

SENATE, No. 351

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Limits term of board of trustee member at public institution of higher education to four years; limits trustee to no more than two terms; provides for trustee removal from board for missing three consecutive meetings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning boards of trustees of public institutions of
2 higher education and amending various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.18A:64-3 is amended to read as follows:

8 18A:64-3. The composition and size of the board of trustees shall
9 be determined by the board; however, each board shall have not less
10 than seven nor more than 15 members. The members shall be
11 appointed by the Governor with the advice and consent of the
12 Senate. Each board of trustees shall recommend potential new
13 members to the Governor. The terms of office of appointed
14 members shall be for six years beginning on July 1 and ending on
15 June 30; except that in the case of members appointed on or after
16 the effective date of P.L. , c. (pending before the Legislature as
17 this bill), the terms of office shall be four years. A member shall
18 serve no more than two full terms. Each member shall serve until
19 his successor shall have been appointed and qualified and vacancies
20 shall be filled in the same manner as the original appointments for
21 the remainders of the unexpired terms. Any member of a board of
22 trustees may be removed by the Governor for cause upon notice and
23 opportunity to be heard.

24 An appointed member who fails to attend three consecutive
25 meetings of the board without good cause shall be removed by the
26 board.

27 (cf: P.L.2009, c.308, s.27)

28

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

30 18A:64A-9. Appointed members of the board of trustees shall
31 have been residents of the county for a period of four years prior to
32 said appointment, and no elected public official or employee of the
33 county college shall serve as a voting member of the board. The
34 term of office of appointed members, except for the first
35 appointments, shall be for four years. An appointed member shall
36 serve no more than two full terms. Each member shall serve until
37 his successor shall have been appointed and qualified.

38 Vacancies shall be filled in the same manner as the original
39 appointment for the remainder of the unexpired term. Any
40 appointed member may be removed by the board of chosen
41 freeholders of the appointing county for cause upon notice and
42 opportunity to be heard. An appointed member who fails to attend
43 three consecutive meetings of the board of trustees without good
44 cause shall be removed by the board of trustees. Members shall
45 serve without compensation but shall be entitled to be reimbursed
46 for all reasonable and necessary expenses.

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

Matter underlined thus is new matter.

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

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

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

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

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

28

29 3. Section 6 of P.L.1995, c.400 (C.18A:64E-17) is amended to
30 read as follows:

31 6. a. Membership of the board of trustees shall consist of the
32 Governor, or his designee, and the Mayor of Newark, as ex officio
33 nonvoting members, and, as voting members, up to 15 members
34 appointed by the Governor with the advice and consent of the
35 Senate. The board shall recommend potential new members to the
36 Governor. The composition and size of the board of trustees shall
37 be determined by the board. The terms of office of appointed
38 members shall be for four years which shall commence on July 1
39 and expire on June 30. An appointed member shall serve no more
40 than two full terms. All trustees shall serve after the expiration of
41 their terms until their successors shall have been appointed and
42 qualified. Trustees appointed by the Governor may be removed
43 from the office by the Governor, for cause, after notice and
44 opportunity to be heard. An appointed member who fails to attend
45 three consecutive meetings of the board without good cause shall be
46 removed by the board. Any vacancy that may occur in the board of
47 trustees shall be filled by appointment in like manner for the
48 unexpired term only.

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

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

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

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

19 f. No voting member of the board of trustees shall be a salaried
20 official of the State of New Jersey, or shall receive remuneration for
21 services from the university. If any member of the board shall
22 become ineligible by reason of the foregoing, a vacancy in his
23 office as trustee shall thereby occur.

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

30 (cf: P.L.2009, c.308, s.28)

31
32 4. Section 39 of P.L.2012, c.45 (C.18A:64M-7) is amended to
33 read as follows:

34 39. a. The composition and size of the board of trustees shall
35 be determined by the board; however, the board shall have not less
36 than seven nor more than 15 members. The members shall be
37 appointed by the Governor with the advice and consent of the
38 Senate. The board of trustees shall recommend potential new
39 members to the Governor. The terms of office of appointed
40 members shall be for six years beginning on July 1 and ending on
41 June 30; except that in the case of members appointed on or after
42 the effective date of P.L. , c. (pending before the Legislature as
43 this bill), the terms of office shall be four years. A member shall
44 serve no more than two full terms. Each member shall serve until
45 his successor shall have been appointed and qualified and vacancies
46 shall be filled in the same manner as the original appointments for
47 the remainders of the unexpired terms. Any member of a board of
48 trustees may be removed by the Governor for cause upon notice and

1 opportunity to be heard. An appointed member who fails to attend
2 three consecutive meetings of the board without good cause shall be
3 removed by the board.

