation
24 shall not in any way affect the principles of institutional autonomy
25 established by that act and as otherwise enumerated herein.

26
27 33. (New section) Nothing in P.L. , c. (C.) (pending
28 before the Legislature as this bill) shall be construed to modify or
29 contravene the rights and obligations of employers or employees
30 under the "New Jersey Employer-Employee Relations Act,"
31 P.L.1941, c.100 (C.34:13A-1 et seq.).

32
33 34. N.J.S.11A:6-6 is amended to read as follows:

34 11A:6-6. State administrative leave. Administrative leave for
35 personal reasons including religious observances for full-time State
36 employees or those employees of Rutgers, The State University,
37 New Jersey Institute of Technology, Rowan University, **[and]**
38 Montclair State University , and Kean University who perform
39 services similar to those performed by employees of the New Jersey
40 State colleges who are in the career service shall be three working
41 days per calendar year. Administrative leave shall not be
42 cumulative and any administrative leave unused by an employee at
43 the end of any year shall be cancelled.

44 (cf: P.L.2017, c.178, s.34)

45
46 35. N.J.S.11A:6-17 is amended to read as follows:

47 11A:6-17. Supplemental compensation; employees of Rutgers,
48 The State University, New Jersey Institute of Technology, Rowan

1 University, **[and]** Montclair State University , and Kean University.
2 The supplemental compensation provided under this chapter shall
3 also be paid to each employee of Rutgers, The State University,
4 New Jersey Institute of Technology, Rowan University, **[and]**
5 Montclair State University , and Kean University who performs
6 services similar to those performed by employees of the New Jersey
7 State colleges who are in the career service or who have been
8 granted sick leave under terms and conditions similar to career
9 service employees, including those employees of Rutgers, The State
10 University who are members of the Newark Employees' Retirement
11 System.

12 (cf: P.L.2017, c.178, s.35)

13

14 36. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to
15 read as follows:

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

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

20 "Commission" means the New Jersey Commission on Higher
21 Education established by this act;

22 "Council" means the New Jersey Presidents' Council established
23 by this act;

24 "Council of County Colleges" means the New Jersey Council of
25 County Colleges established pursuant to N.J.S.18A:64A-26;

26 "County college" means an educational institution established by
27 one or more counties, pursuant to chapter 64A of Title 18A of the
28 New Jersey Statutes;

29 "Educational research and services corporation" means a
30 nonprofit corporation whose voting members are public research
31 universities, State colleges, county colleges, public institutions of
32 higher education primarily located in the State of New Jersey, and
33 nonprofit independent institutions of higher education that receive
34 direct State aid;

35 "Programmatic Mission" means all program offerings consistent
36 within those levels of academic degrees or certificates that the
37 institution has been authorized to grant by the State Board of
38 Higher Education prior to the effective date of this act or approved
39 thereafter by the commission;

40 "Public Research University" means Rutgers, The State
41 University of New Jersey, Rowan University, the New Jersey
42 Institute of Technology, **[and]** Montclair State University , and
43 Kean University;

44 "State college" means any of the State colleges or universities
45 established pursuant to chapter 64 of Title 18A of the New Jersey
46 Statutes including any State college designated as a teaching
47 university.

48 (cf: P.L.2017, c.178, s.36)

1 37. Section 6 of P.L.1994, c.48 (C.18A:3B-6) is amended to
2 read as follows:

3 6. The governing board of each public institution of higher
4 education shall have the following general powers and duties to
5 fulfill its mission and the Statewide goals in cooperation with other
6 institutions and the State coordinating structures:

7 a. To develop an institutional plan and to determine the
8 programs and degree levels to be offered by the institution
9 consistent with this plan and the institution's programmatic mission;

10 b. To have authority over all matters concerning the
11 supervision and operations of the institution including fiscal affairs,
12 the employment and compensation of staff not classified under Title
13 11A of the New Jersey Statutes, and capital improvements in
14 accordance with law;

15 c. To set tuition and fees; however, prior to the date of the
16 adoption of a tuition or fee schedule or an overall institutional
17 budget, and with reasonable notice thereof, the governing board
18 shall conduct a public hearing at such times and places as will
19 provide those members of the college community who wish to
20 testify with an opportunity to be heard;

21 d. To establish admission standards and requirements and
22 standards for granting diplomas, certificates and degrees;

23 e. To recommend for appointment by the Governor, members
24 to the institution's governing board. The recommendation shall be
25 made with regard to the mission of the institution and the diversity
26 of the community to be served;

27 f. To have final authority to determine controversies and
28 disputes concerning tenure, personnel matters of employees not
29 classified under Title 11A of the New Jersey Statutes, and other
30 issues arising under Title 18A of the New Jersey Statutes involving
31 higher education except as otherwise provided herein. Any matter
32 arising under this subsection may be assigned to an administrative
33 law judge, an independent hearing officer or to a subcommittee of
34 the governing board for hearing and initial decision by the board,
35 except for tenure hearings under N.J.S.18A:6-18. Any hearings
36 conducted pursuant to this section shall conform to the requirements
37 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
38 1 et seq.). The final administrative decision of a governing board of
39 a public institution of higher education is appealable to the Superior
40 Court, Appellate Division;

41 g. To invest and reinvest the funds of the institution; however,
42 institutions which invest the funds of the institution through the
43 Director of the Division of Investment in the Department of the
44 Treasury on or before the effective date of this act shall continue to
45 do so, unless this requirement is waived by the State Treasurer on
46 an annual basis, which waiver shall not be unreasonably withheld;

47 h. To retain legal counsel of the institution's choosing. State
48 entities may choose representation by the Attorney General;

1 however, as to claims of a tortious nature, the institution shall elect
2 within 75 days of the effective date of this act whether it, and its
3 employees, shall be represented in all such matters by the Attorney
4 General. If the institution elects not to be represented by the
5 Attorney General, it shall be considered and its employees
6 considered employees of a sue and be sued entity for the purposes
7 of the "New Jersey Tort Claims Act" only. The institution shall be
8 required in that circumstance to provide its employees with defense
9 and indemnification consistent with the terms and conditions of the
10 Tort Claims Act in lieu of the defense and indemnification that such
11 employees would otherwise seek and be entitled to from the
12 Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972,
13 c.48 (C.59:10A-1 et seq.);

14 i. To be accountable to the public for fulfillment of the
15 institution's mission and Statewide goals and for effective
16 management of the institution;

17 j. To submit a request for State support to the Division of
18 Budget and Accounting in the Department of the Treasury and to
19 the commission in accordance with the provisions of this act;

20 k. To have prepared and made available to the public an annual
21 financial statement, and a statement setting forth generally the
22 moneys expended for government relations, public relations and
23 legal costs;

24 l. To have prepared an annual independent financial audit,
25 which audit and any management letters regarding that audit shall
26 be deemed public documents.

27 These powers and duties are in addition to and not a limitation of
28 the specific powers and duties provided for the governing board of
29 each public institution under chapter 64, 64A, 64G, 64E, or 64M of
30 Title 18A of the New Jersey Statutes, **【or】** P.L.2017, c.178
31 (C.18A:64N-1 et al.) , or P.L. , c. (C.) (pending before the
32 Legislature as this bill). If the provisions of this section are
33 inconsistent with these specific powers and duties, the specific
34 powers and duties shall govern.

35 (cf: P.L.2017, c.178, s.37)

36

37 38. Section 12 of P.L.1994, C.48 (C.18A:3B-12) is amended to
38 read as follows:

39 12. a. There shall be established an executive board which
40 performs such duties as determined by the council. The executive
41 board shall be composed of **【16】 17** members as follows:

42 The president of Rutgers, The State University;

43 The president of New Jersey Institute of Technology;

44 The president of Rowan University;

45 The president of Montclair State University;

46 The president of Kean University;

47 Three presidents of State Colleges who shall be selected by the
48 presidents of this sector;

1 Five presidents of county colleges who shall be selected by the
2 presidents of this sector;

3 Three presidents of independent institutions who shall be
4 selected by the presidents of this sector;

5 One president of the proprietary schools which have been
6 authorized to offer licensed degree programs who shall be selected
7 by the presidents of these proprietary schools.

8 b. The chair of the executive board shall be rotated among the
9 following: one of the presidents of Rutgers, The State University of
10 New Jersey, the president of Rowan University, the president of
11 New Jersey Institute of Technology, **[and]** the president of
12 Montclair State University , and the president of Kean University; a
13 president selected by the presidents of the State Colleges; a
14 president selected by the presidents of the county colleges; and a
15 president selected by the presidents of the independent institutions.
16 The chair of the executive board shall serve for a two-year period.
17 Biennially, the executive board shall select the chair in the manner
18 provided above, but not necessarily in the order provided above.

19 c. The chair of the executive board shall also serve as the chair
20 of the council.

21 (cf: P.L.2017, c.178, s.38)

22

23 39. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to
24 read as follows:

25 1. As used in this act:

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

29 "Public research university" means Rutgers, The State University
30 of New Jersey, Rowan University, the New Jersey Institute of
31 Technology, **[and]** Montclair State University , and Kean
32 University;

33 "State college" means the State colleges or universities
34 established pursuant to chapter 64 of Title 18A of the New Jersey
35 Statutes.

