

Public Hearing

before

SENATE EDUCATION COMMITTEE

and

ASSEMBLY EDUCATION COMMITTEE

SENATE BILL No. 1118 and ASSEMBLY BILL No. 75

"The Higher Education Restructuring Act of 1994" *V.I.*

LOCATION: Room 319
State House
Trenton, New Jersey

DATE: May 26, 1994
9:00 a.m.

MEMBERS OF COMMITTEES PRESENT:

Senator John H. Ewing, Chairman
Senator Joseph A. Palaia, Vice-Chairman
Senator Robert J. Martin
Senator John A. Lynch
Senator Gordon A. MacInnes
Assemblyman John A. Rocco, Chairman
Assemblyman David W. Wolfe, Vice-Chairman
Assemblywoman Marion Crecco
Assemblywoman Barbara W. Wright
Assemblyman Wayne R. Bryant, Esq.
Assemblyman Raul "Rudy" Garcia



ALSO PRESENT:

Assemblyman Leonard Lance
District 23

Assemblyman Louis A. Romano
District 33

Darby Cannon III
Kathleen Fazzari
Office of Legislative Services
Aides to the Committees

Hearing Recorded and Transcribed by

The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, CN 058, Trenton, New Jersey 08625





JOHN H. EWING
Chairman

JOSEPH A. PALAIA
Vice-Chairman

ROBERT J. MARTIN
JOHN A. LYNCH
CORDON A. MACINNES

New Jersey State Legislature

SENATE EDUCATION COMMITTEE
ASSEMBLY EDUCATION COMMITTEE
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BARBARA W. WRIGHT
WAYNE R. BRYANT, ESC
KAUL "RUDY" GARCIA

NOTICE OF JOINT PUBLIC HEARINGS

The Senate and Assembly Education Committees will hold two joint public hearings on the following legislation:

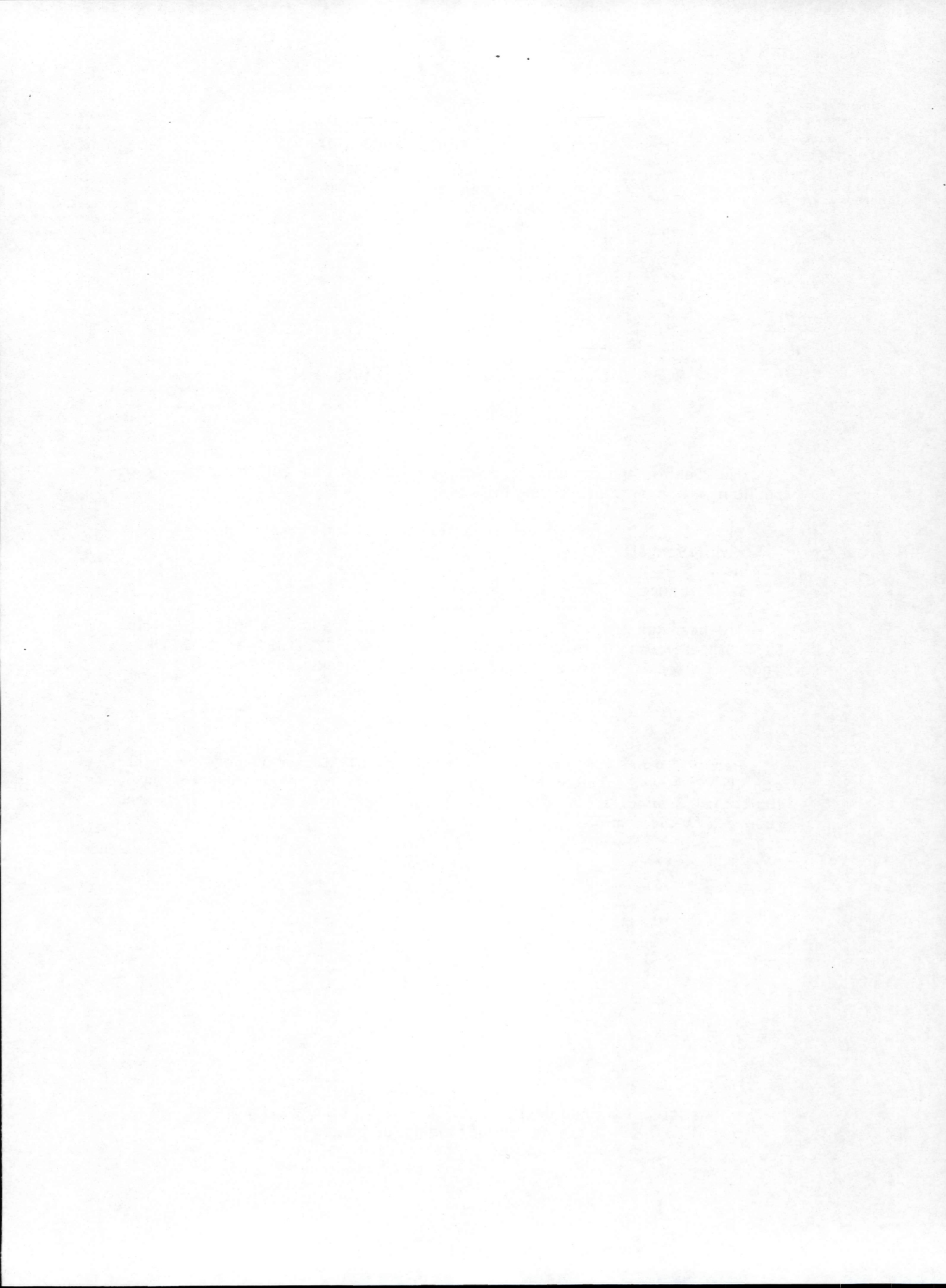
S-1118 The "Higher Education Restructuring Act of 1994."
Ewing/Bennett
A- 75
Wolfe/Lance

The hearings will be held on Thursday, May 26, 1994 at 9:00 AM in Room 319, State House, Trenton, NJ and Friday, May 27, 1994 at 9:00 AM at Thomas Edison State College, Barrack and West State Street, Trenton, NJ.

Persons wishing to testify should call Mary C. Lutz or Bernadette Kmetz at (609) 984-6843. The committees request that the oral presentation be limited to 5 minutes. Written testimony of any length will be accepted and reviewed by the committees.

Issued 05/20/94

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above



SENATE, No. 1118

STATE OF NEW JERSEY

INTRODUCED MAY 16, 1994

By Senators EWING, BENNETT, Littell, Cardinale, Ciesla,
Bubba, Haines, LaRossa, Inverso, Scott and Singer

1 AN ACT concerning the governance of higher education,
2 abolishing the State Department of Higher Education and
3 revising parts of the statutory law.

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

7 1. (New section) This act shall be known and may be cited as
8 the "Higher Education Restructuring Act of 1994."

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

10 a. the institutions of higher education are one of the most
11 valuable and underutilized resources in the State; and

12 b. the elimination of unnecessary State oversight and its
13 accompanying bureaucracy will serve to unleash the creativity
14 and innovation of these institutions; and

15 c. the restructuring of higher education must ensure that
16 student aid programs are not only preserved but strengthened and
17 that the State continue to foster and encourage programs to
18 promote diversity and accessibility; and

19 d. the institutions of higher education in the State shall be
20 responsible for achieving the Statewide goals of affordability and
21 accessibility for all students, institutional excellence, and
22 effectiveness in addressing the societal and economic needs of
23 the State; and

24 e. in order to provide institutions with the ability to fulfill
25 their mission and Statewide goals, greater decision making and
26 accountability must be placed at the institutional level and
27 structures must be established to ensure cooperation among
28 institutions and coordination at the State level.

29 3. (New section) For the purposes of this act, unless the
30 context clearly requires a different meaning:

31 "Commission" means the New Jersey Commission on Higher
32 Education established by this act;

33 "Council" means the New Jersey Presidents' Council
34 established by this act;

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

40 "State college" means any of the State colleges established
41 pursuant to chapter 64 of Title 18A of the New Jersey Statutes
42 including any State college designated as a teaching university.

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 4. (New section) The Department of Higher Education created
2 by P.L.1967. c.271 (C.18A:3-1 et seq.) is abolished as a principal
3 department in the Executive Branch of State Government and all
4 of its functions, powers and duties, except as herein otherwise
5 provided, are terminated.

6 5. (New section) The offices and terms of the Chancellor of
7 Higher Education, vice-chancellor, the assistant chancellors and
8 the directors of the various divisions and offices of the
9 Department of Higher Education, except as herein otherwise
10 provided, shall terminate upon the effective date of this act.

11 6. (New section) The governing board of each public
12 institution of higher education shall have the following general
13 powers and duties to fulfill its mission and the Statewide goals in
14 cooperation with other institutions and the State coordinating
15 structures:

16 a. To develop an institutional plan and to determine the
17 programs and degree levels to be offered by the institution
18 consistent with this plan and the institution's programmatic
19 mission:

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

25 c. To set tuition and fees;

26 d. To establish admission standards and requirements and
27 standards for granting diplomas, certificates and degrees;

28 e. To recommend for appointment by the Governor, members
29 to the institution's governing board. The recommendation shall
30 be made with regard to the mission of the institution and the
31 diversity of the community to be served;

32 f. To have final authority to determine controversies and
33 disputes concerning tenure, personnel matters of employees not
34 classified under Title 11A of the New Jersey Statutes, and other
35 issues arising under Title 18A of the New Jersey Statutes
36 involving higher education except as otherwise provided herein.
37 Any hearings conducted pursuant to this section shall conform to
38 the requirements of the "Administrative Procedures Act,"
39 P.L.1968. c.410 (C.52:14B-1 et seq.). The final administrative
40 decision of a governing board of a public institution of higher
41 education is appealable to the Superior Court, Appellate Division;

42 g. To invest and reinvest the funds of the institution;

43 h. To retain legal counsel of the institution's choosing. State
44 entities may choose representation by the Attorney General;
45 however, as to claims of a tortious nature, the institution shall
46 elect within 30 days of the effective date of this act whether it,
47 and its employees, shall be represented in all such matter by the
48 Attorney General. If the institution elects not to be represented
49 by the Attorney General, it shall be considered and its employees
50 considered employees of a sue and be sued entity for the purposes
51 of the "New Jersey Tort Claims Act" only. The institution shall
52 be required in that circumstance to provide its employees with
53 defense and indemnification consistent with the terms and
54 conditions of the Tort Claims Act in lieu of the defense and

1 indemnification that such employees would otherwise seek and be
2 entitled to from the Attorney General pursuant to N.J.S.59:10-1
3 et seq. and P.L.1972. c.48 (C.59:10A-1 et seq.);

4 i. To be accountable to the public for fulfillment of the
5 institution's mission and Statewide goals and for effective
6 management of the institution;

7 j. To submit a request for State support to the Division of
8 Budget and Accounting in the Department of Treasury and to the
9 Commission in accordance with the provisions of this act.

10 These powers and duties are in addition to and not a limitation
11 of the specific powers and duties provided for the governing
12 board of each public institution under chapters 64, 64A, 64G or
13 64E of Title 18A of the New Jersey Statutes. If the provisions of
14 this section are inconsistent with these specific powers and
15 duties, the specific powers and duties shall govern.

16 7. (New section) There is established a body corporate and
17 politic, with corporate succession, to be known as the "New
18 Jersey Presidents' Council." Each president of a public
19 institution of higher education in the State and of an independent
20 institution which receives direct State aid shall be a member of
21 the Council and shall serve ex officio.

22 8. (New section) The Council shall have the responsibility,
23 consistent with State and federal law, to:

24 a. provide public information and research on higher education
25 issues;

26 b. review and make recommendations to the commission
27 concerning proposals for new programs that exceed the
28 programmatic mission of an institution or that change the
29 programmatic mission of an institution;

30 c. review and comment on proposals for new programs that
31 demand significant added resources or raise significant issues of
32 duplication but do not exceed the programmatic mission of the
33 institution or require a change in the programmatic mission;

34 d. encourage the formation of regional or other alliances
35 among institutions including interinstitutional transfers, program
36 articulation, cooperative programs and shared resources. The
37 council shall also keep institutions apprised of the discontinuance
38 of programs at other institutions and each president shall notify
39 the council of any such action;

40 e. advise and assist the commission in developing and updating
41 a plan for higher education in the State including, but not limited
42 to, the establishment of new institutions, closure of existing
43 institutions and consolidation of institutions;

44 f. provide policy recommendations on statewide higher
45 education issues;

46 g. recommend to the Governor, Legislature and commission on
47 policy and overall levels of funding for student aid programs
48 necessary to ensure accessibility to higher education;

49 h. transmit to the Governor, Legislature and commission a
50 general budget policy statement regarding overall State funding
51 levels;

52 i. upon referral from the commission pursuant to this act
53 provide recommendations concerning institutional licensure and
54 university status; and

1 j. appoint subcommittees consisting of the presidents of the
2 institutions of the various higher education sectors to decide
3 matters. within the authority of the council. The presidents of
4 the independent institutions shall develop a unified request for
5 State support under chapter 72B of Title 18A of the New Jersey
6 Statutes. The presidents of the county college sector shall
7 develop a unified request for State support under chapter 64A of
8 Title 18A of the New Jersey Statutes.

9 k. consult with other institutions of higher education which do
10 not receive direct State aid when actions of the council directly
11 affect such institutions.

12 9. (New section) The council shall have perpetual succession
13 and shall have the following powers:

14 a. To make, amend, and repeal rules and by-laws for its own
15 governance and guidance not inconsistent with State or federal
16 law;

17 b. To adopt an official seal and alter the same at pleasure;

18 c. To maintain an office at such place or places within the
19 State as it may designate; and

20 d. To sue and be sued in its own name and to retain legal
21 counsel of its choosing.

22 10. (New section) For the purposes of funding the necessary
23 expenses of the council, the various institutions shall pay the
24 expenses incurred by its respective president. and shall
25 appropriate annually such sums for dues as may be assessed by a
26 two-thirds vote of the council. The dues may be made upon a
27 graduated scale based upon a two thirds vote of the council.

28 11. (New section) a. The council shall organize within 60 days
29 of the effective date of this act. Thereafter the council shall
30 organize annually during the month of February and meet at
31 other times as may be necessary, but not less than twice during
32 the course of the year. Although the council is a purely advisory
33 body, it shall be subject to the provisions of the "Open Public
34 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

35 b. The council may select such officers as may be necessary
36 for the transaction of business.

37 12. (New section) a. There shall be established an executive
38 board which performs such duties as determined by the council.
39 The executive board shall be composed of 13 members as follows:

40 The president of Rutgers, the State University;

41 The president of the University of Medicine and Dentistry of
42 New Jersey;

43 The president of New Jersey Institute of Technology;

44 Three presidents of State Colleges who shall be selected by the
45 presidents of this sector;

46 Four presidents of county colleges who shall be selected by the
47 presidents of this sector;

48 Three presidents of independent institutions who shall be
49 selected by the presidents of this sector.

50 b. The chair of the executive board shall be rotated among the
51 presidents of Rutgers, the State University of New Jersey, the
52 president of the University of Medicine and Dentistry of New
53 Jersey, and the president of New Jersey Institute of Technology;
54 a president selected by the presidents of the State Colleges;

1 a president selected by the presidents of the county colleges; and
2 a president selected by the presidents of the independent
3 institutions. The chair of the executive board shall serve for a
4 two year period. Biennially, the executive board shall select the
5 chair in the manner provided above.

6 13. (New section) a. There is established the New Jersey
7 Commission on Higher Education which shall consist of 9
8 members: 8 public members, to be appointed by the Governor
9 without regard for political affiliation, and the chairperson of the
10 New Jersey Presidents' Council, ex officio. Notwithstanding the
11 above, for a period of four years from July 1, 1994 the
12 commission shall consist of 15 members, as follows: 14 public
13 members, six of whom shall have experience as a current member
14 of the governing board of an institution of higher education and
15 the chairperson of the New Jersey Presidents' Council, ex
16 officio;

17 b. Public members who are not experienced as governing board
18 members shall serve for a term of six years from the date of
19 their appointment and until their successors are appointed and
20 qualified; except that of the initial appointees who are not
21 serving on the governing board of an institution: one shall serve a
22 term of one year; one shall serve a term of two years; one shall
23 serve a term of three years; one shall serve a term of four years;
24 two shall serve a term of five years; and two shall serve a term
25 of six years. A public member who does not have experience as a
26 current member of a governing board shall serve until the
27 member's successor is appointed and qualified.

28 Any vacancy shall be filled in the same manner as the original
29 appointment but only for the balance of the unexpired term. The
30 Commission members shall serve without compensation but shall
31 be reimbursed for necessary expenses incurred in the
32 performance of their duties. No commission member shall be
33 appointed for more than two consecutive six year terms.

34 c. The Governor shall make the necessary appointments within
35 15 days of the effective date of this act and shall designate the
36 chairman of the commission, who shall serve at the pleasure of
37 the governor, from among those public members who are not
38 serving on the board of trustees of an institution. The
39 commission shall hold its first meeting within 30 days of the
40 effective date of this act.

41 d. The commission shall be established in the Executive Branch
42 of the State Government and for the purposes of complying with
43 the provisions of Article V, Section IV, paragraph 1 of the New
44 Jersey Constitution, the commission is allocated in but not of the
45 Department of State, but notwithstanding this allocation, the
46 commission shall be independent of any supervision or control by
47 the department or by any board or officer thereof. The
48 commission shall submit its budget request directly to the Office
49 of Management and Budget in the Department of the Treasury.