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

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

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

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

22 f. A voting member of the board of trustees shall not be a
23 salaried official of the State of New Jersey, or receive remuneration
24 for services from the university. No trustee shall be appointed who
25 is an employee or paid official of any hospital affiliated with the
26 university. If any member of the board shall become ineligible by
27 reason of the foregoing, a vacancy in his office as trustee shall
28 thereby occur.

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

35 (cf: P.L.2012, c.45, s.39)

36

37 5. Section 7 of P.L.2017, c.178 (C.18A:64N-7) is amended to
38 read as follows:

39 7. a. The composition and size of the board of trustees shall
40 be determined by the board; however, the board shall have not less
41 than seven nor more than 15 members. The members shall be
42 appointed by the Governor with the advice and consent of the
43 Senate. The board of trustees shall recommend potential new
44 members to the Governor. The terms of office of appointed
45 members shall be for six years beginning on July 1 and ending on
46 June 30; except that in the case of members appointed on or after
47 the effective date of P.L. , c. (pending before the Legislature as
48 this bill), the terms of office shall be four years. A member shall

1 serve no more than two full terms. Each member shall serve until
2 his successor shall have been appointed and qualified and vacancies
3 shall be filled in the same manner as the original appointments for
4 the remainders of the unexpired terms. Any member of a board of
5 trustees may be removed by the Governor for cause upon notice and
6 opportunity to be heard. An appointed member who fails to attend
7 three consecutive meetings of the board without good cause shall be
8 removed by the board.

9 b. Members of the board as of the effective date of this act
10 shall continue in office until the expiration of their respective terms
11 and the qualification in office of their successors.

12 c. All voting members of the board of trustees, before
13 undertaking the duties of their office, shall take and subscribe an
14 oath or affirmation to support the Constitution of the State of New
15 Jersey and of the United States, to bear allegiance to the
16 government of the State, and to perform the duties of their office
17 faithfully, impartially and justly, to the best of their ability.

18 d. Members of the board of trustees shall not receive
19 compensation for their services. Each trustee shall be reimbursed
20 for actual expenses reasonably incurred in the performance of his
21 duties or in rendering service as a member of or on behalf of the
22 board or any committee of the board.

23 e. The board of trustees shall elect its chairperson from among
24 its voting members annually in July. The board shall select such
25 other officers from among its members as shall be deemed
26 necessary.

27 f. A voting member of the board of trustees shall not be a
28 salaried official of the State of New Jersey, or receive remuneration
29 for services from the university. If any member of the board shall
30 become ineligible by reason of the foregoing, a vacancy in his
31 office as trustee shall thereby occur.

32 g. The board of trustees shall have the power to appoint and
33 regulate the duties, functions, powers and procedures of
34 committees, standing or special, from its members and such
35 advisory committees or bodies as it may deem necessary or
36 conducive to the efficient management and operation of the
37 university, consistent with this act and other applicable statutes.

38 (cf: P.L.2017, c.178, s.7)

39
40 6. This act shall take effect immediately.

41 42 43 STATEMENT

44
45 This bill limits the terms of members of the boards of trustees of
46 the State colleges and universities, Rowan University, and
47 Montclair State University to four years beginning with the
48 members appointed after the effective date of the bill. Currently,

1 trustee members at these institutions serve six year terms. Members
2 of the board of trustees at the county colleges and at the New Jersey
3 Institute of Technology already serve four year terms.

4 The bill provides that trustee members may only serve two full
5 terms at the State colleges and universities, the county colleges, the
6 New Jersey Institute of Technology, Rowan University, and
7 Montclair State University. In addition, the bill requires that trustee
8 members at these institutions be removed from the board for
9 missing three consecutive board meetings without good cause.