36 (cf: P.L.2017, c.178, s.39)

37

38 ¹**[**40. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to
39 read as follows:

40 1. There is established a body corporate and politic, with
41 corporate succession, to be known as the New Jersey Association of
42 State Colleges and Universities. New Jersey City University,
43 **[Kean University,]** Ramapo College of New Jersey, Richard
44 Stockton College of New Jersey, Thomas Edison State College, The
45 College of New Jersey and The William Paterson University of
46 New Jersey shall constitute the membership of the association.

47 (cf: P.L.2017, c.178, s.40)**]**¹

1 ¹【41. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to
2 read as follows:

3 2. The association shall consist of **【seven】** six voting members
4 to be appointed as follows: one member from each member
5 institution's boards of trustees, appointed by the members thereof.
6 In addition the presidents of the member institutions shall serve as
7 ex officio, nonvoting members.

8 Members shall serve without compensation but shall be entitled
9 to be reimbursed for all reasonable and necessary expenses.
10 (cf: P.L.2017, c.178, s.41)】¹

11

12 ¹【42.】 40.¹ Section 1 of P.L.2018, c.111 (C.18A:64-94) is
13 amended to read as follows:

14 1. The Legislature finds and declares that:

15 a. The people of New Jersey need accurate, relevant, timely,
16 and trustworthy news and information to be civically engaged,
17 make informed voting decisions, and work toward common
18 solutions in their communities.

19 b. News media operations in the State have endured major
20 cutbacks in recent years, resulting in less coverage of important
21 State matters. These cutbacks not only hurt the news media's
22 financial health, but also harm communities by reducing the news
23 and civic information to which residents have access.

24 c. This situation has resulted in the need to authorize the
25 establishment of, and to fund, the New Jersey Civic Information
26 Consortium (consortium), a consortium of **【five】** six State public
27 universities, to advance research and innovation in the field of
28 media and technology to better inform the State's communities to
29 benefit the State's civic life and evolving information needs.

30 d. By leveraging the resources, knowledge, and expertise of the
31 State's public universities through a partnership with The College of
32 New Jersey, Kean University, Montclair State University, the New
33 Jersey Institute of Technology, Rowan University, and Rutgers, The
34 State University, the consortium could bolster public-interest
35 journalism, civic information, and media innovation.

36 e. The consortium would provide grants that support news and
37 information that benefit the State's civic life and meet the evolving
38 information needs of New Jersey's underserved communities.

39 f. Investments from the consortium, supporting the State's
40 academia, media, innovation, and community service sectors, could
41 advance these goals while ensuring financial sustainability,
42 accountability, and lasting public faith in both the consortium and
43 the work it supports.

44 g. It is therefore necessary and in the public interest to
45 establish the consortium and provide a funding source for the
46 awarding of grants to organizations working to meet these goals.

47 (cf: P.L.2018, c.111, s.1)

1 ¹**[43.]** 41.¹ Section 2 of P.L.2018, c.111 (C.18A:64-95) is
2 amended to read as follows:

3 2. As used in P.L.2018, c.111 (C.18A:64-94 et seq.):

4 "Board of directors" or "board" means the board of directors of
5 the New Jersey Civic Information Consortium established pursuant
6 to section 3 of P.L.2018, c.111 (C.18A:64-96).

7 "Consortium" means the New Jersey Civic Information
8 Consortium established pursuant to section 3 of P.L.2018, c.111
9 (C.18A:64-96).

10 "In-kind contribution" means a contribution of goods or services,
11 other than a cash grant.

12 "Local community organization" means a locally-based
13 organization serving a community of people having shared interests
14 that is incorporated, organized, and operated in such a manner as to
15 qualify as a nonprofit corporation described in section 501(c)(3) of
16 the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3).

17 "Member university" means The College of New Jersey, Kean
18 University, Montclair State University, the New Jersey Institute of
19 Technology, Rowan University, and Rutgers, The State University.
20 (cf: P.L.2018, c.111, s.2)

21

22 ¹**[44.]** 42.¹ Section 3 of P.L.2018, c.111 (C.18A:64-96) is
23 amended to read as follows:

24 3. a. There is established the New Jersey Civic Information
25 Consortium which shall consist of the following member
26 universities: The College of New Jersey; Kean University,
27 Montclair State University; the New Jersey Institute of Technology;
28 Rowan University; and Rutgers, The State University. The purpose
29 of the consortium shall be to advance research and innovation in the
30 field of media and technology to benefit the State's civic life and
31 evolving information needs.

32 b. The consortium shall be established as a nonprofit
33 corporation that is an educational and charitable corporation validly
34 existing and in good standing under the "New Jersey Nonprofit
35 Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1 et seq.), is
36 incorporated, organized, and operated in such a manner as to
37 qualify as a nonprofit corporation described in section 501(c)(3) of
38 the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3), and
39 structured as a supporting organization to its member universities in
40 a manner that the Internal Revenue Service would deem the
41 consortium to be a public charity, and shall be subject to all
42 applicable State laws governing nonprofit corporations. The
43 consortium shall be accountable and subject to the same federal
44 Internal Revenue Code disclosure requirements of any nonprofit
45 organization pursuant to 26 U.S.C. s.6033, such as making public
46 its Internal Revenue Service Form 990 and filing a copy of that
47 form and a copy of its annual financial report and audited financial

1 reports with the Attorney General.

2 (cf: P.L.2018, c.111, s.3)

3

4 ¹~~45.~~ 43.¹ Section 4 of P.L.2018, c.111 (C.18A:64-97) is
5 amended to read as follows:

6 4. a. The consortium shall have a board of directors that shall
7 set strategic priorities and metrics to guide the consortium's grant-
8 making and other initiatives, as well as to approve grants pursuant
9 to section 7 of P.L.2018, c.111 (C.18A:64-100).

10 b. The board of directors shall consist of ~~15~~ 16 members as
11 follows:

12 (1) two members appointed by the Governor who shall not be of
13 the same political party;

14 (2) one member appointed by the President of the Senate, and
15 one member appointed by the Minority Leader of the Senate;

16 (3) one member appointed by the Speaker of the General
17 Assembly, and one member appointed by the Minority Leader of
18 the General Assembly;

19 (4) ~~five~~ six members, no more than ~~three~~ four of whom
20 shall be of the same political party, appointed by the president of
21 each member university, each of whom shall have background or
22 experience in the field of journalism, media, or technology; and

23 (5) four members, no more than two of whom shall be of the
24 same political party, appointed by a majority vote of the ~~eleven~~
25 12 board members appointed pursuant to paragraphs (1) through (4)
26 of this subsection, of which: (a) one member shall represent the
27 media sector; (b) one member shall represent the technology sector;
28 and (c) two members, not employed by the State or a member
29 university at the time of the member's appointment, shall have
30 demonstrated a record of commitment to public service and
31 understand the importance of media and technology to the State's
32 future.

33 c. Each board member shall serve a term of four years, except
34 that the member representing the New Jersey media sector shall
35 serve an initial term of one year and the member representing the
36 New Jersey technology sector shall serve an initial term of two
37 years. No board member shall serve more than two four-year terms.
38 In the appointment of members to the board, every effort shall be
39 made to strive for diversity and balance of representation according
40 to gender, race, ethnicity, and geography within any limits allowed
41 under law. Any vacancies in the appointed membership of the
42 board occurring other than by expiration of term shall be filled in
43 the same manner as the original appointment, but for the unexpired
44 term only. Board members shall serve without compensation but
45 may be reimbursed for necessary expenses incurred in the
46 performance of their duties within the limits of funds available to
47 the board.

48 (cf: P.L.2018, c.111, s.4)

1 ¹[46.] 44.¹ Section 2 of P.L.1985, c.103 (C.18A:64J-2) is
2 amended to read as follows:

3 2. For the purposes of this act:

4 a. "Advanced technology center" means one or more
5 outstanding programs or departments at New Jersey's public and
6 private institutions of higher education, which are provided
7 substantial and concentrated financial support to promote their
8 development into national-level bases for innovative technology
9 research.

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

15 c. "Commission" means the Governor's Commission on
16 Science and Technology as created by Executive Order No. 12 of
17 1982 or its successor which is established by the Legislature.

18 d. "Consortium" means a cooperative arrangement between two
19 or more institutions of higher education to pursue a program for
20 strengthening academic programs, improving administration or
21 providing for other special needs.

22 e. "Innovation partnership grants" means matching grants to
23 academic researchers performing applied research in emerging
24 technologies at any of the State's public and private institutions of
25 higher education, which are of strategic importance to the New
26 Jersey economy, under regulations adopted by the commission
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
28 (C.52:14B-1 et seq.).

29 f. "Private institutions of higher education" means independent
30 colleges, universities or institutes incorporated and located in New
31 Jersey, which by virtue of law or character or license are nonprofit
32 educational institutions authorized to grant academic degrees and
33 which provide a level of education which is equivalent to the
34 education provided by the State's public institutions of higher
35 education as attested by the receipt of and continuation of regional
36 accreditation by the Middle States Association of Colleges and
37 Schools, and which are eligible to receive State aid under the
38 provisions of the Constitution of the United States and the
39 Constitution of the State of New Jersey, but does not include any
40 educational institution dedicated primarily to the education or
41 training of ministers, priests, rabbis or other professional persons in
42 the field of religion.