50 e. The commission shall appoint an executive director and such
51 other personnel as may be deemed necessary. The executive
52 director and professional staff shall serve at the commission's
53 pleasure and shall receive such compensation as provided by law.

54 f. The Attorney General shall provide legal representation to
55 the commission.

- 1 14. (New section) The commission shall be responsible for:
- 2 a. Statewide planning for higher education including research
- 3 on higher education issues and the development of a
- 4 comprehensive master plan, including, but not limited to, the
- 5 establishment of new institutions, closure of existing institutions,
- 6 and consolidation of institutions, which plan shall be long range in
- 7 nature and regularly revised and updated. The council may
- 8 request the commission to conduct a study of a particular issue.
- 9 The commission may require from institutions of higher education
- 10 such reports or other information as may be necessary to enable
- 11 the commission to perform its duties;
- 12 b. advocacy on behalf of higher education including informing
- 13 the public of the needs and accomplishments of higher education
- 14 in New Jersey;
- 15 c. making recommendations to the Governor and Legislature
- 16 on higher education initiatives and incentive programs of
- 17 statewide significance;
- 18 d. final administrative decisions over institutional licensure
- 19 and university status giving due consideration to the
- 20 accreditation status of the institution. The commission shall
- 21 furnish the Presidents' Council with any pertinent information
- 22 compiled on behalf of the subject institution and the council shall
- 23 then make recommendations to the commission concerning the
- 24 licensure of the institution or university status within sixty days
- 25 of receipt of the information;
- 26 e. adopting a code of ethics applicable to institutions of higher
- 27 education;
- 28 f. final administrative decisions over new academic programs
- 29 that go beyond the programmatic mission of the institution and
- 30 final administrative decisions over a change in the programmatic
- 31 mission of an institution;
- 32 g. reviewing requests for State support from the institutions in
- 33 relation to the mission of the institution and statewide goals and
- 34 proposing a coordinated budget policy statement to the Governor
- 35 and Legislature;
- 36 h. communicating with the State Board of Education and
- 37 Commissioner of Education to advance public education at all
- 38 levels including articulation between the public schools and
- 39 higher education community;
- 40 i. applying for and accepting grants from the federal
- 41 government, or any agency thereof, or grants, gifts or other
- 42 contributions from any foundation, corporation, association or
- 43 individual, and complying with the terms, conditions and
- 44 limitations thereof, for the purpose of advancing higher
- 45 education. Any money so received may be expended by the
- 46 commission upon warrant of the director of the Office of
- 47 Management and Budget in the Department of Treasury on
- 48 vouchers certified by the executive director of the commission;
- 49 j. acting as the lead agency of communication with the federal
- 50 government concerning higher education issues;
- 51 k. exercising all of the powers and duties previously exercised
- 52 by the Board of Higher Education, the Department of Higher
- 53 Education, and the Chancellor of Higher Education, under the
- 54 "New Jersey Higher Education and Building Construction Bond

1 Act of 1971." (P.L.1971. c.164), the "New Jersey Medical
2 Education Facilities Bond Act of 1977," (P.L.1977. c.235), the
3 "Jobs. Science and Technology Bond Act of 1984," (P.L.1984.
4 c.99) and the "Jobs, Education and Competitiveness Bond Act of
5 1988" (P.L.1988. c.78), the "Higher Education Equipment Leasing
6 Fund Act." (P.L.1992, c.136), the "Higher Education Facilities
7 Trust Fund Act." (P.L.1993.c.375) and the "N.J. CLASS Loan
8 Program." (P.L.1991, c.268); and

9 l. exercising any other power or responsibility necessary in
10 order to carry out the provisions of this act.

11 15. (New section) The commission shall adopt rules and
12 regulations, pursuant to the "Administrative Procedures Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
14 provisions of this act. Regulations adopted by the State Board of
15 Higher Education pertaining to:

- 16 a. licensing of institutions and university status;
- 17 b. outside employment for employees of public institutions and
18 State agencies and Code of Ethics;
- 19 c. residency requirements for tuition purposes;
- 20 d. personnel policies which affect the terms and conditions of
21 employment including classification and compensation plans
22 adopted pursuant thereto;
- 23 e. tenure and multi-year contracts;
- 24 f. rights and procedures in a reduction in force;
- 25 g. student trustee policies; and
- 26 h. regulations concerning early retirement programs and
27 length of the academic year

28 shall continue with full force and effect under the authority of
29 the Commission for a period of one year from the effective date
30 of this act or until amended, continued or repealed by the
31 commission pursuant to law.

32 16. (New section) a. The commission shall report to the
33 Legislature and Governor within six months of the effective date
34 of this act on recommendations concerning the collective
35 bargaining process and the civil service classification of certain
36 institutional employees.

37 b. The commission shall make recommendation to the
38 Legislature and Governor regarding the following within one year
39 of the effective date of this act:

40 (1) articulation between higher education and elementary and
41 secondary education;

42 (2) the manner in which the administration of student
43 assistance programs may be modernized and made more efficient
44 including the privatization of student loan administration and the
45 merger of the Student Assistance Board and the New Jersey
46 Higher Education Assistance Authority;

47 (3) the manner in which higher education is funded including
48 mission-based funding, multi-year funding and tuition
49 establishment.

50 c. The commission may request assistance from any agency of
51 State government or may seek assistance from outside
52 consultants, foundations or other organization in order to conduct
53 any study that may be required under this section subject to
54 available appropriations.

1 17. (New section) a. The Office of Student Assistance; the
2 Office of Information Services; the Office of Operational
3 Integrity and the Office of Student Loan Accounting in the
4 Department of Higher Education, or their successors, together
5 with all their functions, powers and duties, except as herein
6 otherwise provided, are continued and transferred to and
7 constituted as the Office of Student Assistance in but not of the
8 Department of the Treasury. Notwithstanding this allocation, the
9 office shall not be subject to the supervision or control of the
10 Department of the Treasury or any of its officers or employees.
11 The Office of Student Assistance shall administer the student
12 assistance programs established under the Student Assistance
13 Board and the Higher Education Assistance Authority as well as
14 other student assistance programs as determined by law.

15 b. The Governor shall appoint an individual to serve as
16 Executive Director of Student Assistance Programs. The
17 executive director shall be located in the Office of Student
18 Assistance and shall serve at the pleasure of the Governor. The
19 executive director shall be the appointing authority and shall be
20 responsible for the general supervision of the Office of Student
21 Assistance and the Higher Education Assistance Authority
22 created pursuant to this section. The executive director shall
23 also be responsible for the administration of the student
24 assistance programs under the Student Assistance Board and the
25 Higher Education Assistance Authority. The executive director
26 shall regularly consult with the Commission on Higher Education
27 concerning student assistance matters.

28 c. Whenever, in any law, rule, regulation, order, contract,
29 document, judicial or administrative proceeding or otherwise,
30 reference is made to the Office of Student Assistance; the Office
31 of Information Services; Office of Operational Integrity, or
32 Office of Student Loan Accounting in the Department of Higher
33 Education, the same shall mean and refer to the Office of
34 Student Assistance in but not of the Department of the Treasury.

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

37 e. The Department of Treasury shall render administrative
38 assistance, including but not limited to personnel and fiscal
39 assistance, to the office upon the request of the Office of
40 Student Assistance. The cost and expense of any services
41 rendered shall be paid by the office.

42 f. The Executive Director of Student Assistance Programs
43 shall develop such rules and regulations in accordance with the
44 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.) as are necessary to implement the provisions of this act.

46 g. Regulations adopted by the State Board of Higher Education
47 in order to implement or administer any student assistance
48 program shall continue with full force and effect under the
49 authority of the Executive Director of Student Assistance
50 Programs or the State Treasurer, as appropriate, until amended
51 or repealed pursuant to law.

52 18. (New section) a. All functions, powers and duties now
53 vested in the Student Assistance Board in the Department of
54 Higher Education are transferred to and assumed by the Student
55 Assistance Board in but not of the Department of Treasury.

1 b. Whenever, in any law, rule, regulation, order, contract,
2 document, judicial or administrative proceeding or otherwise,
3 reference is made to the Student Assistance Board in the
4 Department of Higher Education, the same shall mean and refer
5 to the Student Assistance Board in but not of the Department of
6 the Treasury.

7 c. Nothing in this act shall be construed to limit the power of
8 the Student Assistance Board or to alter the terms and conditions
9 of loans or grants made to students through the board.

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

12 e. The Department of Treasury shall render administrative
13 assistance, including but not limited to, personnel and fiscal
14 assistance, to the board upon the request of the board. The cost
15 and expense of any services rendered shall be paid by the board.

16 f. The present members of the board shall hold their office for
17 the duration of their respective terms.

18 19. (New section) a. All functions, powers and duties now
19 vested in the Educational Opportunity Fund or the board of
20 directors thereof in the Department of Higher Education are
21 transferred to and assumed by the Educational Opportunity Fund
22 and the board of directors thereof under the Commission on
23 Higher Education in but not of the Department of State.

24 b. Whenever, in any law, rule, regulation, order, contract,
25 document, judicial or administrative proceeding or otherwise,
26 reference is made to the Educational Opportunity Fund or the
27 board of directors thereof in the Department of Higher
28 Education, the same shall mean and refer to the Educational
29 Opportunity Fund or the board of directors thereof in the
30 Commission on Higher Education in but not of the Department of
31 State.

32 c. Nothing in this act shall be construed to limit the authority
33 of the Educational Opportunity Fund, or the board of directors
34 thereof, or to alter the terms and conditions of grants made to
35 students by the fund.

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

38 e. The present members of the board of directors, other than
39 the Chancellor of Higher Education, shall hold their office for the
40 duration of their respective terms.

41 20. (New section) a. All functions, powers and duties now
42 vested in the Higher Education Assistance Authority or the
43 officers thereof in the Department of Higher Education are
44 transferred to and assumed by the Higher Education Assistance
45 Authority and the officers thereof in but not of the Department
46 of Treasury.

47 b. Whenever, in any law, rule, regulation, order, contract,
48 document, judicial or administrative proceeding or otherwise,
49 reference is made to the Higher Education Assistance Authority
50 or the officers thereof in the Department of Higher Education,
51 the same shall mean and refer to the Higher Education Assistance
52 Authority or the officers thereof in but not of the Department of
53 the Treasury.

54 c. Nothing in this act shall be construed to limit the power of

1 the Higher Education Assistance Authority or to alter the terms
2 and conditions of loans made to students by the authority.
3 Nothing in this act shall be construed to alter the terms,
4 conditions, rights or remedies of any obligation issued by the
5 authority.

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

8 e. The Department of Treasury shall render administrative
9 assistance, including but not limited to, personnel and fiscal
10 assistance, to the authority upon the request of the authority.
11 The cost and expense of any services rendered shall be paid by
12 the authority.

13 f. The present members of the authority shall hold their office
14 for the duration of their respective terms.

15 21. (New section) a. All functions, powers and duties now
16 vested in the Educational Facilities Authority or the officers
17 thereof in the Department of Higher Education are transferred to
18 and assumed by the Educational Facilities Authority and the
19 officers thereof in but not of the Department of Treasury.

20 b. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the Educational Facilities Authority or the
23 board of directors thereof in the Department of Higher
24 Education, the same shall mean and refer to the Educational
25 Facilities Authority or the board of directors thereof in but not
26 of the Department of the Treasury.

27 c. Nothing in this act shall be construed to limit the power of
28 the Educational Facilities Authority or to alter the terms and
29 conditions of loans made by the authority. Nothing in this act
30 shall be construed to alter the terms, conditions, rights or
31 remedies of any obligation issued by the authority.

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

34 e. The Department of Treasury shall render administrative
35 assistance, including but not limited to personnel and fiscal
36 assistance, to the authority upon the request of the authority.
37 The cost and expense of any services rendered shall be paid by
38 the authority.

39 f. The present members of the authority shall hold their office
40 for the duration of their respective terms.

41 22. (New section) The functions, powers and duties of the
42 State Board of Higher Education, including the approval of
43 projects, under the "Jobs, Education and Competitiveness Bond
44 Act of 1988," (P.L.1988, c.78) shall, following July 1, 1994, be
45 exercised by the New Jersey Commission on Higher Education.

46 Any final action taken by the State Board of Higher Education
47 prior to July 1, 1994 including the approval of any project under
48 this bond act shall be unaffected by the provisions of P.L. , c.
49 (C.) (now pending before the legislature as this bill) and such
50 final action is hereby ratified and confirmed.

51 23. (New section) The functions, powers and duties of the
52 State Board of Higher Education, including the approval of the
53 equipment purchase and allocation of funds, under the "Higher
54 Education Equipment Leasing Fund Act," P.L.1993, c.136

1 (C.18A:72A-40 et seq.) shall, following July 1, 1994, be exercised
2 by the New Jersey Commission on Higher Education.

3 Any final action taken by the State Board of Higher Education
4 prior to July 1, 1994, including the approval of an equipment
5 purchase or allocation of funds, under this bond act shall be
6 unaffected by the provisions of P.L. , c. (C.) (now pending
7 before the legislature as this bill) and such final action is hereby
8 ratified and confirmed.

9 24. (New section) The functions, powers and duties of the
10 State Board of Higher Education, including the approval of the
11 equipment purchase and allocation of funds, under the "Higher
12 Education Facilities Trust Fund Act," P.L.1993, c.375
13 (C.18A:72A-49 et seq.) shall, following July 1, 1994, be exercised
14 by the New Jersey Commission on Higher Education.

15 Any final action taken by the State Board of Higher Education
16 prior to July 1, 1994, including the approval of grants or
17 allocation of funds, under this bond act shall be unaffected by the
18 provisions of P.L. , c. (C.) (now pending before the
19 legislature as this bill) and is hereby ratified and confirmed. The
20 membership of the "Higher Education Facilities Trust Fund
21 Board" shall include the chair and vice-chair of the New Jersey
22 Commission on Higher Education in the place of the members of
23 the State Board of Higher Education and the Chancellor of Higher
24 Education.

25 25. (New section) The functions, powers and duties of the
26 State Board of Higher Education under the "Jobs, Science and
27 Technology Bond Act," P.L.1984, c.99 shall, following July 1,
28 1994, be exercised by the New Jersey Commission on Higher
29 Education.

30 Any final action taken by the State Board of Higher Education
31 prior to July 1, 1994 under this bond act shall be unaffected by
32 the provisions of P.L. , c. (C.) (now pending before the
33 legislature as this bill) and is hereby ratified and confirmed.

34 Regulations of the State Board of Higher Education concerning
35 this bond act shall be continued under authority of the
36 Commission until amended or repealed by the Commission.

37 26. (New section) This act shall not be construed to impair any
38 vested rights, grants, charter rights, privileges, exemptions,
39 immunities, powers, prerogatives, franchises or advantages
40 continued, granted or obtained by Rutgers, the State University
41 under the "Rutgers, the State University Law," N.J.S.18A:65-1 et
42 seq., nor shall this act be construed to impose additional powers,
43 duties or responsibilities upon Rutgers, the State University not
44 contained within N.J.S.18A:65-1 et seq.

45 27. (New section) For the purposes of complying with the
46 provisions of Article V, Section IV, Paragraph 1 of the New
47 Jersey Constitution, any State institution of higher education
48 which was allocated to the Department of Higher Education or
49 other department of State government shall be allocated to the
50 Department of State upon the effective date of this act.
51 Notwithstanding this allocation, any such institution shall be
52 independent of any supervision or control of the Department of
53 State or any board, commission or officer thereof and the
54 allocation shall not in any way affect the principles of

- 1 institutional autonomy established in this act.
- 2 28. (New section) This act is a revision law and the provisions
3 hereof not inconsistent with prior laws shall be construed as a
4 continuation of such prior laws and its enactment shall not:
- 5 a. affect the tenure, compensation and pension rights, if any,
6 of the lawful holder thereof, in any position not specifically
7 abolished herein, upon the effective date of this act;
- 8 b. alter the term of any member of any board, commission or
9 public body, not specifically abolished herein, lawfully in office
10 as of the effective date of this act, or require the reappointment
11 thereof;
- 12 c. require the resubmission to the voters of any proposal
13 adopted by such voters prior to the effective date of this act.
- 14 29. (New section) All petitions, controversies and disputes
15 pending before the State Board of Higher Education or the
16 Chancellor of Higher Education and not disposed of as of the
17 effective date of this act shall be decided by the Commission
18 under the law under which the action arose as though this act had
19 not been enacted. The commission shall have all necessary
20 powers to render a final administrative decision in accordance
21 with the "Administrative Procedures Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.) in regard to these controversies and
23 disputes. This section shall not be construed to grant to the
24 Commission general authority to render final administrative
25 decisions on matters arising under the laws governing higher
26 education except as otherwise specifically provided herein.
- 27 30. (New section) The Department of Treasury in consultation
28 with the Department of Personnel shall be responsible for any
29 administrative, fiscal and personnel actions necessary to
30 implement the provisions of this act.
- 31 31. (New section) The council and commission established
32 under this act shall report to the Governor and Legislature on or
33 before July 1, 1996 with an assessment of the restructuring of
34 higher education embodied in this act and recommendations
35 concerning the modification of this structure.
- 36 32. (New section) The powers conferred in this act upon the
37 commission shall be exercised with due regard for the rights of
38 the holders of bonds of this State or any authority thereof, at any
39 time outstanding, and nothing in, or done pursuant to this act,
40 shall in any way limit, restrict, or alter the obligation or powers
41 of the State or its authorities to carry out and perform in every
42 detail each and every covenant, agreement or contract at any
43 time made or entered into by, or on behalf of the State or any
44 authority thereof with respect to its bonds or for the benefit,
45 protection or security of the holders thereof.
- 46 33. (New section) Notwithstanding the provisions of any law
47 to the contrary, any former employee of the Department of
48 Higher Education who was a participant in the alternate benefits
49 program, P.L.1969, c.242 (C.18A:66-168 et seq.), and who has
50 continued in uninterrupted service with the State may continue to
51 participate in the alternate benefits program on the same terms
52 as other eligible employees.
- 53 34. N.J.A.18A:1-1 is amended to read as follows:
54 18A:1-1. As used in this title, unless the context requires

1 another meaning, the following words and phrases shall have the
2 following meaning:

3 "Academic year" means the period between the time school
4 opens in any school district or under any board of education after
5 the general summer vacation until the next succeeding summer
6 vacation;

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

9 "Board" means the board of education;

10 ["Chancellor" means the chancellor of the department of
11 higher education:]

12 "Commissioner" means the commissioner of education;

13 "County superintendent" means the county superintendent of
14 schools;

15 "Department" means the state department of education;

16 "District" means a school district;

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

18 "Employment" includes employment in a position;

19 "Full membership" of any board or body means the number of
20 members of the board or body when all the members' seats are
21 filled and a "majority of the full membership" of any board or
22 body means a majority of such number;

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

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

28 "Local school district" means any school district comprising
29 within its territorial boundaries the territory comprised in one or
30 more municipalities, except a regional school district;

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

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

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

37 "Public school system" means the system of public schools of
38 the state;

39 "Residence" means domicile, unless a temporary residence is
40 indicated;

41 "School nurse" shall mean and include any school nurse, school
42 nurse supervisor, head school nurse, chief school nurse, school
43 nurse coordinator or any other nurse performing school nursing
44 services in the public schools;

45 "State board" means the state board of education;

46 "Teaching staff member" means a member of the professional
47 staff of any district or regional board of education, or any board
48 of education of a county vocational school, holding office,
49 position or employment of such character that the qualifications,
50 for such office, position or employment, require him to hold a
51 valid and effective standard, provisional or emergency
52 certificate, appropriate to his office, position or employment,
53 issued by the state board of examiners and includes a school
54 nurse.