43 g. "Public institutions of higher education" means Rutgers, The
44 State University, the State colleges, the New Jersey Institute of
45 Technology, Rowan University, Montclair State University, Kean
46 University, the county colleges and any other public university or
47 college now or hereafter established or authorized by law.

1 h. "Technology extension services" means programs that not
2 only accelerate the application and transfer of technological
3 innovations by the State's public and private institutions of higher
4 education to existing industry, but also adapt these innovations to
5 the requirements of individual business operations.

6 (cf: P.L.2017, c.178, s.44)

7
8 ¹[47.] 45.¹ Section 2 of P.L.1985, c.104 (C.18A:64J-9) is
9 amended to read as follows:

10 2. For the purposes of this act:

11 a. "Advanced technology center" means one or more
12 outstanding programs or departments at New Jersey's public and
13 private institutions of higher education, which are provided
14 substantial and concentrated financial support to promote their
15 development into national-level bases for innovative technology
16 research.

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

22 c. "Commission" means the Governor's Commission on
23 Science and Technology as created by Executive Order No. 12 of
24 1982 or its successor which is established by the Legislature.

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

32 e. "Private institutions of higher education" means independent
33 colleges or universities incorporated and located in New Jersey,
34 which by virtue of law or character or license are nonprofit
35 educational institutions authorized to grant academic degrees and
36 which provide a level of education which is equivalent to the
37 education provided by the State's public institutions of higher
38 education as attested by the receipt of and continuation of regional
39 accreditation by the Middle States Association of Colleges and
40 Schools, and which are eligible to receive State aid under the
41 provisions of the Constitution of the United States and the
42 Constitution of the State of New Jersey, but does not include any
43 educational institution dedicated primarily to the education or
44 training of ministers, priests, rabbis or other professional persons in
45 the field of religion.

46 f. "Public institutions of higher education" means Rutgers, The
47 State University, the State colleges, the New Jersey Institute of
48 Technology, Rowan University, Montclair State University, Kean

1 University, the county colleges and any other public university or
2 college now or hereafter established or authorized by law.

3 g. "Technology extension services" means programs that not
4 only accelerate the application and transfer of technological
5 innovations by the State's public and private universities to existing
6 industry, but also adapt these innovations to the requirements of
7 individual business operations.

8 (cf: P.L.2017, c.178, s.45)

9

10 ¹[48.] 46.¹ Section 2 of P.L.1985, c.105 (C.18A:64J-16) is
11 amended to read as follows:

12 2. For the purposes of this act:

13 a. "Advanced technology center" means one or more
14 outstanding programs or departments at New Jersey's public and
15 private institutions of higher education, which are provided
16 substantial and concentrated financial support to promote their
17 development into national-level bases for innovative technology
18 research.

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

24 c. "Commission" means the Governor's Commission on
25 Science and Technology as created by Executive Order No. 12 of
26 1982 or its successor which is established by the Legislature.

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

34 e. "Private institutions of higher education" means independent
35 colleges or universities incorporated and located in New Jersey,
36 which by virtue of law or character or license are nonprofit
37 educational institutions authorized to grant academic degrees and
38 which provide a level of education which is equivalent to the
39 education provided by the State's public institutions of higher
40 education as attested by the receipt of and continuation of regional
41 accreditation by the Middle States Association of Colleges and
42 Schools, and which are eligible to receive State aid under the
43 provisions of the Constitution of the United States and the
44 Constitution of the State of New Jersey, but does not include any
45 educational institution dedicated primarily to the education or
46 training of ministers, priests, rabbis or other professional persons in
47 the field of religion.

1 f. "Public institutions of higher education" means Rutgers, The
2 State University, the State colleges, the New Jersey Institute of
3 Technology, Rowan University, Montclair State University, Kean
4 University, the county colleges and any other public university or
5 college now or hereafter established or authorized by law.

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

11 (cf: P.L.2017, c.178, s.46)

12
13 ¹**[49.] 47.**¹ Section 2 of P.L.1985, c.106 (C.18A:64J-23) is
14 amended to read as follows:

15 2. For the purposes of this act:

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

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

27 c. "Commission" means the Governor's Commission on
28 Science and Technology as created by Executive Order No. 12 of
29 1982 or its successor which is established by the Legislature.

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

37 e. "Private institutions of higher education" means independent
38 colleges or universities incorporated and located in New Jersey,
39 which by virtue of law or character or license are nonprofit
40 educational institutions authorized to grant academic degrees and
41 which provide a level of education which is equivalent to the
42 education provided by the State's public institutions of higher
43 education as attested by the receipt of and continuation of regional
44 accreditation by the Middle States Association of Colleges and
45 Schools, and which are eligible to receive State aid under the
46 provisions of the Constitution of the United States and the
47 Constitution of the State of New Jersey, but does not include any
48 educational institution dedicated primarily to the education or

1 training of ministers, priests, rabbis or other professional persons in
2 the field of religion.

3 f. "Public institutions of higher education" means Rutgers, The
4 State University, the State colleges, the New Jersey Institute of
5 Technology, Rowan University, Montclair State University, Kean
6 University, the county colleges and any other public university or
7 college now or hereafter established or authorized by law.

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

13 (cf: P.L.2017, c.178, s.47)

14

15 ¹[50.] 48.¹ Section 2 of P.L.1985, c.366 (C.18A:64J-30) is
16 amended to read as follows:

17 2. For the purposes of this act:

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

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

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

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

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

1 of New Jersey, but does not include any educational institution
2 dedicated primarily to the education or training of ministers, priests,
3 rabbis or other professional persons in the field of religion;

4 f. "Public institutions of higher education" means Rutgers, The
5 State University, the State colleges, the New Jersey Institute of
6 Technology, Rowan University, Montclair State University, Kean
7 University, the county colleges and any other public university or
8 college now or hereafter established or authorized by law;

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

14 (cf: P.L.2017, c.178, s.48)

15

16 ¹**[51.]** 49.¹ Section 2 of P.L.1985, c.397 (C.18A:64J-39) 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 New Jersey Commission on
31 Science and Technology as created by P.L.1985, c.102 (C.52:9X-1
32 et seq.);

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 provide a level of education which is equivalent to the education
45 provided by the State's public institutions of higher education as
46 attested by the receipt of and continuation of regional accreditation
47 by the Middle States Association of Colleges and Schools, and
48 which are eligible to receive State aid under the provisions of the

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

5 f. "Public institutions of higher education" means Rutgers, The
6 State University, the State colleges, the New Jersey Institute of
7 Technology, Rowan University, Montclair State University, Kean
8 University, the county colleges and any other public university or
9 college now or hereafter established or authorized by law;

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

15 (cf: P.L.2017, c.178, s.49)

16

17 ¹**[52.]** 50.¹ Section 4 of P.L.2009, c.4 (C.18A:65A-1) is
18 amended to read as follows:

19 4. a. (1) The board of trustees of a public institution of higher
20 education may implement an energy savings improvement program
21 in the manner provided by this section whenever it determines that
22 the savings generated from reduced energy use from the program
23 will be sufficient to cover the cost of the program's energy
24 conservation measures as set forth in an energy savings plan. Under
25 such a program, a board of trustees may enter into an energy
26 savings services contract with an energy services company to
27 implement the program or the board may authorize separate
28 contracts to implement the program. The provisions of:
29 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,
30 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey
31 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of
32 Rutgers, the State University; P.L.2012, c.45 (C.18A:64M-1 et al.),
33 in the case of Rowan University; P.L.2017, c.178 (C.18A:64N-1 et
34 al.), in the case of Montclair State University; P.L. , c. (C.)
35 (pending before the Legislature as this bill), in the case of Kean
36 University; and N.J.S.18A:64A-1 et seq., in the case of the county
37 colleges; shall apply to any contracts awarded pursuant to this
38 section to the extent that the provisions of such law are not
39 inconsistent with any provision of this section.

40 In the case of Rutgers, the State University, references in this
41 section to the board of trustees shall mean the Rutgers board of
42 governors.

43 (2) An educational facility alteration required to properly
44 implement other energy efficiency or energy conservation
45 measures, or both, may be included as part of an energy savings
46 services contract, in which case, notwithstanding any other
47 provision of law, rule, regulation, or order to the contrary, the
48 facility alteration may be undertaken or supervised by the energy

1 services company performing the energy savings services contract
2 if:

3 (a) the total cost of the improvement does not exceed 15 percent
4 of the total cost of the work to be performed under the energy
5 savings services contract; and

6 (b) (i) the improvement is necessary to conform to a law, rule,
7 or regulation, or order, or (ii) an analysis within an approved
8 proposal, or the board of trustees, at the time of the award of the
9 proposal, demonstrates that there is an economic advantage to the
10 board of trustees implementing the improvement as part of the
11 energy savings services contract, and the savings rationale for the
12 improvement is documented and supported by reasonable
13 justification.

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

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

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

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

47 (3) (a) An energy services company may be designated as the
48 general contractor for improvements to be made pursuant to an

1 energy savings plan, provided that the hiring of subcontractors that
2 are required to be classified pursuant to subparagraph (a) of
3 paragraph (2) of this subsection shall be performed in accordance
4 with the procedures and requirements set forth pursuant to the
5 public bidding requirements of the board of trustees. A contract
6 with an energy savings company shall include, but not be limited to:
7 preparation of an energy savings plan; the responsibilities of the
8 parties for project schedules, installations, performance and quality,
9 payment of subcontractors, project completion, commissioning,
10 savings implementation; a requirement that the savings to be
11 achieved by energy conservation measures be verified upon
12 commissioning of the improvements; allocation of State and federal
13 rebates and tax credits; and any other provisions deemed necessary
14 by the parties.

15 (b) All workers performing public works activities for
16 subcontractors awarded contracts by an energy services company
17 pursuant to this section shall be paid prevailing wages in
18 accordance with the "New Jersey Prevailing Wage Act," P.L.1963,
19 c.150 (C.34:11-56.25 et seq.). All subcontractors shall comply with
20 the provisions of "The Public Works Contractor Registration Act,"
21 P.L.1999, c.238 (C.34:11-56.48 et seq.). Only firms appropriately
22 classified as contractors by the Division of Property Management
23 and Construction shall be eligible to be awarded a contract as a
24 subcontractor of an energy services company under this section for
25 performing public works activities pursuant to regulations adopted
26 by the Division of Property Management and Construction.

27 (c) In order to expedite communications with an energy services
28 company and facilitate the implementation of an energy savings
29 improvement program, a board of trustees may designate or appoint
30 an employee of the public institution of higher education with
31 decision-making authority to coordinate with the energy services
32 company and to address issues associated with the implementation
33 of an energy savings improvement program as they arise, provided
34 that any decision requiring a change order shall be made only upon
35 the approval of the board of trustees of the public institution of
36 higher education.

37 (4) A subsidiary or wholly-owned or partially-owned affiliate of
38 the energy services company shall not be an eligible contractor or
39 subcontractor under an energy savings services contract.

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

43 (1) An energy savings improvement program may be financed
44 through a lease-purchase agreement between a board of trustees and
45 an energy services company or other public or private entity. Under
46 a lease-purchase agreement, ownership of the energy savings
47 equipment or improved facilities shall pass to the board of trustees
48 when all lease payments have been made. Notwithstanding the

1 provisions of any other law to the contrary, the duration of such a
2 lease-purchase agreement shall not exceed 15 years, except that the
3 duration of a lease purchase agreement for a combined heat and
4 power or cogeneration project shall not exceed 20 years. For the
5 purposes of this paragraph, the duration of the repayment term of a
6 lease-purchase agreement shall commence on the date upon which
7 construction and installation of the energy savings equipment,
8 "combined heat and power facility" or "cogeneration facility," as
9 those terms are defined pursuant to section 3 of P.L.1999, c.23
10 (C.48:3-51), or other energy conservation measures undertaken
11 pursuant to the energy savings plan, have been completed.

12 (2) Any lease-purchase or other agreement entered into in
13 connection with an energy savings improvement program may be a
14 general obligation of the public institution of higher education
15 pursuant to this subsection, and may contain: a clause making it
16 subject to the availability and appropriation annually of sufficient
17 funds as may be required to meet the extended obligation; and a
18 non-substitution clause maintaining that if the agreement is
19 terminated for non-appropriation, the board of trustees may not
20 replace the leased equipment or facilities with equipment or
21 facilities that perform the same or similar functions.

22 (3) A board of trustees may arrange for incurring energy savings
23 obligations to finance an energy savings improvement program and
24 may enter into any agreement with the New Jersey Educational
25 Facilities Authority or other persons in connection with the issuance
26 by the authority of its obligations on behalf of the public institution
27 of higher education in order to finance the institution's energy
28 savings improvement program. Energy savings obligations may be
29 funded through appropriations for utility services in the annual
30 budget of the board, or incurred as a general obligation of the public
31 institution of higher education in connection with the issuance by
32 the New Jersey Educational Facilities Authority of bonds or notes
33 pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county
34 college, by a sponsoring county as a refunding bond pursuant to
35 N.J.S.40A:2-52 et seq., including the issuance of bond anticipation
36 notes as may be necessary, provided that all such bonds and notes
37 mature within the periods authorized for such energy savings
38 obligations.

39 (4) Lease-purchase agreements and energy savings obligations
40 shall not be used to finance maintenance, guarantees, or verification
41 of guarantees of energy conservation measures. Lease-purchase
42 agreements and energy savings obligations may be used to finance
43 the cost of an energy audit or the cost of verification of energy
44 savings as part of adopting an energy savings plan. Maturity
45 schedules of lease-purchase agreements or energy savings
46 obligations shall not exceed the estimated average useful life of the
47 energy conservation measures.

1 d. (1) The energy audit component of an energy savings
2 improvement program shall be conducted either by the board of
3 trustees or by a qualified third party retained by the board for that
4 purpose. It shall not be conducted by an energy services company
5 subsequently hired to develop an energy savings improvement
6 program. The energy audit shall identify the current energy use of
7 any or all facilities and energy conservation measures that can be
8 implemented in which the energy savings and energy efficiency
9 could be realized and maximized.

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

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

14 (b) describe the energy conservation measures that will
15 comprise the program;

16 (c) estimate greenhouse gas reductions resulting from those
17 energy savings;

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

21 (e) include an assessment of risks involved in the successful
22 implementation of the plan;

23 (f) identify the eligibility for, and costs and revenues associated
24 with the PJM Independent System Operator for demand response
25 and curtailable service activities;

26 (g) include schedules showing calculations of all costs of
27 implementing the proposed energy conservation measures and the
28 projected energy savings;

29 (h) identify maintenance requirements necessary to ensure
30 continued energy savings, and describe how they will be fulfilled;
31 and

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

34 All professionals providing engineering services under the plan
35 shall have errors and omissions insurance.

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

40 (4) Upon adoption, the plan shall be submitted to the Board of
41 Public Utilities, which shall post it on the Internet on a public
42 webpage maintained for such purpose. If the board of trustees
43 maintains its own website, it shall also post the plan on that site.
44 The Board of Public Utilities may require periodic reporting
45 concerning the implementation of the plan.

46 (5) Verification by a qualified third party shall be required when
47 energy conservation measures are placed in service or

1 commissioned, to ensure the savings projected in the energy savings
2 plan shall be achieved.

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

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

13 e. (1) (a) The calculation of energy savings for the purposes
14 of determining that the energy savings resulting from the program
15 will be sufficient to cover the cost of the program's energy
16 conservation measures, as provided in subsection a. of this section,
17 shall involve determination of the dollar amount saved through
18 implementation of an energy savings improvement program using
19 the guidelines of the International Performance Measurement and
20 Verification Protocol or other protocols approved by the Board of
21 Public Utilities and standards adopted by the Board of Public
22 Utilities pursuant to this section. The calculation shall include all
23 applicable State and federal rebates and tax credits, but shall not
24 include the cost of an energy audit and the cost of verifying energy
25 savings. The calculation shall state which party has made
26 application for rebates and credits and how these applications
27 translate into energy savings.

28 (b) During the procurement phase of an energy savings
29 improvement program, an energy services company's proposal
30 submitted in response to a request for proposal shall not include a
31 savings calculation that assumes, includes, or references capital cost
32 avoidance savings, the current or projected value of a "solar
33 renewable energy certificate," as defined pursuant to section 3 of
34 P.L.1999, c.23 (C.48:3-51), or other environmental or similar
35 attributes or benefits of whatever nature that derive from the
36 generation of renewable energy, and any costs or discounts
37 associated with maintenance services, an energy savings guarantee,
38 or third party verification of energy conservation measures and
39 energy savings. The calculation of energy savings shall utilize and
40 specifically reference as a benchmark the actual demand and energy
41 components of the public utility tariff rate applicable to the board of
42 trustees then in effect, and not a blended rate that aggregates,
43 combines, or restates in any manner the distinct demand and energy
44 components of the public utility tariff rate into a single combined or
45 restated tariff rate. If an energy services company submits a
46 proposal to a board of trustees that does not calculate projected
47 energy savings in the manner required by this subsection, such
48 proposal shall be rejected by the board of trustees.

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

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

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

23 (3) When an energy services company is awarded an energy
24 savings services contract to provide or perform goods or services
25 for the purpose of enabling a board of trustees to conserve energy
26 through energy efficiency equipment, including a "combined heat
27 and power facility" as that term is defined pursuant to section 3 of
28 P.L.1999, c.23 (C.48:3-51), on a self-funded basis, such contract
29 shall extend for a term of up to 15 years for energy efficiency
30 projects, and for up to 20 years for a combined heat and power
31 facility after construction completion. If a board of trustees shall
32 elect to contract with an energy services company for an energy
33 savings guarantee in connection with a contract awarded pursuant to
34 this section, such guarantee may extend for a term of up to 15 years
35 for energy efficiency projects, or up to 20 years for a combined heat
36 and power facility after construction completion.