55 (cf: N.J.S.18A:1-1)

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

3 1. The [Board of Higher Education] Office of Student
4 Assistance shall prepare on an annual basis a concise report which
5 lists all sources of financial assistance, including but not limited
6 to scholarships and loans, available to citizens of this State who
7 now attend or who plan to attend any institution of higher
8 education. The report shall supply the name and address of each
9 source, identify the form of the financial assistance, and indicate
10 that the source of funds is public or private.
11 (cf: P.L.1969, c.178, s.1)

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

14 3. A person shall not append to his name any letters in the
15 same form designated by the [Board of] Commission on Higher
16 Education as entitled to the protection accorded to an academic
17 degree unless the person has received from a duly authorized
18 institution of higher education the degree or certificate for which
19 the letters are registered. For the purposes of this section, a
20 duly authorized institution of higher education means an in-State
21 institution licensed by the [Board of] Commission on Higher
22 Education or an out-of-State institution licensed by the
23 appropriate state agency and regionally accredited or seeking
24 accreditation by the appropriate accrediting body recognized by
25 the Council on Postsecondary Education or the United States
26 Department of Education.
27 (cf: P.L.1986, c.87, s.3)

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

30 4. An in-State university, college, business, trade or vocational
31 school may not offer, advertise, or by agreement with an
32 out-of-State institution, offer or advertise any academic degree
33 from any out-of-State university, college, business, trade or
34 vocational school when three-quarters or more of the degree
35 requirements are obtained by course work completed at the
36 institution in New Jersey unless the degree program is consistent
37 with the programmatic mission of the institution or has been
38 approved by the [Board of] Commission on Higher Education or is
39 a degree program at an institution specifically exempted from
40 the provisions of N.J.S.18A:68-6.
41 (cf: P.L.1986, c.87, s.4)

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

44 2. Every institution of higher education licensed or approved by
45 the [State Board of] Commission on Higher Education to award an
46 academic degree shall disclose the amount, terms, restrictions
47 and requirements attached to or made a part of any gift of value
48 in excess of \$100,000.00 made to the institution by a foreign
49 government, foreign legal entity or foreign person in any one
50 fiscal year. If the foreign government, foreign legal entity or
51 foreign person makes more than one gift to an institution, and the
52 total value of those gifts in any one fiscal year exceeds
53 \$100,000.00, the institution shall report all of the gifts received.
54 (cf: P.L.1987, c.53, s.2)

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

3 3. This information shall be forwarded to the Department of
4 [Higher Education] Treasury no later than 30 days after the last
5 day of the fiscal year. The information shall include:

- 6 a. The amount of the gift.
- 7 b. The date on which it was received.
- 8 c. Full details of any conditions, matching provisions, or
9 designation of the gift for a specific purpose.
- 10 d. The name of the foreign government in the case of a gift by
11 a foreign government; the name of the foreign entity in the case
12 of a gift by a foreign entity; and the name of the foreign country
13 in which a foreign person is located or resides in the case of a
14 gift by a foreign person.
- 15 e. The purpose or purposes for which the gift will be used.

16 (cf: P.L.1987, c.53, s.3)

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

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

31 (cf: P.L.1991,c.388,s.2)

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

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

39 (cf: P.L.1991,c.388,s.3)

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

42 3. a. There is established in, but not of, the Department of
43 [Higher Education] State the New Jersey Institute on Conflict
44 Resolution and Peace Studies, hereafter referred to as the
45 Institute.

46 b. The Institute shall be under the direct management and
47 supervision of the [Chancellor of Higher Education] Secretary of
48 State, who shall, by rules and regulations promulgated pursuant to
49 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
50 et seq.), provide for its organization and methods of proceeding,
51 so as to fulfill the purposes prescribed in section 4 of this act.

52 c. The [Chancellor] secretary may at any time, and from time
53 to time, enter into agreements with any public or private
54 institution of higher learning in this State, under which such

1 institution shall undertake to carry out any of the functions or
2 projects of the Institute, pursuant to section 4 of [this act]
3 P.L.1984, c.149 (C.18A:3A-4); and in consideration of such
4 undertaking the [Chancellor] secretary may authorize the
5 payment to such institution of funds appropriated or otherwise
6 made available to the Institute under this act or any other law, or
7 from any other lawful source, and which are determined by him
8 to be necessary or appropriate for the funding of the function or
9 project so undertaken.

10 (cf: P.L.1984, c.149, s.3)

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

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

25 (cf: P.L.1984, c.149, s.6)

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

27 18A:4-3. The State Board of Education shall consist of [the
28 Chancellor of Higher Education who shall be a member ex officio
29 without vote and the chairman of the Board of Higher Education
30 or his designee, who shall be a citizen member of the board of
31 higher education, and 12] 13 members who shall be citizens of the
32 State who have resided therein for not less than 5 years
33 immediately preceding their appointment, not less than three of
34 whom shall be women and not more than one of whom shall be
35 appointed from the residents of any one county.

36 (cf: P.L.1973, c.93, s.1)

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

39 2. a. The New Jersey Commission on Holocaust Education is
40 created and established in the Executive Branch of the State
41 Government. For the purposes of complying with the provisions
42 of Article V, Section IV, paragraph 1 of the New Jersey
43 Constitution, the commission is allocated within the Department
44 of Education, but notwithstanding this allocation, the commission
45 shall be independent of any supervision or control by the
46 department or any board or officer thereof.

47 The commission shall consist of 21 members, including the
48 Commissioner of Education and the [Chancellor of Higher
49 Education] chair of the executive board of the Presidents's
50 Council, serving ex officio, and 19 public members.

51 Public members shall be appointed as follows: three public
52 members shall be appointed by the President of the Senate; three
53 public members shall be appointed by the Speaker of the General
54 Assembly; and 13 public members shall be appointed by the

1 Governor, no less than six of whom shall at the time of their
2 appointment be members of the New Jersey Advisory Council on
3 Holocaust Education, created pursuant to Executive Order No. 17
4 of 1982 and continued pursuant to Executive Order No. 87 of
5 1984, Executive Order No. 168 of 1987 and Executive Order No.
6 225 of 1990, and further continued pursuant to Executive Order
7 No. 14 of 1990. The public members shall be residents of this
8 State, chosen with due regard to broad geographic representation
9 and ethnic diversity, who have served prominently as
10 spokespersons for, or as leaders of organizations which serve
11 members of religious, ethnic, national heritage or social groups
12 which were subjected to genocide, torture, wrongful deprivation
13 of liberty or property, officially imposed or sanctioned violence,
14 and other forms of human rights violations and persecution at the
15 hands of the Nazis and their collaborators during the Nazi era, or
16 they shall be residents who are experienced in the field of
17 Holocaust education.

18 b. Each public member of the commission shall serve for a
19 term of three years, except that of the initial members so
20 appointed: one member appointed by the President of the Senate,
21 one member appointed by the Speaker of the General Assembly,
22 and four members appointed by the Governor shall serve for
23 terms of one year: one member appointed by the President of the
24 Senate, one member appointed by the Speaker of the General
25 Assembly, and four members appointed by the Governor shall
26 serve for terms of two years; and one member appointed by the
27 President of the Senate, one member appointed by the Speaker of
28 the General Assembly, and five members appointed by the
29 Governor shall serve for terms of three years. Public members
30 shall be eligible for reappointment. They shall serve until their
31 successors are appointed and qualified, and the term of the
32 successor of any incumbent shall be calculated from the
33 expiration of the term of that incumbent. A vacancy occurring
34 other than by expiration of term shall be filled in the same
35 manner as the original appointment but for the unexpired term
36 only.

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

40 d. The commission shall annually elect a chairman from among
41 its members. It shall meet upon the call of the chairman or of a
42 majority of the commission members. The presence of a majority
43 of the authorized membership of the commission shall be required
44 for the conduct of official business.

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

48 (cf: P.L.1991, c.193, s.2)

49 46. N.J.S.18A:6-3 is amended to read as follows:

50 18A:6-3. Regular courses of instruction in the constitution of
51 the United States shall be given in all public schools and in all
52 private schools, attendance at which is a sufficient compliance
53 with the compulsory educational requirements of this title in this
54 state, which instruction shall begin not later than the opening of

1 the seventh grade in public schools and of the equivalent grade in
2 private schools and shall continue in the high school course and in
3 courses of state colleges and universities and the educational
4 departments of the state and municipal institutions [to the extent
5 to be determined, by rule, by the commissioner or by the
6 chancellor, as the case may be].

7 (cf: N.J.S.18A:6-3)

8 47. N.J.S.18A:6-4 is amended to read as follows:

9 18A:6-4. The board, body or person in charge of each
10 educational institution, except an institution of higher education,
11 receiving support or aid from the state and of each private school
12 shall report, annually on or before August 1, to the commissioner,
13 in the manner and form required by him, and the board, body or
14 person in charge of each educational institution of higher learning
15 receiving support or aid from the state shall report in like manner
16 to the [chancellor] Commission on Higher Education, such
17 statistics relating to the conduct of such institution or school as
18 he may require but no private school shall be required to report
19 concerning its expenses or finances nor shall any such report
20 made by it be published or made public.

21 (cf: N.J.S.18A:6-4)

22 48. N.J.S.18A:6-18 is amended to read as follows:

23 18A:6-18. No professor, associate professor, assistant
24 professor, instructor, supervisor, registrar, teacher or other
25 persons employed in a teaching capacity, in any State college,
26 county college or industrial school who is under tenure during
27 good behavior and efficiency shall be dismissed or subject to
28 reduction of salary, except for inefficiency, incapacity, conduct
29 unbecoming a teacher or other just cause. Written charge of the
30 cause or causes preferred against an individual shall be signed by
31 the person or persons making the same and filed with the board of
32 trustees of said college or school. Upon determination that the
33 matter is a contested case, the board shall assign the matter for
34 hearing and initial decision either to a subcommittee of three of
35 its members or to the Office of Administrative Law. A final
36 decision shall be rendered by the full board of trustees. The
37 person charged may be represented by counsel at all times and
38 have compulsory process to compel the attendance of witnesses
39 to testify therein, as provided by law. [Appeals from a decision
40 of the board of trustees shall be made on the record to the
41 Chancellor of Higher Education]. Contested case hearing shall
42 be conducted under rules and regulations established pursuant to
43 "The Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.) and P.L.1978, c.67 (C.52:14F-1 et seq.).

45 (cf: P.L.1981, c.181. s.1)

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

47 18A:6-19. Any member of any board of education, governing
48 board or of any other board or any person, lawfully authorized to
49 hold a hearing, may administer oaths to witnesses in such hearing,
50 in any dispute or controversy under the school laws or the rules of
51 the commissioner or of the state board [or of the higher
52 education board or of the chancellor], of which they or he have
53 jurisdiction.

1 Any person who has been so sworn and who shall testify falsely
2 at such hearing shall be guilty of a misdemeanor.

3 (cf: N.J.S.18A:6-19)

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

5 18A:6-20. Any party to any dispute or controversy or charged
6 therein, may be represented by counsel at any hearing held in or
7 concerning the same and shall have the right to testify, and
8 produce witnesses to testify on his behalf and to cross-examine
9 witnesses produced against him, and to have compulsory process
10 by subpoena to compel the attendance of witnesses to testify and
11 to produce books and documents in such hearing when issued by
12 (a) the president of the board of education, if the hearing is to be
13 held before such board, or (b) the commissioner, if the hearing is
14 to be held before him or on his behalf, or (c) the president and
15 secretary of the state board, if the hearing is to be held before
16 such board or before one of its committees, or (d) the chairman
17 of the board of trustees of the state or county college or
18 industrial school, if the hearing is to be held before such board [,
19 or (e) the chairman and secretary of the higher education board,
20 if the hearing is to be held before such board or before one of its
21 committees or before the chancellor].

22 The subpoena shall be served in the same manner as subpoenas
23 issued out of the superior court are served.

24 (cf: N.J.S.18A:6-20)

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

26 18A:6-26. The state board and the commissioner with the
27 approval of the state board [and the board of higher education
28 and the chancellor with the approval of the board of higher
29 education] and any other board or body having jurisdiction over
30 the prosecution and hearing of controversies and disputes under
31 the school laws or any rules made thereunder shall have power to
32 make rules governing the prosecution and hearing of
33 controversies and disputes, under the school laws and the rules
34 governing the particular prosecution or dispute when exercising
35 original or appellate jurisdiction therein.

36 (cf: N.J.S.18A:6-26)

37 52. N.J.S.18A:6-27 is amended to read as follows:

38 18A:6-27. Any party aggrieved by any determination of the
39 commissioner may appeal from his determination to the state
40 board.

41 [Any party aggrieved by any determination of a board of
42 trustees of any state college, county college or industrial school
43 may appeal from such determination to the chancellor.

44 Any party aggrieved by any determination of the chancellor
45 may appeal from such determination to the board of higher
46 education.]

47 (cf: N.J.S.18A:6-27)

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

49 18A:6-28. An appeal to the state board [or the board of higher
50 education] shall be taken in the manner prescribed by rules of the
51 [respective] board, within 30 days after the decision appealed
52 from is filed, and [such] the board shall have power to hear and
53 determine any such appeal.

54 (cf: N.J.S.18A:6-28)

- 1 54. N.J.S.18A:6-29 is amended to read as follows:
2 18A:6-29. The state board [or the board of higher education]
3 may refer the hearing of any appeal, taken to it in the manner
4 pursuant to law, to a committee of not less than three of its
5 members, which committee shall hear the same and report
6 thereon, recommending its conclusions, to the board and the
7 board shall thereupon decide the appeal by resolution in open
8 meeting.
9 (cf: N.J.S.18A:6-29)
- 10 55. Section 8 of P.L.1975, c.212 (C.18A:7A-8) is amended to
11 read as follows:
12 8. The State board after consultation with the commissioner
13 and review by the Joint Committee on the Public Schools shall,
14 from time to time, but at least once every 5 years, review and
15 update the State goals and standards established pursuant to this
16 act. In reviewing and updating these goals and standards, the
17 State board shall consult with, and be assisted by, (a) the
18 Commissioner of Labor [and Industry] who, in consultation with
19 employer and employee groups, shall report annually to the State
20 board projecting labor needs and describing employment
21 qualifications in New Jersey, (b) the [Chancellor of Higher
22 Education who] Presidents' Council, which, in consultation with
23 the institutions of higher education in the State, shall report
24 annually to the State board on entry requirements and anticipated
25 enrollment levels, (c) the Commissioner of Health who shall
26 report annually to the State board on the current and projected
27 health needs in New Jersey, (d) the Commissioner of Institutions
28 and Agencies who shall report annually to the State board on the
29 education of pupils under the jurisdiction of the department, and
30 (e) such other employees and officers of the State as may be able
31 to assist the State board in its activities pursuant to this section.
32 (cf: P.L.1975, c.212, s.8)
- 33 56. Section 12 of P.L.1979, c.207 (C.18A:7B-8) is amended to
34 read as follows:
35 12. There is hereby created and established in the Department
36 of Corrections an Office of Education to be headed by a Director
37 of Educational Services who shall supervise the educational
38 programs in all State facilities operated by that department and
39 shall approve all personnel to be hired for such programs.
40 The director shall hold the appropriate certificate issued by the
41 State Board of Examiners and shall be qualified by training and
42 experience for his position and shall be appointed by the
43 Commissioner of Corrections. He shall serve at the pleasure of
44 the commissioner and shall receive such salary as shall be fixed
45 by the commissioner.
46 The director shall establish primary, secondary, and vocational
47 programs which meet the educational needs of school age persons
48 for whom the department is responsible. Appropriate credit and
49 certification shall be given for the successful completion of such
50 programs.
51 Within any available appropriation, the program of education
52 shall include adult, post-secondary and college programs offered
53 by institutions licensed by the Department of Education or the
54 [Department of] Commission on Higher Education.
55 (cf: P.L.1979, c.207, s.12)

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

3 13. There is hereby created and established in the Department
4 of Human Services an Office of Education to be headed by a
5 Director of Educational Services who shall supervise the
6 educational programs in all the State facilities operated by or
7 under contract with that department and shall approve all
8 personnel hired by the State for such programs.