37 g. As used in this section:

38 "direct digital control systems" means the devices and
39 computerized control equipment that contain software and computer
40 interfaces that perform the logic that control a building's heating,
41 ventilating, and air conditioning system. Direct digital controls
42 shall be open protocol format and shall meet the interoperability
43 guidelines established by the American Society of Heating,
44 Refrigerating and Air-Conditioning Engineers;

45 "educational facility" means a structure suitable for use as a
46 dormitory, dining hall, student union, administrative building,
47 academic building, library, laboratory, research facility, classroom,
48 athletic facility, health care facility, teaching hospital, and parking,

1 maintenance, storage or utility facility or energy conservation
2 measures and other structures or facilities related thereto or required
3 or useful for the instruction of students or the conducting of
4 research or the operation of an institution for higher education, and
5 public libraries, and the necessary and usual attendant and related
6 facilities and equipment, but shall not include any facility used or to
7 be used for sectarian instruction or as a place for religious worship;

8 "energy conservation measure" means an improvement that
9 results in reduced energy use, including, but not limited to,
10 installation of energy efficient equipment; demand response
11 equipment; combined heat and power systems; facilities for the
12 production of renewable energy; water conservation measures,
13 fixtures or facilities; building envelope improvements that are part
14 of an energy savings improvement program; and related control
15 systems for each of the foregoing;

16 "energy related capital improvement" means a capital
17 improvement that uses energy but does not result in a reduction of
18 energy use;

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

22 "energy savings" means a measured reduction in fuel, energy,
23 operating or maintenance costs resulting from the implementation
24 of one or more energy conservation measures services when
25 compared with an established baseline of previous fuel, energy,
26 operating or maintenance costs, including, but not limited to, future
27 capital replacement expenditures avoided as a result of equipment
28 installed or services performed as part of an energy savings plan;

29 "energy savings improvement program" means an initiative of a
30 public institution of higher education to implement energy
31 conservation measures in existing facilities, provided that the value
32 of the energy savings resulting from the program will be sufficient
33 to cover the cost of the program's energy conservation measures;

34 "energy savings plan" means the document that describes the
35 actions to be taken to implement the energy savings improvement
36 program;

37 "energy savings services contract" means a contract with an
38 energy savings company to develop an energy savings plan, prepare
39 bid specifications, manage the performance, provision,
40 construction, and installation of energy conservation measures by
41 subcontractors, to offer a guarantee of energy savings derived from
42 the implementation of an energy savings plan, and may include a
43 provision to manage the bidding process;

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

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

1 "water conservation measure" means an alteration to a facility or
2 equipment that reduces water consumption, maximizes the
3 efficiency of water use, or reduces water loss.

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

7 (2) The State Treasurer and the Board of Public Utilities may
8 adopt implementation guidelines or directives, and adopt such
9 administrative rules, pursuant to the "Administrative Procedure
10 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the
11 implementation of those agencies' respective responsibilities under
12 this section, except that notwithstanding any provision of P.L.1968,
13 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and
14 the Board of Public Utilities may adopt, immediately upon filing
15 with the Office of Administrative Law, such rules and regulations
16 as deemed necessary to implement the provisions of this act which
17 shall be effective for a period not to exceed 12 months and shall
18 thereafter be amended, adopted or re-adopted in accordance with
19 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

20 (cf: P.L.2017, c.178, s.50)

21
22 ¹**[53.] 51.** Section 3 of P.L.1969, c.242 (C.18A:66-169) is
23 amended to read as follows:

24 3. As used in this act:

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

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

42 c. "Base annual salary" means the base salary upon which
43 contributions by the member and his employer to the alternate
44 benefit program were based during the last year of creditable
45 service.

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

47 e. (Deleted by amendment, P.L.2012, c.45)

- 1 f. "County colleges" means the colleges so defined in
2 N.J.S.18A:64A-1.
- 3 g. "Division of Pensions" means the division established in the
4 Department of the Treasury pursuant to section 1 of P.L.1955, c.70
5 (C.52:18A-95) and is the agency responsible for the administration
6 of the alternate benefit program of the State and county colleges
7 and for the administration of the group life and disability insurances
8 of all alternate benefit programs established in the State for public
9 employees.
- 10 h. "Full-time officers" and "full-time members of the faculty"
11 shall include the president, vice president, secretary and treasurer of
12 the respective school. "Full-time" shall also include eligible full-
13 time officers and full-time members of the faculty who are granted
14 sabbaticals or leaves of absence with pay where the compensation
15 paid is 50% or more of the base salary at the time the leave
16 commences and the period of eligibility terminates with the end of
17 the school year following the year in which the sabbatical began.
18 "Part-time" shall be defined as an appointment where the employee
19 receives a salary or wages for a period of less than 50% of the
20 normal work week. These definitions shall apply to teaching or
21 administrative staff members or to employees serving in a dual
22 capacity where the appointment includes teaching as well as
23 administrative duties.
- 24 i. "Group Annuity Plan" refers to the Group Annuity Contract
25 R-134 between the Board of Trustees of the New Jersey Institute of
26 Technology and the Prudential Insurance Company of America.
- 27 j. "Member" or "participant" means a full-time officer or a
28 full-time member of the faculty participating in the alternate benefit
29 program, and after the effective date of P.L.2008, c.89, means an
30 adjunct faculty member or a part-time instructor whose employment
31 agreement begins after that effective date.
- 32 k. "New Jersey Institute of Technology" means the Newark
33 College of Engineering.
- 34 l. "Pension reserve" means those moneys as defined in
35 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).
- 36 m. "Rutgers, The State University" means the institution of
37 higher education described in chapter 65 of Title 18A of the New
38 Jersey Statutes.
- 39 n. "State Colleges" means the colleges so described in chapter
40 64 of Title 18A of the New Jersey Statutes and any former State
41 college designated as a public research university pursuant to
42 P.L.2012, c.45 (C.18A:64M-1 et al.) **【and】** , P.L.2017, c.178
43 (C.18A:64N-1 et al.) , and P.L. , c. (C.) (pending before
44 the Legislature as this bill).
- 45 o. "Mutual fund company" means an investment company or
46 trust regulated by the federal "Investment Company Act of 1940,"
47 15 U.S.C.s. 80a-1 et seq.
48 (cf: P.L.2017, c.178, s.51)

1 ¹[54.] 52.¹ Section 4 of P.L.1969, c.242 (C.18A:66-170) is
2 amended to read as follows:

3 4. All full-time officers and all full-time members of the
4 faculty of Rutgers, The State University, the Newark College of
5 Engineering, Rowan University, Montclair State University, Kean
6 University, the State and county colleges and all regularly
7 appointed teaching and administrative staff members in applicable
8 positions, as determined by the Director of the Division of Pensions
9 in the Department of the Treasury, shall be eligible and shall
10 participate in the alternate benefit program, except those persons
11 appointed in a part-time or temporary capacity, physicians and
12 dentists holding employment in positions titled intern, resident or
13 fellow on or after the effective date of this amendatory act, persons
14 compensated on a fee basis, persons temporarily in the United
15 States under an F or J visa and members of the Teachers' Pension
16 and Annuity Fund, the Public Employees' Retirement System, the
17 Police and Firemen's Retirement System or the Group Annuity Plan,
18 who did not elect to transfer to the alternate benefit program in
19 accordance with the provisions of chapter 64C or 65 of Title 18A of
20 the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or
21 P.L.1967, c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181
22 (C.18A:66-154 et seq.). An eligible person who has been enrolled
23 in the alternate benefit program for at least one year pursuant to this
24 section may continue to be enrolled in the program, notwithstanding
25 promotion or transfer to a position within the institution not
26 otherwise eligible for the program.

27 Any person participating in the alternate benefit program shall be
28 ineligible for membership in the Teachers' Pension and Annuity
29 Fund, the Public Employees' Retirement System, the Police and
30 Firemen's Retirement System or the Group Annuity Plan and any
31 person electing to participate in the alternate benefit program shall
32 thereby waive all rights and benefits provided by the Teachers'
33 Pension and Annuity Fund, the Public Employees' Retirement
34 System, the Police and Firemen's Retirement System or the Group
35 Annuity Plan as a member of said fund, system or plan, except as
36 herein and otherwise provided by law or under terms of the Group
37 Annuity Plan.

38 Any person required to participate in the alternate benefit
39 program by reason of employment, who at the time of such
40 employment is a member of the Teachers' Pension and Annuity
41 Fund, shall be permitted to transfer his membership in said fund to
42 the Public Employees' Retirement System, by waiving all rights and
43 benefits which would otherwise be provided by the alternate benefit
44 program. Any such new employee who is a member of the Public
45 Employees' Retirement System will be permitted to continue his
46 membership in that system, by waiving all rights and benefits which
47 would otherwise be provided by the alternate benefit program. Such
48 waivers shall be accomplished by filing forms satisfactory to the

1 Division of Pensions within 30 days of the beginning date of
2 employment.

3 Any person receiving a benefit by reason of his retirement from
4 any retirement or pension system of the State of New Jersey or any
5 political subdivision thereof shall be ineligible to participate in the
6 alternate benefit program.

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

10 The alternate benefit programs established pursuant to this act
11 are deemed to be pension funds or retirement systems for purposes
12 of P.L.1968, c.23 (C.43:3C-1 et seq.).

13 (cf: P.L.2017, c.178. s.52)

14

15 ¹[55.] 53.¹ Section 7 of P.L.1969, c.242 (C.18A:66-173) is
16 amended to read as follows:

17 7. (a) When a member of the Teachers' Pension and Annuity
18 Fund or the Public Employees' Retirement System or the Police and
19 Firemen's Retirement System elects to transfer to an alternate
20 benefit program by filing the proper application form declaring his
21 election to participate in such alternate benefit program, the
22 respective retirement system shall transfer the amount of his
23 accumulated deductions as of the date of transfer to his individual
24 account in the program.