9 The director shall hold the appropriate certificate issued by the
10 State Board of Examiners and shall be qualified by training and
11 experience for his position and shall be appointed by the
12 Commissioner of Human Services. He shall serve at the pleasure
13 of the commissioner and shall receive such salary as shall be
14 fixed by the commissioner.

15 The director shall establish primary, secondary, and vocational
16 programs which meet the educational needs of school age persons
17 for whom the department is responsible. Appropriate credit and
18 certification shall be given for the successful completion of such
19 programs.

20 Within any available appropriation, the program of education
21 shall include adult, post-secondary and college programs offered
22 by institutions licensed by the Department of Education or the
23 [Department of] Commission on Higher Education.

24 (cf: P.L.1979, c.207, s.13)

25 58. Section 34 of P.L.1991, c.62 (C.18A:7D-28.3) is amended to
26 read as follows:

27 34. Notwithstanding any statute, rule or regulation
28 promulgated by the State Board of Education, special needs
29 districts may contract with New Jersey colleges and universities
30 to provide in school, after school and special academic programs
31 and services to assist the districts in providing a thorough and
32 efficient education. The [Chancellor of Higher Education]
33 Presidents' Council shall prepare on or before July 1 of each year
34 a report of programs and services available from New Jersey
35 colleges and universities to assist special needs districts. The
36 report shall be distributed to the commissioner and to the special
37 needs districts.

38 (cf: P.L.1991, c.62, s.34)

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

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

42 a. "Board of education" means and includes the board of
43 education of any local school district, consolidated school
44 district, regional school district, county vocational school and any
45 other board of education or other similar body other than the
46 State Board of Education [or the State Board of Higher
47 Education], the Commission on Higher Education or the
48 Presidents' Council, established and operating under the
49 provisions of Title 18A of the New Jersey Statutes and having
50 authority to make purchases and to enter into contracts,
51 agreements or leases for the performance of any work or the
52 furnishing or hiring of any materials, supplies, equipment or
53 services usually required, the cost or contract price is to be paid
54 with or out of board funds.

1 b. "Contracting agent" means the secretary, business
2 administrator or the business manager of the board of education
3 having the power to prepare advertisements, to advertise for and
4 receive bids and to make awards for the board of education in
5 connection with purchases, contracts or agreements as permitted
6 by this chapter, but if there be no secretary, business
7 administrator or business manager such officer, committees or
8 employees to whom such power has been delegated by the board
9 of education.

10 c. "Contracts" for the purpose of this chapter means contracts
11 or agreements for the performance of work or the furnishing or
12 hiring of services, materials, or supplies as distinguished from
13 contracts of employment.

14 d. "District" means and includes any local school district,
15 consolidated school district, regional school district, county
16 vocational school and any other board of education or other
17 similar body other than the State board, established under the
18 provisions of Title 18A of the New Jersey Statutes.

19 e. "Legal newspaper" means a newspaper circulating in the
20 district, printed and published in the English language at least
21 once a week for at least 1 year continuously.

22 f. "Materials" includes goods and property subject to article 2
23 of Title 12A of the New Jersey Statutes, apparatus, or any other
24 tangible thing, except real property or any interest therein.

25 g. "Extraordinary unspecifiable services" means services
26 which are specialized and qualitative in nature requiring
27 expertise, extensive training and proven reputation in the field of
28 endeavor.

29 h. "Professional services" means services rendered or
30 performed by a person authorized by law to practice a recognized
31 profession and whose practice is regulated by law and the
32 performance of which services requires knowledge of an advanced
33 type in a field of learning acquired by a prolonged formal course
34 of specialized instruction and study as distinguished from general
35 academic instruction or apprenticeship and training. Professional
36 services also means services rendered in the performance of work
37 that is original and creative in character in a recognized field of
38 artistic endeavor.

39 i. "Project" means any work, undertaking, construction or
40 alteration.

41 j. "Purchases" are transactions, for a valuable consideration,
42 creating or acquiring an interest in goods, services and property,
43 except real property or any interest therein.

44 k. "Work" includes services and any other activity of a
45 tangible or intangible nature performed or assumed pursuant to a
46 contract or agreement with a board of education.

47 (cf: P.L.1977. c.114. s.1)

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

50 1. Whenever an Educational Services Commission, a Jointure
51 Commission, the Commissioner of Education, the State Board of
52 Education, [the Chancellor, the State Board of Higher Education
53 or] the board of trustees of any State college, or any officer,
54 board or commission under his, its or their authority shall
55 undertake the operation of any school previously operated by a

1 school district in this State. all accumulated sick leave, tenure
2 and pension rights of all teaching staff members in said school
3 shall be recognized and preserved by the agency assuming
4 operational control of the school, and any periods of prior
5 employment in such school district shall count toward the
6 acquisition of tenure to the same extent as if all of such
7 employment had been under the Educational Services
8 Commission, Jointure Commission, the Commissioner of
9 Education, the State Board of Education, [the Chancellor, the
10 State Board of Higher Education] or the board of trustees of any
11 State college, as the case may be.

12 (cf: P.L.1973. c.267, s.1)

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

15 2. Whenever the local board of education of any school district
16 in this State shall undertake the operation of any school
17 previously operated by an Educational Services Commission, a
18 Jointure Commission, the Commissioner of Education, the State
19 Board of Education, [the Chancellor, the State Board of Higher
20 Education or] the board of trustees of any State college, or any
21 officer, board or commission under his, its or their authority, all
22 accumulated sick leave, tenure and pension rights of all teaching
23 staff members in said school, shall be recognized and preserved
24 by the board assuming operational control of the school, and any
25 periods of prior employment, by said Educational Services
26 Commission, Jointure Commission, Commissioner of Education,
27 State Board of Education or board of trustees of any State
28 college, or any officer, board or commission under his, its or their
29 authority, shall count toward the acquisition of tenure to the
30 same extent as if all of such employment had been in such school
31 district.

32 (cf: P.L.1973, c.267, s.2)

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

35 3. For the academic year following any transfer of
36 operational control under section 1 or section 2 of [this act]
37 P.L.1973, c.267 (C.18A:28-16 and 18A:28-17), both the local
38 school board and the Educational Services Commission, Jointure
39 Commission, Commissioner of Education, State Board of
40 Education, [Chancellor, State Board of Higher Education] or the
41 board of trustees of a State college, as the case may be, shall
42 comply with the notice requirements of P.L.1971, c.436
43 (C.18A:27-10 et seq.), to the same extent as if each had been the
44 employer of all teaching staff members of the school in question
45 during the academic year preceding the transfer of operational
46 control.

47 (cf: P.L.1973, c.267, s.3)

48 63. Section 9 of P.L.1974, c.197 (C.18A:35-23) is amended to
49 read as follows:

50 9. The Commissioner of Education [and the Chancellor of
51 Higher Education] shall, with the approval of [their respective
52 boards] the State Board of Education promulgate rules and
53 regulations, establish procedures, employ personnel, and take all
54 other necessary steps to insure the implementation of the
55 provisions of this act.

56 (cf: P.L.1974. c.197, s.9)

1 64. Section 10 of P.L.1974, c.197 (C.18A:35-24) is amended to
2 read as follows:

3 10. The State Board of Education [and the State Board of
4 Higher Education] shall [jointly] establish a State Advisory
5 Committee on Bilingual Education to assist the Department of
6 Education [and the Department of Higher Education] in the
7 formulation of policies and procedures relating to this act. The
8 State Advisory Committee on Bilingual Education shall include
9 representatives of the language communities served, institutions
10 of higher education, local school boards, school administrators,
11 teachers and laymen knowledgeable in the field of bilingual
12 education.

13 (cf: P.L.1974, c.197, s.10)

14 65. Section 11 of P.L.1974, c.197 (C.18A:35-25) is amended to
15 read as follows:

16 11. The [Board of] Commission on Higher Education with the
17 advice of the State Advisory Committee on Bilingual Education
18 shall [provide] recommend to the treasurer that financial support
19 be provided to institutions of higher education for career
20 development programs and the training of professionals serving
21 bilingual populations with emphasis on effective utilization of
22 existing facilities.

23 (cf: P.L.1974, c.197, s.11)

24 66. Section 12 of P.L.1974, c.197 (C.18A:35-26) is amended to
25 read as follows:

26 12. The State [board and the State Board of Higher] Board of
27 Education shall develop resources, programs, curriculum and
28 instructional materials and undertake such other activities as will
29 enable boards of education to provide programs pursuant to this
30 act [; the boards shall, where appropriate, jointly or cooperatively
31 undertake such activities].

32 (cf: P.L.1974, c.197, s.12)

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

34 N.J.S.18A:38-24. Any pupil may with the consent of the board
35 of education of the district in which he resides and of the
36 commissioner be admitted to any demonstration school
37 maintained in connection with any state college. The board of
38 education of the district and the board of trustees of the state
39 college [, with the approval of the board of higher education.]
40 shall determine the amount to be paid for the education of the
41 pupil, and the board of education of the district shall pay the
42 amount so determined to the treasurer of the college out of any
43 money available for the current expenses of the district. Pupils
44 attending such demonstration schools for whom tuition is paid by
45 the sending district shall be counted in the determination of state
46 aid for the school district in the same manner as pupils attending
47 schools in any school district other than the sending district.

48 (cf: N.J.S.18A:38-24)

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

51 3. The Legislature hereby finds and declares that there is a
52 need for new programs and institutions capable of reaching and
53 motivating the high-school dropout; that the experience gained
54 by the creation of neighborhood education centers in other States

1 indicates that those centers may be a partial answer to the
2 problem of the high-school dropout; that the Commissioners of
3 Education [, Higher Education] and Community Affairs should be
4 authorized to establish such neighborhood education centers; and
5 that the expenditure of public funds for those purposes is in the
6 public interest.

7 (cf: P.L.1968, c.182, s.3)

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

10 5. There is hereby created in but not of the Department of
11 Community Affairs the Governor's Council on Neighborhood
12 Education Centers, which shall consist of the Commissioner of
13 Community Affairs [,] and the Commissioner of Education [, and
14 the Chancellor of Higher Education, all of whom] who shall be
15 members of the council for such times as they shall hold their
16 respective offices. The commissioner shall serve as the
17 administrator and chief executive officer of the council, and shall
18 have primary responsibility for the activities of the council. The
19 Commissioner of Education shall serve as the chairman of the
20 council, which shall meet at the call of said chairman.

21 (cf: P.L.1968, c.182, s.5)

22 70. Section 7 of P.L.1968, c.182 (C.18A:54A-7) is amended to
23 read as follows:

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

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

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

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

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

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

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

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

48 (cf: P.L.1968, c.182, s.7)

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

50 18A:59-1. Whenever moneys are made available for school
51 purposes by any act of congress, except the act of congress
52 referred to in article 2 of this chapter, or any agency of the
53 federal government, or made available or deposited in any
54 manner in accordance with any law enacted by the congress of

1 the United States, such moneys shall be apportioned by the
2 commissioner under plans approved by the state board, if said
3 moneys are for use in the public school system, or by the
4 [chancellor, under plans approved by the board of higher
5 education] Commission on Higher Education, if said moneys are
6 for use in higher education. Such moneys shall be distributed as
7 aid to the several districts or in any other manner designated for
8 any educational purpose defined in the federal statutes or in the
9 regulations of federal agencies making allotments or in the laws
10 of this state.

11 (cf: N.J.S.18A:59-1)

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

13 18A:59-2. All moneys mentioned in [section] N.J.S.18A:59-1
14 shall be considered trust funds and shall be distributed by the
15 commissioner or by the [chancellor] Commission on Higher
16 Education, as the case may be, in conformity with said plans.

17 (cf: N.J.S.18A:59-2)

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

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

22 a. "Academic rank" means instructor, assistant professor,
23 associate professor and professor.

24 b. "Faculty member" means any full-time member of the
25 teaching staff appointed with academic rank. [Pursuant to rules
26 promulgated by the State Board of Higher Education, other]
27 Other full-time professional persons shall be considered faculty
28 members if they concurrently hold academic rank.

29 (cf: P.L.1973, c.163, s.2)

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

32 5. [Under guidelines established by the State Board of Higher
33 Education it] It shall be the responsibility of the board of trustees
34 and the president of each State and county college, in conjunction
35 with their faculty to establish a formal procedure for the career
36 development of all members of the professional staff including,
37 but not limited to, a systematic and regular evaluation for the
38 purpose of identifying any deficiencies, extending assistance for
39 their correction and improving instruction.

40 (cf: P.L.1973, c.163, s.5)

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

43 1. The Commissioner of Education [and the Chancellor of
44 Higher Education jointly], the Commission on Higher Education,
45 in consultation with the Presidents' Council, shall establish a
46 program to promote increased cooperation between the State's
47 high schools and institutions of higher education. The objective
48 of this program shall be to increase the access of our State's able
49 high school students to the educational resources available in our
50 institutions of higher education. This program shall supplement
51 the efforts of local school districts to provide appropriate
52 education to their students and shall not relieve a district of any
53 obligation established by statute or regulation.

54 The program shall increase the availability of college-level

1 instruction for high school students through courses offered by
2 institutions of higher education at their campuses and in high
3 schools. The program shall seek the involvement of all
4 institutions of higher education, two-year and four-year, public
5 and nonpublic, and all school districts, including those which are
6 not located in close proximity to an appropriate institution of
7 higher education.

8 (cf: P.L.1986, c.194, s.1)

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

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

16 (cf: P.L.1986, c.194, s.3)

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

19 1. The [Chancellor of the State Department of Higher
20 Education in cooperation with the] Commissioner of the
21 Department of Education, in consultation with the Commission on
22 Higher Education and the Presidents' Council, shall establish a
23 program to provide courses for college credit on public high
24 school campuses to high school pupils, through institutions of
25 higher education in this State.

26 (cf: P.L.1986, c.193, s.1)

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

29 4. The [chancellor] commissioner, in consultation with the
30 Commission on Higher Education and the Presidents' Council,
31 may limit courses taught under the program to courses which are
32 equivalent to those offered by the institution of higher education
33 to its regularly admitted students.

34 (cf: P.L.1986, c.193, s.4)

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

37 5. A public institution of higher education shall accept
38 [pursuant to standards established by the chancellor.] the course
39 credit of a student who successfully participates in the program.

40 (cf: P.L.1986, c.193, s.5)

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

43 6. The [chancellor, in consultation with the] commissioner, in
44 consultation with the Commission on Higher Education and the
45 Presidents' Council, and with the approval of the State Board of
46 [Higher] Education, shall adopt rules and regulations in
47 accordance with the "Administrative Procedure Act," P.L.1968,
48 c.410 (C.52:14B-1 et seq.) necessary for the operation of the
49 program.

50 (cf: P.L.1986, c.193, s.6)

51 81. Section 1 of P.L.1988, c.158 (C.18A:61D-1) is amended to
52 read as follows:

53 1. Every public and independent institution of higher education
54 in this State shall, as a condition of admission or continued

1 enrollment, require every graduate and undergraduate student
2 who is 30 years of age or less and is enrolled full-time or
3 part-time in a program or course of study leading to an academic
4 degree, to submit to the institution a valid immunization record
5 which documents the administration of all required
6 immunizations against vaccine-preventable disease, or evidence
7 of immunity from these diseases, in accordance with regulations
8 promulgated by the [State Board of Higher Education]
9 Department of Health. The institution shall keep the records on
10 file in such form and manner as prescribed by the [State board]
11 department.

12 (cf: P.L.1988, c.158, s.1)

13 82. Section 2 of P.L.1988, c.158 (C.18A:61D-2) is amended to
14 read as follows:

15 2. An institution may, in accordance with regulations
16 promulgated by the [State board] department, exempt from the
17 requirements of section 1 of [this act] P.L.1988, c.158
18 (C.18A:61D-1) any student who attended an elementary or
19 secondary school located in this State.

20 (cf: P.L.1988, c.158, s.2)

21 83. Section 4 of P.L.1988, c.158 (C.18A:61D-4) is amended to
22 read as follows:

23 4. A student who submits to the institution a written
24 statement that an immunization is medically contraindicated
25 shall submit a valid immunization record of other administered
26 immunizations in accordance with regulations promulgated by the
27 [State board] department.

28 (cf: P.L.1988, c.158, s.4)

29 84. Section 6 of P.L.1988, c.158 (C.18A:61D-6) is amended to
30 read as follows:

31 6. The [State Board of Higher Education, in consultation with
32 the Department] Commissioner of Health, shall, pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), promulgate rules and regulations necessary to effectuate
35 the provisions of this act.

36 (cf: P.L.1988, c.158, s.6)

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

39 1. Each public institution of higher education in New Jersey
40 may [, pursuant to such rules and regulations as shall be
41 promulgated by the State Board of Higher Education,] permit
42 persons of the age of 65 or more years to enroll without the
43 payment of any tuition charges in regularly scheduled courses;
44 provided that available classroom space permits and that tuition
45 paying students constitute the minimum number required for the
46 course, provided that nothing herein shall preclude public
47 institutions from requiring registration fees [, subject to approval
48 by the State Board,] for individuals attending courses pursuant to
49 waivers granted under this act.