25 (b) There shall also be transferred from the contingent reserve
26 fund or the pension fund of the Teachers' Pension and Annuity Fund
27 or the Public Employees' Retirement System or the Police and
28 Firemen's Retirement System or from the Group Annuity Plan to the
29 individual's account in the alternate benefit program, the pension
30 reserve required as of the date of his transfer to provide a pension
31 for each year of service credited to the account of the member as set
32 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in
33 section 38 or section 48 of P.L.1954, c.84 as such sections have
34 been amended and supplemented as of July 1, 1969 (C.43:15A-38,
35 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241
36 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
37 for each year of service credited under the Group Annuity Plan.
38 Such transfer from the contingent reserve fund or the pension fund
39 of the Teachers' Pension and Annuity Fund or the Public
40 Employees' Retirement System or the Police and Firemen's
41 Retirement System or the Group Annuity Plan shall be made at the
42 time of the member's transfer to the alternate benefit program in the
43 case of any such member who has then met the eligibility
44 requirements for a pension under the aforementioned N.J.S.18A:66-
45 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,
46 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241
47 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
48 the Group Annuity Plan. In the case of any member who elects to

1 participate in the alternate benefit program who has not then met
2 the eligibility requirements for a pension under N.J.S.18A:66-36 or
3 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,
4 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241
5 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
6 under the Group Annuity Plan, the transfer from the contingent
7 reserve fund or the pension fund of the Teachers' Pension and
8 Annuity Fund or the Public Employees' Retirement System or the
9 Police and Firemen's Retirement System or the Group Annuity Plan
10 shall be effected at the time such requirements have been met,
11 taking into account for the purpose of such eligibility requirement
12 his years of membership service at the time of his election and his
13 subsequent years of service as a full-time member of the faculty of
14 Rutgers, The State University, the New Jersey Institute of
15 Technology, Rowan University, Montclair State University, Kean
16 University, or the State or county colleges or as an eligible
17 employee of the Department of Higher Education, or at the time he
18 shall have 10 years of credit for New Jersey service and becomes
19 physically incapacitated for the performance of duty if he had been
20 a member of the Teachers' Pension and Annuity Fund or the Public
21 Employees' Retirement System or the Police and Firemen's
22 Retirement System as of the date of transfer.

23 The annuity to be used in determining the amount of pension is
24 the actuarial equivalent of the member's accumulated deductions
25 transferred from the Teachers' Pension and Annuity Fund or the
26 Public Employees' Retirement System or the Police and Firemen's
27 Retirement System to the date the member attains 60 years of age, if
28 subsequent to the date of election. The amount of pension is that
29 established by formula within N.J.S.18A:66-44 or section 48 of
30 P.L.1954, c.84 as such sections have been amended and
31 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of
32 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and
33 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84
34 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)
35 enacted subsequent to this act or the Group Annuity Plan shall have
36 no application to the provisions of this act.

37 In the event that the eligibility requirement under N.J.S.18A:66-
38 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section
39 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity
40 Plan is changed at some future date to permit members to become
41 eligible for such benefit prior to the completion of 15 years of
42 service, the transfer of the reserve from the contingent reserve fund
43 or the pension fund of the Teachers' Pension and Annuity Fund or
44 the Public Employees' Retirement System or the Police and
45 Firemen's Retirement System or from the Group Annuity Plan shall
46 be effective as of the date the member who had elected the alternate
47 benefit program meets the amended eligibility requirement or the
48 effective date of the amendment, whichever is later.

1 In the event an option is available with respect to the distribution
2 of employee and employer contributions between fixed and variable
3 annuities under the alternate benefit program, the employee shall
4 have the right to determine the percentage distribution of these
5 funds subject to any limitations imposed by the designated insurer
6 or insurers.

7 (c) No transfer of pension reserves shall be made pursuant to
8 this section where more than two consecutive years elapse in which
9 no employer contributions to an alternate benefit program are
10 required.

11 (cf: P.L.2017, c.178, s.53)

12
13 ¹**[56.] 54.**¹ Section 8 of P.L.1969, c.242 (C.18A:66-174) is
14 amended to read as follows:

15 8. (a) Rutgers, The State University and the New Jersey
16 Institute of Technology shall reduce the compensation of each
17 participant in the alternate benefit program and pay over to the
18 insurers or mutual fund companies for the benefit of the participant
19 an employee contribution for the retirement annuity contract or
20 contracts equal to 5% of the participant's base salary. The intervals
21 for deductions or reductions and payments shall be determined by
22 the respective school governing bodies.

23 The Division of Pensions and Benefits shall provide for
24 reductions from the compensation of each participant in the
25 alternate benefit program employed by the State and county
26 colleges of an employee contribution equal to 5% of the
27 participant's base salary and pay this amount to the insurers or
28 mutual fund companies for the individual's retirement annuity
29 contract or contracts. The intervals for deductions or reductions and
30 payments shall be determined by the Division of Pensions and
31 Benefits.

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

35 (b) Based on a certification to the Division of Pensions and
36 Benefits by Rutgers, The State University, the New Jersey Institute
37 of Technology, Rowan University, **[and]** Montclair State
38 University, and Kean University of the number and base salary of
39 participants, the division shall authorize the State to make payment
40 of the employer contributions to the alternate benefit program at a
41 rate equal to 8% of the employee's base salary, except the amount of
42 the contribution shall not exceed 8% of the maximum salary for
43 department officers established pursuant to section 1 of P.L.1974,
44 c.55 (C.52:14-15.107), which moneys shall be paid to the
45 designated insurers or mutual fund companies for the benefit of
46 each participant.

47 Based on a certification by the Division of Pensions and Benefits
48 of the number and base salary of participants employed by the State

1 and county colleges, the State shall make payment of the employer
2 contributions to the alternate benefit program at a rate equal to 8%
3 of the employee's base salary, except the amount of the contribution
4 shall not exceed 8% of the maximum salary for department officers
5 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-
6 15.107), which moneys shall be paid to the designated insurers or
7 mutual fund companies for the benefit of each participant.

8 (c) For the member of the Public Employees' Retirement System
9 employed by the county colleges, who is defined in the regulations
10 of the Division of Pensions and Benefits as a full-time faculty
11 member and who is permitted to transfer his membership and does
12 so, the State shall pay the employer contribution to the alternate
13 benefit program at a rate equal to 8% of the member's base salary,
14 except the amount of the contribution shall not exceed 8% of the
15 maximum salary for department officers established pursuant to
16 section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member
17 continues membership in the Public Employees' Retirement System,
18 the State shall pay the employer contribution to the retirement
19 system on his behalf and such employer contribution shall be at a
20 rate equal to the normal contribution made by the State on behalf of
21 nonveteran members of the Public Employees' Retirement System.

22 (d) For any nonacademic employee of a county college, as
23 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is
24 eligible for the program according to the regulations of the Director
25 of the Division of Pensions and Benefits, the county college shall
26 pay the employer contribution to the retirement system on the
27 employee's behalf in the same manner as the State, pursuant to this
28 section.

29 (cf: P.L.2017, c.178, s.54)

30

31 ¹**[57.] 55.**¹ Section 24 of P.L.1969, c.242 (C.18A:66-190) is
32 amended to read as follows:

33 24. The Board of Governors of Rutgers, The State University,
34 the Board of Trustees of the New Jersey Institute of Technology,
35 the Board of Trustees of Rowan University, the Board of Trustees
36 of Montclair State University, the Board of Trustees of Kean
37 University, and the boards of trustees of State and county colleges,
38 are hereby authorized to enter into an agreement with each
39 employee participating in the alternate benefit program whereby the
40 employee agrees to take a reduction in salary with respect to
41 amounts earned after the effective date of such agreement in return
42 for the agreement of the respective institution to use a
43 corresponding amount to purchase an annuity for such employee so
44 as to obtain the benefits afforded under section 403(b) of the federal
45 Internal Revenue Code, as amended. Any such agreement shall
46 specify the amount of such reduction, the effective date thereof, and
47 shall be legally binding and irrevocable with respect to amounts
48 earned while the agreement is in effect; provided, however, that

1 such agreement may be terminated after it has been in effect for a
2 period of not less than one year upon notice in writing by either
3 party, and provided further that not more than one such agreement
4 shall be entered into during any taxable year of the employee. For
5 the purposes of this section, any annuity or other contract which
6 meets the requirements of section 403(b) of the federal Internal
7 Revenue Code, as amended, may be utilized. The amount of the
8 reduction in salary under any agreement entered into between the
9 institutions and any employee pursuant to this section shall not
10 exceed the limitations set forth in P.L.93-406 (Employment
11 Retirement Income Security Act of 1974) and Section 415(c) of the
12 Internal Revenue Code of 1954 as amended for such year.

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

17 (cf: P.L.2017, c.178, s.55)

18

19 ¹**[58.]** 56.¹ Section 25 of P.L.1969, c.242 (C.18A:66-191) is
20 amended to read as follows:

21 25. No retirement, death or other benefit shall be payable by the
22 State, Rutgers, The State University, the New Jersey Institute of
23 Technology, Rowan University, Montclair State University, Kean
24 University, or the Division of Pensions under the alternate benefit
25 program. Benefits shall be payable to participating employees and
26 their beneficiaries only by the designated insurers or mutual fund
27 companies under the terms of the contracts.