50 (cf: P.L.1982, c.137, s.1)

51 86. Section 1 of P.L.1979, c.361 (C.18A:62-4) is amended to
52 read as follows:

53 1. Persons who have been resident within this State for a
54 period of 12 months prior to enrollment in a public institution of
55 higher education are presumed to be domiciled in this State for

1 tuition purposes. Persons who have been resident within this
2 State for less than 12 months prior to enrollment are presumed to
3 be nondomiciliaries for tuition purposes. Persons presumed to be
4 nondomiciled or persons who are presumed to be domiciled, but
5 whose domiciliary status is challenged by the institution, may
6 demonstrate domicile according to rules and regulations
7 established for that purpose by the [Board of] Commission on
8 Higher Education. Residence established solely for the purpose
9 of attending a particular educational institution is not domicile
10 for the purposes of this act.

11 (cf: P.L.1979. c.361, s.1)

12 87. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
13 read as follows:

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

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

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

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

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

39 f. Nothing in this section shall be construed to permit a
40 hospital in this State to deny access to hospital care to a
41 full-time student whose health insurance coverage required by
42 this section lapses for any reason.

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

46 (cf: P.L.1991, c.187, s.77)

47 88. Section 6 of P.L.1992, c.49 (C.18A:62-21) is amended to
48 read as follows:

49 6. The [State Board of Higher Education] Presidents' Council
50 shall review the guidelines and procedures developed by the
51 institutions, in conjunction with the agencies or organizations
52 sponsoring literacy tutoring programs, to provide assistance in
53 making the guidelines and procedures the same for all
54 participating institutions.

55 (cf: P.L.1992, c.49, s.6)

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

2 18A:63-1. Summer schools and extension courses for the
3 purpose of training and educating persons, in the science of
4 education and in the art of teaching elementary agriculture,
5 manual training, household economics and such other subjects as
6 may be prescribed, shall be established and maintained in the
7 state colleges [and may be provided in such other places as shall
8 be designated by the board of higher education].
9 (cf: N.J.S.18A:63-1)

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

11 18A:63-2. The state colleges and state summer schools may
12 charge [such] tuition and incidental fees in extension courses and
13 summer school courses [as are approved by the board of higher
14 education].
15 (cf: N.J.S.18A:63-2)

16 91. Section 2 of P.L.1971, c.191 (C.18A:63A-2) is amended to
17 read as follows:

18 2. The State [Board of Higher Education] Treasurer is hereby
19 authorized to contract with any and all accredited schools of
20 veterinary medicine in the United States for the acceptance of
21 students who are residents of New Jersey for at least 12 months
22 and desire to study veterinary medicine, and beginning
23 September, 1971, to expend annually within the limits of
24 available appropriations such sums as are necessary to accomplish
25 the intent of this act.

26 (cf: P.L.1971, c.191, s.2)

27 92. Section 3 of P.L.1971, c.191 (C.18A:63A-3) is amended to
28 read as follows:

29 3. All such contracts shall only be entered into by the [New
30 Jersey State Board of Higher Education] Treasurer on behalf of
31 the State with the advice and consent of an advisory committee
32 consisting of the following: (1) Dean of the College of
33 Agriculture and Environmental Science or his designee; (2)
34 President of the New Jersey Veterinary Medical Association; (3)
35 Secretary of the New Jersey Veterinary Medical Examining Board
36 and (4) four New Jersey veterinarians appointed by the Governor
37 for terms of 4 years each. The first four appointees shall be
38 appointed one for 1 year, one for 2 years, one for 3 years and one
39 for 4 years, as designated by the Governor.

40 (cf: P.L.1971, c.191, s.3)

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

42 18A:64-1. The Legislature hereby finds that it is in the best
43 interest of the State that the State colleges shall be and continue
44 to be given a high degree of self-government and that the
45 government and conduct of the colleges shall be free of
46 partisanship. The Legislature finds further that a
47 decentralization of authority and decision-making to the boards
48 of trustees and administrators of the State colleges [in the areas
49 of personnel, budget execution, purchasing and contracting] will
50 enhance the idea of self-government. Such colleges shall be
51 maintained for the purpose of providing higher education in the
52 liberal arts and sciences and various professional areas, including
53 the science of education and the art of teaching, at such places

1 as may be provided by law. The names of the colleges shall be
2 designated by the board of trustees [with the approval of the
3 board of higher education] subject to regulations of the
4 commission on higher education concerning university status.
5 The name of each of the existing State colleges shall continue the
6 same unless a new name is so designated.

7 (cf: P.L. 1986, c.42, s.2)

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

9 18A:64-3. [Each such board of trustees shall consist of nine
10 citizens of the State, not more than three of whom shall reside in
11 any one county and of whom at least two shall be women, who
12 shall be appointed by the Board of Higher Education, subject to
13 the approval of the Governor. In addition to the citizen members,
14 the Chancellor of Higher Education, or the chancellor's designee,
15 shall serve on each board as an ex officio, nonvoting member.]
16 The composition and size of the board of trustees shall be
17 determined by the board; however, each board shall have not less
18 than seven nor more than 15 members. The members shall be
19 citizens of the State appointed by the Governor. Each board of
20 trustees shall recommend potential new members to the
21 Governor. The terms of office of appointed members shall be for
22 six years beginning on July 1 and ending on June 30 [, except that
23 of the members first appointed, two shall be appointed for terms
24 expiring June 30, 1967; two for terms expiring June 30, 1968; two
25 for terms expiring June 30, 1969; one for a term expiring June 30,
26 1970; one for a term expiring June 30, 1971; and one for a term
27 expiring June 30, 1972]. Each member shall serve until his
28 successor shall have been appointed and qualified and vacancies
29 shall be filled in the same manner as the original appointments
30 for the remainders of the unexpired terms. Any member of a
31 board of trustees may be removed by the Governor for cause upon
32 notice and opportunity to be heard.

33 (cf: P.L.1986, c.42, s.3)

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

36 1. The board of trustees of any State college established
37 pursuant to chapter 64 of Title 18A of the New Jersey Statutes
38 shall provide for the election of two student representatives as
39 provided herein, who shall be full-time, regularly matriculated
40 students in good academic standing, and who shall be 18 years of
41 age or older and citizens of the United States, to be elected by
42 the students in the manner provided herein to serve on the board
43 of trustees of that college for terms of two years commencing at
44 the next organization of the board.

45 a. In order to implement the provisions of this section, each
46 board of trustees shall schedule a public hearing on the question
47 of the student election. After the public hearing, the board, at
48 its regularly scheduled meeting in March following the effective
49 date of this act, shall determine whether the students are to be
50 elected by the student body at large or by the members of the
51 student government association. Except that, for Thomas A.
52 Edison State College, the method of the selection and the
53 designation of eligible academic status of the student
54 representatives shall be determined by the board of that college
55 [in consultation with the State Board of Higher Education].

1 b. For the first election held pursuant to this section, one
2 student shall be elected for a one year term as a full voting
3 member, and one student shall be elected for two years, but shall
4 serve as an alternate member during the first year and as a
5 voting member during the second year.

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

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

11 c. The standards for eligibility for student representatives on
12 the board of trustees shall be the same as those required for
13 other student government officers.

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

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

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

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

36 e. Upon assuming office, the students shall agree to adhere to
37 such standards of responsibility and confidentiality as are
38 established by the [State Board of Higher Education] board of
39 trustees.

40 (cf: P.L.1988, c.82, s.1).

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

42 18A:64-6. The board of trustees of a State college shall [,
43 subject to the general policies, guidelines, and procedures set by
44 the Board of Higher Education,] have general supervision over and
45 shall be vested with the conduct of the college. It shall [, subject
46 to the general policies, guidelines, and procedures set by the
47 Board of Higher Education,] have the power and duty to:

48 a. Adopt and use a corporate seal;

49 b. Determine the educational curriculum and program of the
50 college consistent with the programmatic mission of the
51 institution or approved by the Commission on Higher Education;

52 c. Determine policies for the organization, administration and
53 development of the college;

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

1 annually acquaint the Governor and Legislature with the
2 condition of the college; and prepare [, and after concurrence by
3 and jointly with the Board of Higher Education.] and present the
4 annual budget to the Governor, the Division of Budget and
5 Accounting in the Department of Treasury and the Legislature in
6 accordance with law;

7 e. Disburse all moneys appropriated to the college by the
8 Legislature and all moneys received from tuition, fees, auxiliary
9 services and other sources;

10 f. Direct and control expenditures, and transfers of funds
11 appropriated to the college and tuition received by the college, in
12 accordance with the provisions of the State budget and
13 appropriation acts of the Legislature, reporting changes and
14 additions thereto and transfers thereof to the Director of the
15 Division of Budget and Accounting in the State Department of
16 the Treasury [and to the Chancellor of Higher Education] and as
17 to funds received from other sources, direct and control
18 expenditures and transfers in accordance with the terms of any
19 applicable trusts, gifts, bequests, or other special provisions. All
20 accounts of the college shall be subject to audit by the State at
21 any time;

22 g. In accordance with the provisions of the State budget and
23 appropriation acts of the Legislature, appoint and fix the
24 compensation of a president of the college, who shall be the
25 executive officer of the college and an ex officio member of the
26 board of trustees, without vote, and shall serve at the pleasure of
27 the board of trustees;

28 h. Notwithstanding the provisions of Title 11, Civil Service, of
29 the Revised Statutes, upon nomination by the president appoint a
30 treasurer and such deans and other professional members of the
31 academic, administrative and teaching staffs as defined in
32 section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required
33 and fix their compensation and terms of employment in
34 accordance with salary ranges and policies [adopted by the Board
35 of Higher Education, and concurred in by the Governor.] which
36 [salary policies] shall prescribe qualifications for various
37 classifications and shall limit the percentage of the educational
38 staff that may be in any given classification;

39 i. Upon nomination by the president, appoint, remove, promote
40 and transfer such other officers, agents or employees as may be
41 required for carrying out the purposes of the college and assign
42 their duties, determine their salaries and prescribe qualifications
43 for all positions, all in accordance with the provisions of Title 11,
44 Civil Service, of the Revised Statutes;

45 j. Grant diplomas, certificates and degrees;

46 k. Pursuant to the provisions of the "State College Contracts
47 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts
48 and agreements for the purchase of lands, buildings, equipment,
49 materials, supplies and services; enter into contracts and
50 agreements with the State or any of its political subdivisions or
51 with the United States, or with any public body, department or
52 other agency of the State or the United States or with any
53 individual, firm, or corporation, which are deemed necessary or
54 advisable by the board for carrying out the purposes of the
55 college;

1 l. If necessary, take and condemn land and other property in
2 the manner provided by the "Eminent Domain Act of 1971."
3 P.L.1971. c.361 (C.20:3-1 et seq.), whenever authorized by law to
4 purchase land or other property;

5 m. Adopt, after consultation with the president and faculty,
6 bylaws and make and promulgate such rules, regulations and
7 orders, not inconsistent with the provisions of this article, that
8 are necessary and proper for the administration and operation of
9 the college and the carrying out of its purposes;

10 n. Establish fees for room and board sufficient for the
11 operation, maintenance, and rental of student housing and food
12 service facilities;

13 o. Fix and determine [, within guidelines established by the
14 Board of Higher Education,] tuition rates and other fees to be
15 paid by students;

16 p. Accept from any government or governmental department,
17 agency or other public or private body or from any other source
18 grants or contributions of money or property, which the board
19 may use for or in aid of any of its purposes;

20 q. Acquire by gift, purchase, condemnation or otherwise, own,
21 lease, dispose of, use and operate property, whether real,
22 personal or mixed, or any interest therein, which is necessary or
23 desirable for college purposes;

24 r. Employ architects to plan buildings; secure bids for the
25 construction of buildings and for the equipment thereof; make
26 contracts for the construction of buildings and for equipment; and
27 supervise the construction of buildings. [All capital expenditures
28 in excess of \$500,000.00 shall be subject to the approval of the
29 Board of Higher Education];

30 s. Manage and maintain, and provide for the payment of all
31 charges and expenses in respect to all properties utilized by the
32 college;

33 t. Borrow money for the needs of the college, as deemed
34 requisite by the board, in such amounts, and for such time and
35 upon such terms as may be determined by the board, provided
36 that this borrowing shall not be deemed or construed to create or
37 constitute a debt, liability, or a loan or pledge of the credit, or be
38 payable out of property or funds, other than moneys appropriated
39 for that purpose, of the State;

40 u. Authorize any new program, educational department or
41 school [which will require, at the time of establishment or
42 thereafter, an additional expenditure of money, if the
43 establishment thereof is approved by the Board of Higher
44 Education and provision is made therefor by law] consistent with
45 the institution's programmatic mission or approved by the
46 commission;

47 v. [Formulate and submit to the Board of Higher Education an
48 institutional plan consistent with the rules and regulations of the
49 Board of Higher Education] deleted by amendment, P.L. . c.
50 (C.) (now pending before the Legislature as this bill); and

51 w. Pursuant to the "State College Contracts Law," P.L.1986,
52 c.43 (C.18A:64-52 et seq.), award contracts and agreements for
53 the performance of any construction work or the furnishing of

1 any materials or supplies to the lowest responsible bidder whose
2 bid, conforming to the invitation for bids, will be most
3 advantageous to the State colleges.

4 (cf: P.L.1992, c.61, s.1)

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

6 18A:64-7. The board of trustees of a state college, in addition
7 to the other powers and duties provided herein [and within the
8 general policies and guidelines set by the board of higher
9 education], shall have and exercise the powers, rights and
10 privileges that are incident to the proper government, conduct
11 and management of the college, and the control of its properties
12 and funds and such powers granted to the college or the board or
13 reasonably implied, may be exercised without recourse or
14 reference to any department or agency of the state, except as
15 otherwise provided by this article or applicable law.

16 (cf: N.J.S.18A:64-7)

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

18 18A:64-11. The board of trustees of each state college is
19 authorized and empowered to conduct summer schools and
20 extension courses through the six state colleges for the purpose
21 of giving further training to the teachers in the public schools of
22 this state and to charge fees therefor [to be fixed by the board of
23 higher education and] to be collected by the treasurers of the
24 several state colleges.

25 (cf: N.J.S.18A:64-11)

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

27 18A:64-13. Students in each State college who are residents of
28 New Jersey shall be required to pay each year a minimum tuition
29 fee and nonresidents of the State shall pay an additional fee.
30 Such fees and any increase of the minimum tuition fee shall be
31 determined by each college board of trustees [pursuant to
32 guidelines set by the Board of Higher Education]. The board of
33 trustees may waive the payment of the college's anticipated
34 tuition revenues to accomplish mission-related or policy goals.

35 (cf: P.L.1986, c.42, s.5)

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

38 4. The [Board of Higher Education] Commissioner of Labor, in
39 consultation with the Presidents' Council, shall promulgate rules
40 and regulations necessary to effectuate the purposes of this act.
41 Regulations of the State Board of Higher Education implementing
42 this act shall remain in full force and effect until modified or
43 repealed by the Commissioner of Labor.

44 (cf: P.L.1983, c.469, s.4)

45 101. N.J.S.18A:64-18 is amended to read as follows:

46 18A:64-18. a. Moneys which are derived by the State colleges
47 as room and board revenues from student housing and food
48 service facilities and which are not pledged for the payment of
49 principal and interest on bonds of this State and which are in
50 excess of sums required for the operation, maintenance, and
51 rental of such facilities shall be retained in a separate account by
52 each college and may be expended by each college for the cost of
53 operation, maintenance and rental of such facilities in subsequent
54 years. The unexpended balance in any such account at the end of

- 1 any fiscal year shall not lapse into the General Treasury.
- 2 b. Moneys which are derived from student union building fees
3 collected at a State college, which are in excess of the sums
4 required for the operation, maintenance and rental of such a
5 facility, shall be retained in a separate account by each college
6 and may be expended by each college for the cost of operation,
7 maintenance and rental of such facilities in subsequent years.
8 The unexpended balance of any such account at the end of any
9 fiscal year shall not lapse into the General Treasury.
- 10 c. Moneys which are derived from the operation of parking
11 facilities, and any other facilities financed by student fees, which
12 are in excess of sums required for the operation and maintenance
13 of such facilities at a State college, shall be retained in a
14 separate account by each college and may be expended by each
15 college for the cost of operation, maintenance and rental of such
16 facilities in subsequent years. The unexpended balance of any
17 such account at the end of any fiscal year shall not lapse into the
18 General Treasury.
- 19 d. No revenues received pursuant to this section shall be
20 transferred from their respective accounts if contractual
21 obligations between the college [,] and the New Jersey
22 Educational Facilities Authority [and the Board of Higher
23 Education] prohibit these actions.
24 (cf: P.L.1986, c.42, s.7)
- 25 102. Section 12 of P.L.1986, c.42 (C.18A:64-21.1) is amended
26 to read as follows:
27 12. The Governor shall continue to function as the public
28 employer under the "New Jersey Employer-Employee Relations
29 Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and through the Office
30 of Employee Relations act as the chief spokesperson on behalf of
31 the State colleges with respect to all matters under negotiation.
32 One representative of the State college sector shall be designated
33 by the Governor as a member of the negotiating team, upon
34 recommendation by the State colleges.
35 (cf: P.L.1986, c.42, s.12)
- 36 103. Section 4 of P.L.1982, c.16 (C.18A:64-29) is amended to
37 read as follows:
38 4. An auxiliary organization may engage only in such
39 operations and may serve only such functions as are allowed by
40 law and as shall be approved by the [Board of Higher Education]
41 board of trustees of the college. Such functions or operations
42 may include, but shall not be limited to:
43 a. operation of student centers;
44 b. operation of student pubs;
45 c. management of student dormitories;
46 d. operation of college bookstores.
47 (cf: P.L.1982, c.16, s.4)
- 48 104. Section 9 of P.L.1982, c.16 (C.18A:64-34) is amended to
49 read as follows:
50 9. An auxiliary organization shall maintain its own bank
51 accounts and shall make such purchases as are necessary to its
52 operation, without regard to the provisions of P.L.1954, c.48
53 (C.52:34-6 et seq.), pursuant to regulations promulgated by the
54 Board of [Higher Education] Trustees.
55 (cf: P.L.1982, c.16, s.9)

1 105. Section 11 of P.L.1982, s.16 (C.18A:64-36) is amended to
2 read as follows:

3 11. An auxiliary organization may accept any grant, contract,
4 bequest, trust or gift unless the Board of [Higher Education]
5 Trustees determines that acceptance would be contrary to
6 policies of the [Board of Higher Education] institution or
7 inconsistent with public policy.

8 (cf: P.L. 1982, c.16, s.11)

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

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

13 a. Institute with the approval of the Director of the Division
14 of Budget and Accounting a standard Statewide accounting and
15 reporting system for businesslike management of the operation of
16 auxiliary organizations.

17 b. Implement financial standards which will tend to assure the
18 fiscal viability of auxiliary organizations. These standards shall
19 include proper provisions for professional management, adequate
20 working capital, adequate reserve funds for current operations
21 and capital replacements, insurance, and adequate provisions for
22 new business requirements.

23 c. Institute procedures to assure that transactions of the
24 auxiliary organizations are within the educational purposes of the
25 college [and the Board of Higher Education].

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

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

33 [f. Promulgate regulations for the effective enforcement of
34 this act.]

35 (cf: P.L.1982, c.16, s.17)

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

38 18. A certified public accountant shall be selected by each
39 auxiliary organization. [Upon being notified of the certified
40 public accountant selected by an auxiliary organization, the
41 office of the chancellor shall forward the applicable auditing and
42 reporting procedures to the selected certified public accountant.
43 In accordance with procedures prescribed by the Board of Higher
44 Education the] The certified public accountant shall annually
45 audit the auxiliary organization's funds. Auxiliary organizations
46 shall contract for and receive such audit annually, and shall
47 submit the audit to the board of trustees of the college, and to
48 the [Board of Higher Education and the] Director of the Division
49 of Budget and Accounting.

50 (cf: P.L.1982, c.16, s.18)

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

53 2. The association shall consist of nine voting members to be
54 appointed as follows: one member from each of the State college

1 boards of trustees, appointed by the members thereof. In
2 addition [the Chancellor of Higher Education and] the presidents
3 of the State colleges shall serve as ex officio, nonvoting members.

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

6 (cf: P.L.1985, c.161, s.2)

7 109. Section 6 of P.L.1985, c.161 (C.18A:64-50) is amended to
8 read as follows:

9 6. The association shall encourage and aid all movements for
10 the improvement of State college education and shall, from time
11 to time, make recommendations to the [Board of Higher
12 Education] Governor, Legislature, Commission on Higher
13 Education and Presidents' Council regarding the coordination of
14 the State colleges on matters of mutual interest and concern.

15 (cf: P.L.1985, c.161, s.6)

16 110. Section 3 of P.L.1986, c.43 (C.18A:64-54) is amended to
17 read as follows:

18 3. a. Any purchase, contract or agreement for the
19 performance of any work or the furnishing or hiring of materials
20 or supplies, the cost or price of which, together with any sums
21 expended for the performance of any work or services in
22 connection with the same project or the furnishing of similar
23 materials or supplies during the same fiscal year, paid with or out
24 of college funds, does not exceed the total sum of \$7,500.00 or,
25 commencing January 1, 1985, the amount determined pursuant to
26 subsection b. of this section, in any fiscal year may be made,
27 negotiated and awarded by a contracting agent, when so
28 authorized by resolution of the board of trustees of the State
29 college without public advertising for bids and bidding therefor.

30 b. Commencing January 1, 1985 and every two years
31 thereafter, the Governor, in consultation with the Department of
32 the Treasury, shall adjust the threshold amount set forth in
33 subsection a. of this section in direct proportion to the rise or fall
34 of the Consumer Price Index for all urban consumers in the New
35 York and Northeastern New Jersey and the Philadelphia areas, as
36 reported by the United States Department of Labor. The
37 adjustment shall become effective on July 1 of the year in which
38 it is reported.

39 c. Any purchase, contract or agreement made pursuant to this
40 section may be awarded for a period of 12 consecutive months,
41 notwithstanding that the 12-month period does not coincide with
42 the fiscal year. [The Department of Higher Education shall adopt
43 and promulgate rules and regulations concerning the methods of
44 accounting for all contracts that do not coincide with the fiscal
45 year.]

46 (cf: P.L.1986, c.43, s.3)

47 111. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to
48 read as follows:

49 5. Any purchase, contract or agreement of the character
50 described in section 4 of [this article] P.L.1986, c.43
51 (C.18A:64-55) may be made, negotiated or awarded by the State
52 college by resolution at a public meeting of its board of trustees
53 without public advertising for bids or bidding therefor if:

54 a. The subject matter thereof consists of:

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

1 under the direct control of the college and expended by student
2 organizations; or

3 (18) Printing, including without limitation catalogs, yearbooks
4 and course announcements; or

5 (19) Data processing software programs, systems and service
6 and the rental or lease of data processing equipment; or

7 (20) Personnel recruitment and advertising, including without
8 limitation advertising seeking student enrollment; or

9 (21) Educational supplies, books, articles of clothing and other
10 miscellaneous articles purchased by a State college bookstore for
11 resale to college students and employees; or

12 (22) Purchase or rental of graduation caps and gowns and award
13 certificates or plaques.

14 b. It is to be made or entered into with the United States of
15 America, the State of New Jersey, a county or municipality or
16 any board, body, or officer, agency or authority or any other
17 state or subdivision thereof.

18 c. The State college has advertised for bids pursuant to section
19 4 of [this article] P.L.1986, c.43 (C.18A:64-55) on two occasions
20 and (i) has received no bids on both occasions in response to its
21 advertisement, or (ii) has rejected the bids on two occasions
22 because the State college has determined that they are not
23 reasonable as to price, on the basis of cost estimates prepared for
24 or by the State college prior to the advertising therefor, or have
25 not been independently arrived at in open competition, or (iii) on
26 one occasion no bids were received pursuant to (i) and on one
27 occasion all bids were rejected pursuant to (ii), in whatever
28 sequence; any contract or agreement may then be negotiated by a
29 two-thirds affirmative vote of the authorized membership of the
30 board of trustees authorizing the contract or agreement; provided
31 that:

32 (1) A reasonable effort is just made by the contracting agent
33 to determine that the same or equivalent materials or supplies at
34 a cost which is lower than the negotiated price are not available
35 from any agency or authority of the United States, the State of
36 New Jersey or of the county in which the State college is located,
37 or any municipality in close proximity to the State college;

38 (2) The terms, conditions, restrictions and specifications set
39 forth in the negotiated contract or agreement are not
40 substantially different from those which were the subject of
41 competitive bidding pursuant to section 4 of this article; and

42 (3) Any minor amendment or modification of any of the terms,
43 conditions, restrictions and specifications, which were the subject
44 of competitive bidding pursuant to section 4 of [this act]
45 P.L.1986, c.43 (C.18A:64-55), shall be stated in the resolution
46 awarding the contract or agreement: except that if on the second
47 occasion the bids received are rejected as unreasonable as to
48 price, the State college shall notify each responsible bidder
49 submitting bids on the second occasion of its intention to
50 negotiate and afford each bidder a reasonable opportunity to
51 negotiate, but the State college shall not award the contract or
52 agreement unless the negotiated price is lower than the lowest
53 rejected bid price submitted on the second occasion by a
54 responsible bidder, is the lowest negotiated price offered by any

1 reasonable vendor, and is a reasonable price for the work,
2 materials, supplies or services. Whenever a State college shall
3 determine that a bid was not arrived at independently in open
4 competition pursuant to subsection c. (ii) of [section 5 of] this
5 [article] section, it shall thereupon notify the Attorney General
6 of the facts upon which its determination is based and, when
7 appropriate, it may institute appropriate proceedings in any State
8 or federal court of competent jurisdiction for a violation of any
9 State or federal antitrust law or laws relating to the unlawful
10 restraint of trade.

11 (cf: P.L.1986, c.43, s.5)

12 112. Section 7 of P.L.1986, c.43 (C.18A:64-58) is amended to
13 read as follows:

14 7. No purchase, contract or agreement which is single in
15 character or which necessarily or by reason of the quantities
16 required to effectuate the purpose of the purchase, contract or
17 agreement includes the furnishing of additional services or
18 equipment or buying materials or supplies or the doing of
19 additional work, shall be subdivided so as to bring it or any of the
20 parts thereof under the maximum price or cost limitation set
21 forth in [this article or in a regulation of the Board of Higher
22 Education] P.L.1986, c.43 (C.18A:64-52 et seq.), thus dispensing
23 with the requirement of public advertising and bidding therefor.
24 Where the doing of any work is included in or incident to the
25 performance or completion of any project which is single in
26 character or inclusive of the furnishing of additional work,
27 materials or supplies or which requires the furnishing of more
28 than one article of materials or supplies, all of the work,
29 materials or supplies requisite for the completion of the project
30 shall be included in one purchase, contract or agreement.

31 (cf: P.L.1986, c.43, s.7)

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

34 10. The board of trustees of two or more State colleges may
35 provide jointly by agreement for the purchasing of work,
36 materials, or supplies for their respective colleges, and also may
37 [pursuant to regulations of the Board of Higher Education.]
38 enter into a joint purchasing agreement with other units of State
39 or local government.

40 (cf: P.L.1986, c.43, s.10)

41 114. Section 12 of P.L.1986, c.43 (C.18A:64-63) is amended to
42 read as follows:

43 12. Joint purchases and all agreements pertaining thereto shall
44 be subject to all provisions of law [and the applicable rules and
45 regulations of the Board of Higher Education].

46 (cf: P.L.1986, c.43, s.12)

47 115. Section 14 of P.L.1986, c.43 (C.18A:64-65) is amended to
48 read as follows:

49 14. All advertisements for bids shall be published in a legal
50 newspaper sufficiently in advance of the date fixed for receiving
51 the bids to promote competitive bidding but in no event less than
52 [30 days prior to that date for construction projects requiring the
53 approval of the State Board of Higher Education and] 10 days
54 prior to that date for any construction projects or any other

1 contract or purchase. The advertisement shall designate the
2 manner of submitting and of receiving the bids and the time and
3 place at which the bids will be received. If the published
4 specifications provide for receipt of bids by mail, those bids
5 which are mailed to the State college shall be sealed and shall be
6 opened only at such time and place as all bids received are
7 unsealed and announced. At that time and place, the contracting
8 agent of the State college shall publicly receive the bids and
9 thereupon immediately proceed to unseal them and publicly
10 announce the contents, which announcement shall be made in the
11 presence of any parties bidding or their agents who are then and
12 there present. A proper record of the prices and terms shall be
13 made. No bids shall be received after the time designated in the
14 advertisement.

15 (cf: P.L.1993, c.60, s.1)

16 116. Section 24 of P.L.1986, c.43 (C.18A:64-75) is amended to
17 read as follows:

18 24. All plans and specifications for the erection, alteration,
19 improvement or repair of college buildings shall be drawn by or
20 under the supervision of an appropriate officer employed by the
21 college to whom these powers shall have been delegated by the
22 Board of Trustees. [All capital expenditures in excess of
23 \$500,000.00 shall be subject to the approval of the Board of
24 Higher Education.]

25 (cf: P.L.1986, c.43, s.24)

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

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

30 a. Supplying of

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

33 (2) Fuel or oil for use in automobiles, autobuses, motor
34 vehicles or equipment for any term not exceeding in the
35 aggregate three years; or

36 b. Plowing and removal of snow and ice for any term not
37 exceeding in the aggregate three years; or

38 c. Collection and disposal of garbage and refuse for any term
39 not exceeding in the aggregate three years; or

40 d. Data processing programs, systems and services or rental or
41 lease of data processing equipment for any term of not more than
42 five years; or

43 e. Insurance for any term of not more than three years; or

44 f. Leasing or service of automobiles, motor vehicles,
45 electronic communications equipment, machinery and equipment
46 of every nature and kind for any term not exceeding in the
47 aggregate five years [; however, these contracts shall be entered
48 into only subject to and in accordance with the rules and
49 regulations promulgated by the Board of Higher Education]; or

50 g. Supplying of any product or rendering of any service by a
51 telephone company which is subject to the jurisdiction of the
52 Board of Public Utilities, for a term not exceeding five years; or

53 h. Providing of food supplies and services, including food
54 supplies and management contracts for student centers, dining

- 1 rooms and cafeterias, for a term not exceeding three years; or
- 2 i. Performance of work or services or the furnishing of
- 3 materials or supplies for the purpose of conserving energy in
- 4 buildings owned by, or operations conducted by, the contracting
- 5 unit, the entire price of which is to be established as a
- 6 percentage of the resultant savings in energy costs, for a term
- 7 not exceeding 10 years; provided that a contract is entered into
- 8 only subject to and in accordance with rules and regulations
- 9 adopted by the Department of Energy establishing a methodology
- 10 for computing energy cost savings; or
- 11 j. Any single project for the construction, reconstruction or
- 12 rehabilitation of a public building, structure or facility, or a
- 13 public works project, including the retention of the services of an
- 14 architect or engineer in connection with the project, for the
- 15 length of time necessary for the completion of the actual
- 16 construction; or
- 17 k. The management and operation of bookstores for a term not
- 18 exceeding five years.

19 All multiyear leases and contracts entered into pursuant to this

20 section, except contracts for the leasing or servicing of

21 equipment supplied by a telephone company which is subject to

22 the jurisdiction of the Board of Public Utilities or contracts and

23 agreements for the provision of work or the supplying of

24 equipment to promote energy conservation and authorized

25 pursuant to subsection i. of this section, shall contain a clause

26 making them subject to the availability and appropriation

27 annually of sufficient funds to meet the extended obligation or

28 contain an annual cancellation clause.

29 (cf: P.L.1986, c.43, s.28)

30 118. Section 30 of P.L.1986, c.43 (C.18A:64-81) is amended to

31 read as follows:

32 30. No action for damages shall lie against the Board of Higher

33 Education, the Commission on Higher Education, the Presidents'

34 Council, any State official, any State college or its board of

35 trustees or any of its officers because of any action taken by

36 virtue of the provisions of this article.

37 (cf: P.L.1986, c.43, s.30)

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

39 18A:64A-1. As used in this chapter:

40 a. "Base year" means the fiscal year 2 years prior to that in

41 which the budget is to be implemented; provided, however, for

42 determining the level of State aid for fiscal 1982, the "base year"

43 shall be the fiscal year 3 years prior to that in which the budget

44 is to be implemented:

45 b. "Capital outlay expense" means those funds devoted to or

46 required for the acquisition, landscaping or improvement of land;

47 the acquisition, construction, reconstruction, improvement,

48 remodeling, alteration, addition or enlargement of buildings or

49 other structures; and the purchase of furniture, apparatus and

50 other equipment;

51 c. "County college" means an educational institution

52 established or to be established by one or more counties, offering

53 programs of instruction, extending not more than two years

54 beyond the high school, which may include but need not be

1 limited to specialized or comprehensive curriculums, including
2 college credit transfer courses, terminal courses in the liberal
3 arts and sciences, and technical institute type programs;

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

7 e. "Local bond law" means the local bond law, chapters 1 and
8 2 of Title 40A of the New Jersey Statutes (N.J.S.40A:1-1 et seq.);

9 f. "Operational expense" means those funds devoted to or
10 required for the regular or ordinary expenses of the college,
11 including administrative, maintenance, minor capital and salary
12 expenses but excluding capital outlay expenses;

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

18 (cf: P.L.1983, c.518, s.1)

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

20 18A:64A-2. When the board of chosen freeholders of one or
21 more counties, after study and investigation, shall deem it
22 advisable for such county or counties to establish a county
23 college, such board or boards of county freeholders may petition
24 the [board of] commission on higher education for permission to
25 establish and operate a county college. A report shall be attached
26 to such petition and shall include information on the higher
27 educational needs of the county or counties, a description of the
28 proposed county college, the proposed curriculum, an estimate of
29 the cost of establishing and maintaining such county college, and
30 any other information or data deemed pertinent.

31 [Upon receipt of such petition by the board of higher education,
32 it shall be referred to the chancellor who shall make an
33 independent study as to the higher educational needs of the
34 county or counties, the necessity or advisability of establishing
35 such county college, and whether the county or counties could,
36 with the state aid provided for in this chapter, financially support
37 such college. The chancellor shall submit a report containing his
38 conclusions to the board of higher education and to the
39 petitioning board or boards of chosen freeholders.]

40 The [board of higher education, after studying both the petition
41 of the board or boards of chosen freeholders and the report of the
42 chancellor,] commission shall determine whether there is a need
43 for such college and whether the county or counties have the
44 financial capacity to support such college. If the [board of higher
45 education] commission finds such a need to exist and further finds
46 that establishing and maintaining such college is financially
47 feasible, it shall approve the petition and shall so notify the board
48 or boards of chosen freeholders.