28 (cf: P.L.2017, c.178, s.56)

29

30 ¹**[59.]** 57.¹ Section 3 of P.L.1968, c.142 (C.18A:71-30) is
31 amended to read as follows:

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

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

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

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

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

42 (e) The term "higher education" shall mean that education
43 which is provided by any or all of the public institutions of higher
44 education as herein defined or any or all equivalent private
45 institutions.

46 (f) The term "public institutions of higher education" shall mean
47 and include Rutgers, The State University, the New Jersey Institute
48 of Technology, Rowan University, Montclair State University,

1 Kean University, the **【seven】** six State colleges, the county
2 colleges, and any other public universities, colleges or county
3 colleges now or hereafter established or authorized by law.
4 (cf: P.L.2017, c.178, s.57)

5
6 **【60.】** 58.¹ N.J.S.18A:71A-4 is amended to read as follows:

7 18A:71A-4. a. The Board of the Higher Education Student
8 Assistance Authority shall consist of 18 members as follows: the
9 State Treasurer, ex-officio, or a designee; the Secretary of Higher
10 Education, ex-officio, or a designee from among the public
11 members of the commission; the chairperson of the Board of
12 Directors of the Educational Opportunity Fund, ex-officio, or a
13 designee from among the public members of the board; five
14 representatives from eligible institutions in this State, including one
15 from Rutgers, the State University, one from either the New Jersey
16 Institute of Technology, Rowan University, **【or】** Montclair State
17 University, or Kean University, one from the county colleges, one
18 from the State colleges, and one from the independent institutions
19 of higher education in the State; two students from different
20 collegiate institutional sectors; seven public members who shall be
21 residents of this State, including one who shall represent a lender
22 party to a participation agreement with the authority; and the
23 executive director of the authority, or designee, who shall be an ex-
24 officio, non-voting member of the board.

25 b. The seven public members, including the lender member,
26 shall be appointed by the Governor with the advice and consent of
27 the Senate. No more than four of the public members shall be
28 members of the same political party. The institutional
29 representatives shall be nominated by the respective institution in
30 the case of Rutgers, the State University, New Jersey Institute of
31 Technology, Rowan University, **【and】** Montclair State University and Kean University. The remaining institutional representatives
32 shall be nominated by the respective sector association. Institutional
33 representatives shall be appointed by the Governor with the advice
34 and consent of the Senate. The student members shall be the
35 individuals that the Student Advisory Committee elects as its
36 chairperson and vice-chairperson. The Student Advisory
37 Committee shall be created by the board to include students from all
38 collegiate institutional sectors. The necessary appointments shall
39 be made within 45 days of the enactment of P.L.1999, c.46
40 (N.J.S.18A:71A-1 et al.).

41
42 c. Public and institutional members of the board shall serve a
43 term of four years and until a successor is appointed and qualified,
44 except in the case of the first members so appointed, four of whom
45 shall be appointed for a term of four years, four of whom shall be
46 appointed for a term of three years, two of whom shall be appointed
47 for a term of two years, and two of whom shall be appointed for a
48 term of one year. Student members shall serve a term of office not

1 to exceed two years. Any vacancy in the membership of the board,
2 occurring otherwise than by expiration of term, shall be filled in the
3 same manner as the original appointment or election was made, but
4 for the unexpired term only.

5 (cf: P.L.2017, c.178, s.58)

6
7 ¹**[61.]** 59.¹ Section 3 of P.L.2000, c.163 (C.18A:71B-55) is
8 amended to read as follows:

9 3. As used in this act, the following terms shall have the
10 following meanings:

11 "Board" means the Board of Trustees of the Tony Pompelio
12 Commemorative Scholarship Fund for the children of crime victims
13 created pursuant to this act.

14 "Chairman" means the Chairman of the Violent Crimes
15 Compensation Board.

16 "Executive director" means the chief executive and
17 administrative officer of the authority.

18 "Authority" means the Higher Education Student Assistance
19 Authority established pursuant to N.J.S.18A:71A-1 et seq., the
20 "Higher Education Student Assistance Authority Law," or any
21 body, entity, commission, or department succeeding to the principal
22 functions thereof or to whom the powers conferred upon the
23 authority by N.J.S.18A:71A-1 et seq. shall be given by law.

24 "Public Institutions of Higher Education" means the State
25 colleges and universities created pursuant to chapter 64 of Title 18A
26 of the New Jersey Statutes; the county colleges; the New Jersey
27 Institute of Technology; Rutgers, the State University; Rowan
28 University; Montclair State University; Kean University; and any
29 other public universities, colleges, county colleges and junior
30 colleges now or hereafter established or authorized by law.

31 (cf: P.L.2017, c.178, s.59)

32
33 ¹**[62.]** 60.¹ Section 1 of P.L.2019, c.431 (C.18A:71B-104) is
34 amended to read as follows:

35 1. As used in this act:

36 "Partner high school" means a high school that has been selected
37 for participation in the New Jersey "Accessing Careers in
38 Engineering and Science (ACES) Program" pursuant to subsection
39 a. of section 3 of this act.

40 "Public or independent research university" means Rutgers, The
41 State University of New Jersey, Rowan University, the New Jersey
42 Institute of Technology, Montclair State University, Kean
43 University, Stevens Institute of Technology, Princeton University,
44 and Seton Hall University.

45 "Underrepresented student" means a student who is a member of
46 an underserved community or a member of a group that is
47 underrepresented in the STEM fields.

48 (cf: P.L.2019, c.431, s.1)

1 ¹**[63.]** 61.¹ Section 2 of P.L.2019, c.431 (C.18A:71B-105) is
2 amended to read as follows:

3 2. a. The Secretary of Higher Education shall establish the
4 New Jersey "Accessing Careers in Engineering and Science (ACES)
5 Program." The purposes of the program are to increase the
6 participation of underrepresented students in the science,
7 technology, engineering, and mathematics (STEM) fields; and to
8 develop a larger and more diverse STEM workforce in the State.
9 The ACES Program shall consist of two components: (1) a
10 residential pre-college summer program for selected high school
11 students established pursuant to section 3 of this act; and (2) an
12 undergraduate ACES Scholar program established pursuant to
13 section 4 of this act.

14 b. The secretary shall select up to **[seven]** eight public or
15 independent research universities in New Jersey to implement the
16 ACES Program, based upon the university's interest in participating
17 in the program and subject to the availability of funds. A public or
18 independent research university that wants to participate shall
19 submit an application to the secretary, which includes a proposal for
20 implementing both the pre-college summer program and the
21 undergraduate ACES Scholar program in accordance with sections
22 3 and 4 of this act. The university's proposal shall also include the
23 university's plans for funding its share of the program costs and for
24 obtaining the necessary private sector funding pursuant to section 5
25 of this act.

26 (cf: P.L.2019, c.431, s.2)

27

28 ¹**[64.]** 62.¹ N.J.S.18A:72A-3 is amended to read as follows:

29 18A:72A-3. As used in this act, the following words and terms
30 shall have the following meanings, unless the context indicates or
31 requires another or different meaning or intent:

32 "Authority" means the New Jersey Educational Facilities
33 Authority created by this chapter or any board, body, commission,
34 department or officer succeeding to the principal functions thereof
35 or to whom the powers conferred upon the authority by this chapter
36 shall be given by law;

37 "Bond" means bonds or notes of the authority issued pursuant to
38 this chapter;

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

44 "Dormitory" means a housing unit with necessary and usual
45 attendant and related facilities and equipment, and shall include a
46 dormitory of a public or private school, or of a public or private
47 institution of higher education;

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

12 "Emerging needs program" means a program at one or more
13 public or private institutions of higher education directed to meeting
14 new and advanced technology needs or to supporting new academic
15 programs in science and technology;

16 "Higher education equipment" means any property consisting of,
17 or relating to, scientific, engineering, technical, computer,
18 communications or instructional equipment;

19 "Participating college" means a public institution of higher
20 education or private college which, pursuant to the provisions of
21 this chapter, participates with the authority in undertaking the
22 financing and construction or acquisition of a project;

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

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

29 "Private institution of higher education" means independent
30 colleges or universities incorporated and located in New Jersey,
31 which by virtue of law or character or license, are nonprofit
32 educational institutions authorized to grant academic degrees and
33 which provide a level of education which is equivalent to the
34 education provided by the State's public institutions of higher
35 education as attested by the receipt of and continuation of regional
36 accreditation by the Middle States Association of Colleges and
37 Schools, and which are eligible to receive State aid;

38 "Public institution of higher education" means Rutgers, The State
39 University, the State colleges, the New Jersey Institute of
40 Technology, Rowan University, Montclair State University, Kean
41 University, the county colleges and any other public university or
42 college now or hereafter established or authorized by law;

43 "School" means a secondary school, military school, or boarding
44 school;

45 "University" means Rutgers, The State University.