49 (cf: N.J.S.18A:64A-2)

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

51 18A:64A-3. Whenever the board or boards of chosen
52 freeholders receive notification that the [board of] commission on
53 higher education approves the establishment of a county college,
54 each participating board may provide by resolution for the

1 establishment of a county college in accordance with the
2 provisions of this chapter [and the regulations of the board of
3 higher education]. Prior to the final passage of said resolution,
4 the board of chosen freeholders shall have published, in full, in a
5 newspaper circulating in the county, the resolution together with
6 the time and place of a public hearing to be had upon said
7 resolution. Said publication shall be at least 10 days prior to the
8 time fixed for the public hearing.

9 Within five days after passage, the resolution shall be published
10 in full in a newspaper circulating in the county and a copy of said
11 resolution shall be filed for public inspection with the clerk of the
12 board of chosen freeholders and with the clerk of each
13 municipality in said county. The resolution shall become
14 effective in said county 45 days after passage unless there is filed
15 with the county clerk within said 45 days, a petition requesting a
16 referendum in said county signed by either five per cent or 10.000
17 of the registered voters of said county, whichever is lesser, or
18 such a petition authorized by the governing body of a
19 municipality or municipalities representing in total -at least 15%
20 of the population of said county. If such petition is so filed, the
21 proposal for the establishment of a county college shall be
22 submitted to the registered voters of said county at the next
23 general election.

24 Where a county college is to be established by more than one
25 county, similar resolutions authorizing the establishment of such
26 county college shall be passed by the board of chosen freeholders
27 in each participating county. If a petition such as is described
28 above is filed in one or more said participating counties, then the
29 proposal for the establishment of a county college shall be
30 submitted to the registered voters of the county or counties in
31 which such petition or petitions are filed.

32 The county clerk of each participating county shall notify the
33 [chancellor] commission and the board of chosen freeholders of
34 each other participating county upon the elapse of 45 days after
35 the passage of the resolution in said county whether the question
36 of the establishment of a county college is to be submitted to the
37 registered voters of said county at the next general election.

38 (cf: N.J.S.18A:64A-3)

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

40 18A:64A-4. If a proposal for the establishment of a county
41 college is to be submitted to the registered voters of the county,
42 the county clerk shall have published at least 10 days before said
43 general election notice thereof in a newspaper circulating in the
44 county and the county clerk shall have printed or cause to be
45 printed on the official ballot to be used at such general election
46 the following:

47 If you favor the proposition printed below, make a cross (X),
48 plus (+) or check (✓) mark in the square opposite the word "Yes."
49 If you are opposed thereto, make a cross (X), plus (+) or check (✓)
50 mark in the square opposite the word "No."

51 Yes. Shall a county college be established in

52 No. pursuant to chapter 64A of Title 18A of the New Jersey
53 Statutes?

54 If a county college is to be established in one county, the name

1 of the county, and if it is to be established in more than one
2 county, the names of the counties, should be inserted in the
3 question.

4 In any county in which voting machines are used the question
5 shall be placed upon the official ballots to be used upon the
6 voting machines without the foregoing instructions to the voters
7 and shall be voted upon by the use of such machines without
8 marking as aforesaid.

9 If the question of the establishment of a county college is
10 submitted to the people of the county, that county clerk shall
11 send notice of the results of said election to the [chancellor]
12 commission and the board of chosen freeholders of each of the
13 participating counties.

14 (cf: N.J.S.18A:64A-4)

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

16 18A:64A-5. If at said election the proposal for the
17 establishment of the county college is approved by a majority of
18 all the votes cast both for and against said question in the county,
19 then the board of chosen freeholders shall proceed to establish a
20 county college.

21 Where the county college is to be established by more than one
22 county, then the boards of chosen freeholders of the participating
23 counties shall not establish a county college until the [chancellor]
24 commission notifies said boards that a similar resolution of the
25 board of chosen freeholders in each participating county has
26 become effective upon the elapse of the 45-day period or the
27 proposal for the establishment of a county college has been
28 approved by a majority of the registered voters of said county at
29 a general election.

30 (cf: N.J.S.18A:64A-5)

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

32 18A:64A-6. If a majority of the votes in a county are cast
33 against a proposal for the establishment of a county college, the
34 board of chosen freeholders of such county may not establish a
35 county college unless thereafter the board:

36 a. Submits a petition to the [board of] commission on higher
37 education in accordance with the provisions of section
38 18A:64A-2, and

39 b. Submits a proposal for the establishment of a county college
40 at a general election and has it approved by a majority of the
41 votes of the county voting thereon.

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

46 (cf: N.J.S.18A:64A-6)

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

48 18A:64A-8. For each county college there shall be a board of
49 trustees, consisting of the county superintendent of schools and
50 10 persons, eight of whom shall be appointed by the appointing
51 authority of the county with the advice and consent of the board
52 of chosen freeholders, at least two of whom shall be women and
53 two of whom shall be appointed by the [State Board of Higher
54 Education, subject to the approval of the] Governor, according to

1 criteria and for such initial terms as shall be established.
2 However, no trustee shall be appointed after July 1, 1994 who is
3 an employee of a constituent county. The president of the
4 college shall serve as an ex officio member of the board of
5 trustees without vote. In addition, the student body of each
6 county college shall be entitled to elect from the graduating class
7 one representative to serve as a non-voting member on the board
8 of trustees for a term of 1 year commencing at the next
9 organization of the board following graduation of his class. [The
10 State Board of Higher Education shall by regulation prescribe the
11 rights and duties of the student representative.]

12 The appointing authority of the county shall establish a trustee
13 search committee of not less than five members who shall be
14 residents of the county. The members of the trustee search
15 committee shall not be elected public officials and shall not be
16 eligible for appointment to the board of trustees for a period of 6
17 months after their service on the trustee search committee. The
18 trustee search committee shall nominate individuals [according to
19 criteria promulgated by the Board of Higher Education] for
20 consideration by the appointing authority of the county for
21 appointment to the board of trustees.

22 When a county college is established by more than one county,
23 the board of trustees shall be increased by two members for each
24 additional participating county. The membership of the board of
25 trustees shall be apportioned by the [chancellor] commission
26 among the several counties as nearly as may be according to the
27 number of inhabitants in each county as shown by the last Federal
28 census, officially promulgated in this State. Each apportionment
29 shall continue in effect until a reapportionment shall become
30 necessary by reason of the official promulgation of the next
31 Federal census or the enlargement of the board by the admission
32 of one or more additional counties as provided for in section
33 18A:64A-24. Each county shall be entitled to have at least two
34 members and the county superintendent of the schools of said
35 county on the board of trustees.

36 (cf: P.L.1981, c.329, s.2)

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

38 18A:64A-9. Appointed members of the board of trustees shall
39 have been residents of the county for a period of 4 years prior to
40 said appointment, and no elected public official or employee of
41 the county college shall serve as a voting member of the board.
42 The term of office of appointed members, except for the first
43 appointments, shall be for 4 years. Each member shall serve until
44 his successor shall have been appointed and qualified.

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

52 A voting member of a board of trustees shall not be eligible to
53 accept employment as an employee of the college at which he has
54 served as a member of the board for a period of 2 years following

1 resignation or expiration of his term as a member.

2 In the case of a county college established by one county, the
3 terms of office of members initially appointed to the board of
4 trustees by the appointing authority of the county shall be as
5 follows:

6 two persons shall receive terms of 1 year; two, terms of 2 years;
7 two, terms of 3 years; and two, terms of 4 years.

8 In the case of a county college established by more than one
9 county, the [chancellor shall fix the] terms of the members
10 initially appointed to the board of trustees shall be fixed so that
11 as nearly as possible, one-quarter of the appointed members will
12 receive terms of 4 years, one-quarter terms of 3 years,
13 one-quarter terms of 2 years and the remainder terms of 1 year.
14 Such terms shall be allocated by the [chancellor] commission
15 among the participating counties, in accordance with the number
16 of members on the board of trustees apportioned to each county,
17 starting with the terms of 4 years, by allocating one of such
18 terms to each of the participating counties in alphabetical order
19 of the names of such counties, and continuing, still in such order,
20 with the terms of 3 years, the terms of 2 years and the terms of 1
21 year.

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

26 (cf: P.L.1981, c.329, s.3)

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

28 18A:64A-11. The board of trustees shall be a body corporate
29 and shall be known as the "board of trustees of " (here insert the
30 name of the county college).

31 The board of trustees [, in accordance with the rules and
32 regulations of the board of higher education,] shall have custody
33 of and be responsible for the property of the college and shall be
34 responsible for the management and control of said college. The
35 board shall make an annual report to the [chancellor in the
36 manner prescribed by the board of] commission on higher
37 education and to the board of chosen freeholders of each
38 participating county.

39 (cf: N.J.S.18A:64A-11)

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

41 18A:64A-12. For the effectuation of the purposes of this
42 chapter, the board of trustees of a county college in addition to
43 such other powers expressly granted to it [by this chapter and
44 subject to the rules and regulations of the Board of Higher
45 Education] by law, is hereby granted the following powers:

- 46 a. To adopt or change the name of the county college;
- 47 b. To adopt and use a corporate seal;
- 48 c. To sue and be sued;
- 49 d. To determine the educational curriculum and program of
50 the college consistent with the programmatic mission of the
51 institution or approved by the Commission on Higher Education;
- 52 e. To appoint and fix the compensation and term of office of a
53 president of the college who shall be the executive officer of the
54 college and an ex officio member of the board of trustees;
- 55 f. To appoint, upon nomination of the president, members of

1 the administrative and teaching staffs and fix their compensation
2 and terms of employment subject to the provisions of [section]
3 N.J.S. 18A:64A-13:

4 g. To appoint or employ such other officers, agents and
5 employees as may be required to carry out the provisions of this
6 chapter and to fix and determine their qualifications, duties,
7 compensation, terms of office and all other conditions and terms
8 of employment and retention;

9 h. To fix and determine tuition rates and other fees to be paid
10 by students;

11 i. To grant diplomas, certificates or degrees;

12 j. To enter into contracts and agreements with the State or
13 any of its political subdivisions or with the United States, or with
14 any public body, department or other agency of the State or the
15 United States or with any individual, firm or corporation which
16 are deemed necessary or advisable by the board for carrying out
17 the provisions of this chapter;

18 k. To accept from any government or governmental
19 department, agency or other public or private body or from any
20 other source grants or contributions of money or property which
21 the board may use for or in aid of any of its purposes;

22 l. To acquire (by gift, purchase, condemnation or otherwise),
23 own, lease, use and operate property, whether real, personal or
24 mixed, or any interest therein, which is necessary or desirable for
25 college purposes;

26 m. To determine that any property owned by the county
27 college is no longer necessary for college purposes and to sell the
28 same at such price and in such manner and upon such terms and
29 conditions as shall be established by the board [of higher
30 education];

31 n. To exercise the right of eminent domain, pursuant to the
32 provisions of Title 20, Eminent Domain, of the Revised Statutes,
33 to acquire any property or interest therein;

34 o. To make and promulgate such rules and regulations, not
35 inconsistent with the provisions of this chapter or with the rules
36 and regulations [of the board of higher education.] promulgated
37 hereunder that are necessary and proper for the administration
38 and operation of a county college and to implement the provisions
39 of this chapter; [and]

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

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

48 (cf: P.L.1981. c.329. s.4)

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

50 18A:64A-14. Counties, municipalities, school districts or
51 special schools may sell, give or lease any of their property,
52 including county or municipal funds, to the board of trustees of a
53 county college [pursuant to the rules and regulations of the board
54 of higher education].

55 (cf: N.J.S.18A:64A-14)

1 130. N.J.S.18A:64A-17 is amended to read as follows:
2 18A:64A-17. On or before February 1 in each year, the board
3 of trustees of the county college shall prepare and deliver to each
4 member of the board of school estimate an itemized statement of
5 the amount of money estimated to be necessary for the operation
6 and capital outlay expenses for the ensuing year. Said board of
7 trustees shall, at the same time, fix a date, place and time for
8 the holding of a public hearing by the board of school estimate
9 with respect to said itemized statement of the amount of money
10 estimated to be necessary for the operation and capital outlay
11 expenses for the ensuing year and with respect to the various
12 items and purposes for which said money is to be appropriated,
13 which date shall be between February 1 and February 15 and
14 which date shall be not less than seven days after the publication
15 of said itemized statement as herein provided and shall cause
16 notice of such public hearing and said statement to be published
17 at least once in at least one newspaper published in the county
18 not less than seven days prior to the date fixed for such public
19 hearing, and said notice shall also set forth that said itemized
20 statement will be on file and open to examination of the public,
21 between reasonable hours to be fixed therein, and, at a place to
22 be named therein, from the date of said publication until the date
23 of the holding of said public hearing and said board of trustees
24 shall cause said itemized statement to be on file and open to the
25 examination of the public accordingly and to be produced at said
26 public hearing for the information of those attending the same.

27 On the date and at the time and place so fixed by the board of
28 trustees for such public hearing, the board of school estimate
29 shall at a public hearing grant the taxpayers and other interested
30 persons an opportunity to present objections and to be heard with
31 respect to said itemized statement of the amount of money
32 estimated to be necessary for the operation and capital outlay
33 expenses for the ensuing year and with respect to the various
34 items and purposes for which said money is to be appropriated
35 and at or after said public hearing but not later than February 15
36 of each year, the board of school estimate shall fix and
37 determine, by official action taken at a public meeting of the
38 board, the amount of money necessary for the operation and
39 capital outlay expenses of the college for the ensuing year,
40 exclusive of the amount to be received from the state and from
41 other sources.

42 The board of school estimate shall, on or before February 15 of
43 each year, make a certificate of such amount signed by at least a
44 majority of its members. Copies thereof shall be delivered [to
45 the chancellor.] to the board of trustees of the college and to
46 each participating board of chosen freeholders.

47 In the case of a county college established by more than one
48 county, the amount to be raised for the annual operation and
49 capital outlay expenses shall be apportioned among the
50 participating counties upon the basis of appropriation valuations,
51 as defined in [section] R.S.54:4-49 [of the Revised Statutes]. In
52 such case, the certificate of the board of school estimate shall
53 certify the proportioned part of the total to be raised by each
54 participating county.

55 (cf: N.J.S.18A:64A-17)

1 131. N.J.S.18A:64A-19 is amended to read as follows:
2 18A:64A-19. (1) Whenever the board of trustees of a county
3 college shall decide that it is necessary to raise money for the
4 purpose of acquiring or improving lands or buildings for use by the
5 college or erecting, enlarging, improving, altering,
6 reconstructing, furnishing or equipping buildings or other
7 structures for use by the college, it may, in lieu of proceeding in
8 accordance with [sections] N.J.S.18A:64A-16 and 18A:64A-17, at
9 any time prepare and deliver to each member of the board of
10 school estimate a statement of the estimated cost of such
11 purpose and of the amount of money estimated by the board of
12 trustees to be then needed for such purpose. If the amount of
13 money so estimated shall include any funds expected to be
14 received for said purpose as state or federal aid, such statement
15 shall specify the amount and source of said funds and may include
16 an agreement by the board of trustees to repay the county, out of
17 the said funds when received, for any amounts appropriated by
18 any county for the county college in anticipation of said funds.
19 After receipt of such statement, the board of school estimate
20 shall fix and determine the sum of money then needed for the
21 purpose specified in said statement and the amount thereof to be
22 raised by the participating county or counties which shall, if
23 there be two or more such counties, be apportioned among them
24 upon the basis of apportionment valuations as defined in [section]
25 R.S.54:4-49 [of the Revised Statutes] and which may include
26 amounts expected to be repaid as aforesaid by the board of
27 trustees. The board of school estimate shall thereupon make a
28 certificate of such sum and amount or amounts signed by at least
29 a majority of its members, and copies thereof and of the
30 statement received from the board of trustees shall be delivered
31 [to the chancellor,] to the board of trustees and to the board of
32 chosen freeholders of each participating county.
33 (2) The board of chosen freeholders of a participating county
34 upon receipt of any such certificate shall appropriate the amount
35 certified therein for the purpose therein specified, or upon
36 receipt of a certificate as provided in [section] N.J.S.18A:64A-17
37 shall appropriate the amount of the capital outlay expenses
38 certified therein, either:
39 (a) By the method provided for in [section] N.J.S.18A:64-18; or
40 (b) By a bond ordinance authorizing the issuance of bonds or
41 notes of the county to finance such appropriation and purpose
42 adopted in accordance with the limitations and any exceptions
43 thereto, and in the manner or mode of procedure, prescribed by
44 the local bond law, and the sale and issuance of said bonds or
45 notes pursuant to the local bond law; provided, however, that no
46 down payment shall be required and the provisions of [section]
47 N.J.S.40A:2-11 of the local bond law shall not be applicable to
48 such bond ordinance and that the purpose for which the bonds or
49 notes are to be issued may be stated and identified as and shall be
50 the purpose specified in said certificate notwithstanding that the
51 appropriation therefor may be sufficient only for planning or
52 other preliminary or initial expenses in connection therewith or
53 may be made in anticipation of state or federal aid expected to
54 be received for said purpose and applied to repayment to the
55 county.

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

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

21 (cf: N.J.S.18A:64A-19)

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

23 18A:64A-20. If the board of trustees shall determine that it is
24 necessary in any school year to raise money in addition to the
25 amount in its annual budget for such year for:

26 (1) current expenses for the operation and maintenance of the
27 college when the amount necessary therefor was underestimated
28 in the budget;

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

31 (3) meeting emergencies arising since the preparation of such
32 budget;

33 the board shall prepare and deliver to each member of the
34 board of school estimate a statement of the amount of money
35 determined to be necessary therefor.