46 (cf: P.L.2017, c.178, s.60)

47

48 ¹**[65.] 63.**¹ N.J.S.18A:72A-26 is amended to read as follows:

1 18A:72A-26. In order to provide new dormitories and to enable
2 the construction and financing thereof, to refinance indebtedness
3 hereafter created by the authority for the purpose of providing a
4 dormitory or dormitories or additions or improvements thereto, or
5 for any one or more of said purposes, but for no other purpose
6 unless authorized by law, each of the following bodies shall have
7 the powers hereafter enumerated to be exercised upon such terms
8 and conditions, including the fixing of any consideration or rental to
9 be paid or received, as it shall determine by resolution as to such
10 property and each shall be subject to the performance of the duties
11 hereafter enumerated, that is to say, the treasurer as to such as are
12 located on land owned by the State or by the authority, the board of
13 governors of the university, the board of trustees of the New Jersey
14 Institute of Technology, Rowan University, **[or]** Montclair State
15 University, or Kean University, the board of trustees of a State
16 college or the board of trustees of a county college as to such as are
17 located on land owned by the university or by the particular college
18 respectively, namely:

19 a. The power to sell and to convey to the authority title in fee
20 simple in any such land and any existing dormitories thereon owned
21 by the State or owned by the board of trustees of a county college or
22 the power to sell and to convey to the authority such title as the
23 university or the college respectively may have in any such land and
24 any existing dormitories thereon.

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

28 c. The power to lease or sublease from the authority, and to
29 make available, any such land and existing dormitories conveyed or
30 leased to the authority under subsections a. and b. of this section,
31 and any new dormitories erected upon such land or upon any other
32 land owned by the authority, any rentals to be payable, as to the
33 university or as to any such college from available funds other than
34 moneys appropriated to it by the State.

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

42 (cf: P.L.2017, c.178, s.61)

43

44 ¹**[66.]** 64.¹ N.J.S.18A:72A-27.1 is amended to read as follows:

45 18A:72A-27.1. In addition to the powers and duties with respect
46 to dormitories given under N.J.S.18A:72A-26 and **[18A:72A-27]**
47 N.J.S.18A:72A-27 the treasurer, the board of governors of the
48 university, the board of trustees of the New Jersey Institute of

1 Technology, the board of trustees of a State college, the board of
2 trustees of Rowan University, the board of trustees of Montclair
3 State University, the board of trustees of Kean University, and the
4 board of trustees of a county college shall also have the same power
5 and be subject to the same duties in relation to any conveyance,
6 lease or sublease made under subsection a., b., or c. of [section
7 18A:72A-26] N.J.S.18A:72A-26, with respect to revenue producing
8 facilities; that is to say, structures or facilities which produce
9 revenues sufficient to pay the rentals due and to become due under
10 any lease or sublease made under subsection c. of [section
11 18A:72A-26] N.J.S.18A:72A-26 including, without limitation,
12 student unions and parking facilities.

13 (cf: P.L.2017, c.178, s.62)

14

15 ¹[67.] 65.¹ Section 48 of P.L.2009, c.90 (C.18A:72A-82) is
16 amended to read as follows:

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

19 "Board" means the Local Finance Board established in the
20 Division of Local Government Services in the Department of
21 Community Affairs.

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

27 "Higher education partnership agreement" means an agreement
28 between a municipality and an institution of higher education
29 providing for the issuance of bonds by the municipality, a county
30 improvement authority or a redevelopment entity, and the pledge of
31 payments by the institution of higher education to secure those
32 bonds to finance a higher education project, or part thereof.

33 "Higher education project" means the establishment and
34 construction of higher education buildings and the expansion and
35 construction of additional facilities at, and the acquisition of
36 additional and upgraded equipment for existing higher education
37 buildings, including but not limited to the planning, erecting,
38 purchasing, improving, developing, constructing, reconstructing,
39 extending, rehabilitating, renovating, upgrading, demolishing and
40 equipping of facilities at institutions of higher education.

41 "Institution of higher education" means: Rutgers, The State
42 University; a State college or university established pursuant to
43 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey
44 Institute of Technology; Rowan University; Montclair State
45 University; Kean University; a county college and any other public
46 university or college now or hereafter established or authorized by
47 State law; and any college or university incorporated and located in

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

13 "Municipality" means the municipal governing body or an entity
14 acting on behalf of the municipality if permitted by the federal
15 Internal Revenue Code of 1986, or, if a redevelopment agency or
16 redevelopment entity is established in the municipality pursuant to
17 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so
18 provides, the redevelopment agency or entity so established.
19 (cf: P.L.2017, c.178, s.63)

20

21 ¹**[68.]** 66.¹ Section 3 of P.L.1985, c.493 (C.18A:72H-3) is
22 amended to read as follows:

23 3. As used in this act:

24 a. "Auditory impairment" means an inability to hear within
25 normal limits due to a physical impairment or dysfunction of
26 auditory mechanisms characterized by: (i) deafness, (ii) hearing
27 impairment, (iii) hardness of hearing, or (iv) deaf-blindness. "Deaf"
28 means an auditory impairment is so severe that the individual does
29 not process linguistic information through hearing, with or without
30 amplification, and the student's educational performance is
31 adversely affected. "Hearing impairment" means an impairment in
32 hearing, whether permanent or fluctuating, which adversely affects
33 the individual's educational performance. "Deaf-blind" means
34 concomitant hearing and visual disabilities, the combination of
35 which causes such severe communication and other developmental
36 and educational needs that the child cannot be accommodated in
37 special education programs solely for children with deafness or
38 children with blindness.

39 b. "Competent authority" means any doctor of medicine or any
40 doctor of osteopathy licensed to practice medicine and surgery in
41 this State.

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

43 d. "Eligible student" means any student admitted to a public or
44 independent institution of higher education who has a visual
45 impairment, auditory impairment or specific learning disability
46 within guidelines established by the Commission on Higher
47 Education pursuant to regulations promulgated under P.L.1985,
48 c.493 (C.18A:72H-1 et seq.).

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

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

25 g. "Program" means the Higher Education Services Program
26 for Students with Visual Impairments, Auditory Impairments, and
27 Learning Disabilities established pursuant to this act.

28 h. "Public institution of higher education" means Rutgers, The
29 State University, the New Jersey Institute of Technology, Rowan
30 University, Montclair State University, Kean University, the State
31 colleges and the county colleges.

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

35 j. "Visual impairment" means when an individual's better eye
36 with correction does not exceed 20/200 or where there is a field
37 defect in the better eye in which the diameter of the field is no
38 greater than 20 degrees.

39 (cf: P.L.2017, c.178, s.64)

40

41 ¹**[69.]** 67.¹ Section 2 of P.L.2005, c.379 (C.34:11-56.59) is
42 amended to read as follows:

43 2. As used in this act:

44 "Commissioner" means the Commissioner of Labor and
45 Workforce Development or the commissioner's duly authorized
46 representatives.

47 "Building services" means any cleaning or building maintenance
48 work, including but not limited to sweeping, vacuuming, floor

1 cleaning, cleaning of rest rooms, collecting refuse or trash, window
2 cleaning, engineering, securing, patrolling, or other work in
3 connection with the care, securing, or maintenance of an existing
4 building, except that "building services" shall not include any
5 maintenance work or other public work for which a contractor is
6 required to pay the "prevailing wage" as defined in section 2 of
7 P.L.1963, c.150 (C.34:11-56.26).

8 "Leased by the State" means that not less than 55% of the
9 property or premises is leased by the State, provided that the portion
10 of the property or premises that is leased by the State measures
11 more than 20,000 square feet.

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

18 "The State" means the State of New Jersey and all of its
19 departments, bureaus, boards, commissions, agencies and
20 instrumentalities, including any State institutions of higher
21 education, but does not include political subdivisions.

22 "State institutions of higher education," means Rutgers, The
23 State University of New Jersey, Rowan University, the New Jersey
24 Institute of Technology, **[and]** Montclair State University, and
25 Kean University, and any of the State colleges or universities
26 established pursuant to chapter 64 of Title 18A of the New Jersey
27 Statutes, but does not include any county college established
28 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

29 (cf: P.L.2017, c.178, s.65)

30

31 ¹**[70.]** 68.¹ 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 New Jersey Institute of Technology,
36 Rutgers, The State University, Rowan University, Montclair State
37 University, Kean University, and any other agency, authority,
38 commission, or instrumentality of State government which has an
39 independent corporate existence, to participate in the plan.

40 (cf: P.L.2017, c.178, s.66)

41

42 ¹**[71.]** 69.¹ Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is
43 amended to read as follows:

44 1. The Director of the Division of Purchase and Property may,
45 by joint action, purchase any articles used or needed by the State
46 and the Palisades Interstate Park Commission, the New Jersey
47 Highway Authority, the New Jersey Turnpike Authority, the
48 Delaware River Joint Toll Bridge Commission, the Port Authority

1 of New York and New Jersey, the South Jersey Port Corporation,
2 the Passaic Valley Sewerage Commission, the Delaware River Port
3 Authority, Rutgers, The State University, Rowan University,
4 Montclair State University, Kean University, the New Jersey Sports
5 and Exposition Authority, the New Jersey Housing Finance
6 Agency, the New Jersey Mortgage Finance Authority, the New
7 Jersey Health Care Facilities Financing Authority, the New Jersey
8 Education Facilities Authority, the New Jersey Economic
9 Development Authority, the South Jersey Transportation Authority,
10 the Hackensack Meadowlands Development Commission, the New
11 Jersey Water Supply Authority, the Higher Education Student
12 Assistance Authority or any other agency, commission, board,
13 authority or other such governmental entity which is established and
14 is allocated to a State department or any bi-state governmental
15 entity of which the State of New Jersey is a member.

16 (cf: P.L.2017, c.178, s.67)

17

18 ¹**[72.]** 70.¹ This act shall take effect immediately.

19

20

21

22

23 Establishes Kean University as public urban research university.