36 The board of school estimate shall meet within a reasonable
37 time after the delivery of the statement and fix and determine
38 the amount necessary for such purpose or purposes. In the case
39 of a county college established by more than one county, the
40 board shall apportion upon the basis of the apportionment
41 valuations as defined in [section] R.S.54:4-49 of the Revised
42 Statutes, such amount among the participating counties. The
43 board shall then certify the amount so determined and
44 apportioned to [chancellor,] the board of trustees of the college
45 and to each participating board of chosen freeholders.

46 The board of chosen freeholders, upon receipt of such
47 certificate, shall appropriate the amount certified therein and
48 shall raise such amount in the manner provided for by [sections]
49 N.J.S.18A:64A-18 and 18A:64A-19.

50 (cf: N.J.S.18A:64A-20)

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

52 18A:64A-21. Notwithstanding the time limitations specified in
53 [section] N.J.S.18A:64A-17, during the calendar year in which the
54 board or boards of chosen freeholders first establish a county

1 college, the board of trustees of the county college may prepare
2 and deliver to the board of school estimate of the college an
3 estimate of the amount necessary to finance the county college
4 until the first regular budget is adopted and available.

5 The board of school estimate shall meet within a reasonable
6 time after the delivery of said estimate and shall fix and
7 determine the amount necessary to so finance the county college
8 and, if more than one county participated in establishing the
9 county college, shall apportion said amount upon the basis of
10 apportionment valuations as defined in [section] R.S.54:4-49 [of
11 the Revised Statutes]. The board shall then certify the amount so
12 determined to [the chancellor.] the board of trustees of the
13 college and to the board of chosen freeholders of each
14 participating county.

15 The board of chosen freeholders shall, upon receipt of the
16 certification, appropriate its share of said amount in the manner
17 provided for by [sections] N.J.S.18A:64A-18 and 18A:64A-19.
18 (cf: N.J.S.18A:64A-21)

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

20 18A:64A-22. [The Board of Higher Education shall formulate]
21 Notwithstanding any other law to the contrary, the Council of
22 County Colleges may submit to the State Treasurer annual budget
23 requests for State support of county colleges. Within the limits
24 of funds appropriated [to the Board of Higher Education] for such
25 purposes [and in accordance with rules and regulations prescribed
26 by the Board of Higher Education], the board of trustees of a
27 county college may based upon the itemized statement fixed and
28 determined pursuant to N.J.S.18A:64A-17 apply to the [Board of
29 Higher Education] State Treasurer and receive State support:

30 a. For capital projects [approved by the Board of Higher
31 Education] in amounts not to exceed one-half of the cost of said
32 capital projects, and

33 b. For operational costs to the extent of 43% but not to
34 exceed 50% of the educational and general costs of the county
35 colleges in the base year; provided, however, that for the
36 purposes of determining State aid, only credit courses and
37 noncredit remedial, developmental, general education
38 development and adult basic education courses shall be included
39 in calculating such costs. This sum shall be distributed to the
40 county colleges by the [Board of Higher Education] treasurer in
41 consultation with the Council of County Colleges according to a
42 formula that includes categorical support and differential funding
43 based on program costs.

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

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

51 State support for the operational expenses of county colleges
52 shall be made within limits of State appropriation [and only after
53 an annual review and approval by the Board of Higher Education
54 of the financial program for operation of each county college,

1 including the charges to be made for student tuition and fees and
2 the establishment of the county share of said costs].

3 (cf: P.L.1981. c.329. s.5)

4 135. Section 1 of P.L.1971. c.12 (C:18A:64A-22.1) is amended
5 to read as follows:

6 1. Whenever the funds appropriated [to the board of higher
7 education] are insufficient to satisfy the State's share of capital
8 projects for county colleges pursuant to N.J.S.18A:64A-22,
9 additional State support for such projects shall be made available
10 to counties in which county colleges are located for the payment
11 of interest and principal on bonds entitled to the benefits of this
12 act and interest on notes issued in anticipation thereof, provided
13 that the total principal amount of such bonds shall not exceed
14 \$80,000,000.00.

15 (cf: P.L.1985. c.136. s.1)

16 136. Section 2 of P.L.1971. c.12 (C.18A:64A-22.2) is amended
17 to read as follows:

18 2. Whenever the [board of higher education] State Treasurer
19 shall determine that it is unable to provide State support for a
20 capital project of a county college pursuant to N.J.S.18A:64A-22
21 within the limit of available State appropriations, the [chancellor
22 shall certify to the] State Treasurer [the amount of State support
23 recommended for such project and the amount available for such
24 project within the limit of State appropriations. Upon receipt of
25 any such certification, the State Treasurer] shall determine the
26 amount of bonds entitled to the benefits of this act and not
27 theretofore allocated to another capital project. The State
28 Treasurer shall [examine such certification and] determine the
29 necessity or advisability of making available additional State
30 support for the capital project [referred to in such certification].
31 To the extent he determines additional support is necessary or
32 advisable, he shall certify to the board of chosen freeholders of
33 the county in which said capital project is located the amount of
34 bonds which shall be entitled to the benefits of this act, which
35 amount shall not exceed the amount of bonds entitled to the
36 benefit of this act and not theretofore allocated to another
37 capital project. A copy of such certification shall be filed by the
38 State Treasurer [with the chancellor and] with the Director of the
39 Division of Local Finance.

40 (cf: P.L.1971. c.12. s.2)

41 137. N.J.S.18A:64A-23 is amended to read as follows:

42 18A:64A-23. a. Each county college shall, to the extent its
43 facilities will permit [and subject to regulations of the Board of
44 Higher Education.] accept students who are residents of any other
45 county in the State.

46 b. Any person desiring to enroll in a county college as a
47 nonresident student shall apply to the chief fiscal officer of his
48 county of residence for a certificate of residence showing that
49 said person is a resident of said county. The chief fiscal officer
50 of each county shall, upon application and submission to him of
51 satisfactory evidence of such residence. issue said certificate
52 provided that (1) the county does not sponsor a county college or
53 contribute to the support of a county assisted college, or (2) the
54 local county or county assisted college certifies that it does not
55 offer the particular course or program of study desired by the

1 applicant, or (3) the local county or county assisted college
2 certifies that it cannot admit the applicant into a particular
3 course or the desired program of study, pursuant to criteria
4 established by the [Board of] Commission on Higher Education. If
5 the chief fiscal officer of a county refuses to issue such a
6 certificate, the applicant may appeal to the board of chosen
7 freeholders of the county within 10 days of the receipt of notice
8 of such refusal. The board of chosen freeholders shall make a
9 determination after a hearing, upon 10 days' notice to such chief
10 fiscal officer and the applicant, and such determination shall be
11 final and binding on the county.

12 Upon his registration for each college year, the nonresident
13 student shall file with the college such a certificate of residence
14 issued not earlier than 2 months prior thereto and such
15 certificate of residence shall be valid for the current or next
16 academic year succeeding the date of issuance, as the case may
17 be.

18 c. Any county college so admitting nonresident students shall
19 charge to and collect from each county within the State which
20 has issued a certificate or certificates of residence pursuant to
21 subsection (b) and on the basis of which such nonresident students
22 are attending such college, the sending county's share of the
23 operating expenses of such county college, as certified by the
24 board of school estimate and as paid by the receiving county for
25 resident students, computed on a per full-time equated (FTE)
26 student basis and multiplied by cost ratios as determined by the
27 [Board of Higher Education] State Treasurer pursuant to
28 N.J.S.18A:64A-22 for various instructional categories. Any
29 county college shall additionally charge and collect the sum of
30 \$1.00 per credit hour for each student so enrolled to compensate
31 for minor capital costs of the college [, which moneys shall be
32 expended according to regulations promulgated by the Board of
33 Higher Education].

34 d. Within 10 days after the commencement of each college
35 term, the county college shall charge the county's per FTE
36 student share of operating expenses of such college for that term
37 as aforesaid to each county which has issued a certificate or
38 certificates of residence pursuant to subsection (b), on the basis
39 of which nonresident students are attending such county college.
40 The amount so charged to the county issuing the certificate or
41 certificates shall be paid within 30 days of the date of the billing.
42 (cf: P.L.1981, c.329, s.6)

43 138. Section 4 of P.L.1983, c.470 (C.18A:64A-23.4) is amended
44 to read as follows:

45 4. The [Board of Higher Education] Commissioner of Labor
46 shall promulgate rules and regulations necessary to effectuate
47 the purposes of this act. Regulations of the State Board of Higher
48 Education implementing this act shall remain in full force and
49 effect until modified or repealed by the Commissioner of Labor.
50 (cf: P.L.1983, c.470, s.4)

51 139. N.J.S.18A:64A-24 is amended to read as follows:

52 18A:64A-24. If the board of trustees of a county college shall
53 determine that it is in the best interest of the college to allow
54 one or more additional counties to join in the operation of said

1 county college and the board or boards of chosen freeholders of
2 the county or counties then operating the county college shall
3 approve. said board of trustees [and the chancellor, pursuant to
4 the rules and regulations of the board of higher education.] shall
5 fix the terms and conditions under which said additional county or
6 counties may participate in the operation of the county college.

7 (cf: N.J.S.18A:64A-24)

8 140. Section 2 of P.L.1982. c.189 (C.18A:64A-25.2) is amended
9 to read as follows:

10 2. As used in this article, unless the context otherwise
11 indicates:

12 a. "Board of trustees" means the board of trustees of a county
13 college and the community college commission of a community
14 college agency;

15 b. "County college" means any body corporate known as

16 (1) the board of trustees of a county college established
17 pursuant to chapter 64A of Title 18A of the New Jersey Statutes,
18 or

19 (2) the community college commission of a community college
20 agency established pursuant P.L.1974, c.89 (C.18A:64A-30 et
21 seq.), or

22 (3) the coordinating agency for higher education of a county
23 established pursuant to P.L.1968, c.180 (C.18A:64B-5 et seq.);

24 c. "Contracting agent" means the business officer of the
25 county college having the power to prepare advertisements to
26 advertise for and receive bids and to make awards for the county
27 college in connection with the purchases, contracts or
28 agreements permitted by this article, or such officer, committee
29 or employee to whom such power has been delegated by the
30 county college;

31 d. "Contracts" mean contracts or agreements for the
32 performance of work or the furnishing or hiring of services,
33 materials or supplies as distinguished from contracts of
34 employment;

35 e. "Legal newspaper" means a newspaper circulating in the
36 county or counties in which the county college has been
37 established, printed and published in the English language at least
38 once a week for at least 1 year continuously;

39 f. "Materials" include goods and property subject to chapter 2
40 of Title 12A of the New Jersey Statutes, apparatus or any other
41 tangible thing except real property or any interest therein;

42 g. "Extraordinary unspecifiable services" mean services or
43 products which cannot be reasonably described by written
44 specifications;

45 h. "Professional services" mean services rendered or
46 performed by a person authorized by law to practice a recognized
47 profession and whose practice is regulated by law and the
48 performance of which services requires knowledge of an advanced
49 type in a field of learning acquired by a prolonged formal course
50 of specialized instruction and study as distinguished from general
51 academic instruction or apprenticeship and training. Professional
52 services also mean services rendered in the performance of work
53 that is original and creative in character in a recognized field of
54 artistic endeavor;

1 i. "Project" means any work, undertaking, construction or
2 alteration;

3 j. "Purchases" are transactions, for a valuable consideration,
4 creating or acquiring an interest in goods, services and property,
5 except real property or any interest therein;

6 k. "Work" includes services and any other activity of a
7 tangible or intangible nature performed or assumed pursuant to a
8 contract or agreement with a county college.

9 (cf: P.L.1982, c.189, s.2)

10 141. Section 3 of P.L.1982, c.189 (C.18A:64A-25.3) is amended
11 to read as follows:

12 3. a. Any purchase, contract or agreement for the
13 performance of any work or the furnishing or hiring of materials
14 or supplies, the cost or price of which, together with any sums
15 expended for the performance of any work or services in
16 connection with the same project or the furnishing of similar
17 materials or supplies during the same fiscal year, paid with or out
18 of college funds, does not exceed the total sum of \$7,500.00 or,
19 commencing January 1, 1985, the amount determined pursuant to
20 subsection b. of this section in any fiscal year may be made,
21 negotiated and awarded by a contracting agent, when so
22 authorized by resolution of the board of trustees of the county
23 college, without public advertising for bids and bidding therefor.

24 b. Commencing January 1, 1985 and every two years
25 thereafter, the Governor, in consultation with the Department of
26 the Treasury, shall adjust the threshold amount set forth in
27 subsection a. of this section in direct proportion to the rise or fall
28 of the Consumer Price Index for all urban consumers in the New
29 York and Northeastern New Jersey and the Philadelphia areas as
30 reported by the United States Department of Labor. The
31 adjustment shall become effective on July 1 of the year in which
32 it is reported.

33 c. Any purchase, contract or agreement made pursuant to this
34 section may be awarded for a period of 12 consecutive months,
35 notwithstanding that such 12-month period does not coincide with
36 the fiscal year. [The Department of Higher Education shall adopt
37 and promulgate rules and regulations concerning the methods of
38 accounting for all contracts that do not coincide with the fiscal
39 year.]

40 (cf: P.L.1984, c.241, s.1)

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

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

47 a. The subject matter thereof consists of:

48 (1) Professional services; or

49 (2) Extraordinary unspecifiable services and products which
50 cannot reasonably be described by written specifications, subject
51 however, to [the rules and regulations of the Board of Higher
52 Education] procedures consistent with open public bidding
53 whenever possible; or

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

1 (20) Personnel recruitment and advertising, including without
2 limitation advertising seeking student enrollment; or

3 (21) Educational supplies, books, articles of clothing and other
4 miscellaneous articles purchased by a county college bookstore,
5 or by a service or management company under contract with a
6 county college to operate a county college book store for resale
7 to college students and employees; or

8 (22) Purchase or rental of graduation caps and gowns and award
9 certificates or plaques.

10 b. It is to be made or entered into with the United States of
11 America, the State of New Jersey, a county or municipality or
12 any board, body, or officer, agency or authority or any other
13 state or subdivision thereof.

14 c. The county college has advertised for bids pursuant to
15 section 4 of P.L.1982, c.189 (C.18A:64A-25.4) on two occasions
16 and (i) has received no bids on both occasions in response to its
17 advertisement, or (ii) has rejected such bids on two occasions
18 because the county college has determined that they are not
19 reasonable as to price, on the basis of cost estimates prepared for
20 or by the county college prior to the advertising therefor, or have
21 not been independently arrived at in open competition, or (iii) on
22 one occasion no bids were received pursuant to (i) and on one
23 occasion all bids were rejected pursuant to (ii), in whatever
24 sequence; any such contract or agreement may then be
25 negotiated by a two-thirds affirmative vote of the authorized
26 membership of the board of trustees authorizing such contract or
27 agreement; provided, however, that:

28 (1) A reasonable effort is just made by the contracting agent to
29 determine that the same or equivalent materials or supplies at a
30 cost which is lower than the negotiated price are not available
31 from any agency or authority of the United States, the State of
32 New Jersey or of the county in which the county college is
33 located, or any municipality in close proximity to the county
34 college;

35 (2) The terms, conditions, restrictions and specifications set
36 forth in the negotiated contract or agreement are not
37 substantially different from those which were the subject of
38 competitive bidding pursuant to section 4 of P.L.1982, c.189
39 (C.18A:64A-25.4); and

40 (3) Any minor amendment or modification of any of the terms,
41 conditions, restrictions and specifications, which were the subject
42 of competitive bidding pursuant to section 4 of [this act]
43 P.L.1982, c.189 (C.18A:64A-25.4), shall be stated in the
44 resolution awarding such contract or agreement; provided,
45 further, however, that if on the second occasion the bids received
46 are rejected as unreasonable as to price, the county college shall
47 notify each responsible bidder submitting bids on the second
48 occasion of its intention to negotiate and afford each such bidder
49 a reasonable opportunity to negotiate, but the county college
50 shall not award such contract or agreement unless the negotiated
51 price is lower than the lowest rejected bid price submitted on the
52 second occasion by a responsible bidder is the lowest negotiated
53 price offered by any responsible vendor, and is a reasonable price
54 for such work, materials, supplies or services.

1 Whenever a county college shall determine that a bid was not
2 arrived at independently in open competition pursuant to
3 subsection c. (ii) of this section [5], it shall thereupon notify the
4 county prosecutor of the county in which the county college is
5 located and the Attorney General of the facts upon which its
6 determination is based and, when appropriate, it may institute
7 appropriate proceedings in any State or federal court of
8 competent jurisdiction for a violation of any State or federal
9 antitrust law or laws relating to the unlawful restraint of trade.

10 (cf: P.L.1984, c.241, s.3)

11 143. Section 7 of P.L.1982, c.189 (C.18A:64A-25.7) is amended
12 to read as follows:

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

30 (cf: P.L.1982, c.189, s.7)

31 144. Section 28 of P.L.1982, c.189 (C.18A:64A-25.28) is
32 amended to read as follows:

33 28. Duration of certain contracts. A county college may only
34 enter into a contract exceeding 12 consecutive months for the:

35 a. Supplying of:

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

38 (2) Fuel or oil for use in automobiles, autobuses, motor
39 vehicles or equipment for any term not exceeding in the
40 aggregate three years; or

41 b. Plowing and removal of snow and ice for any term not
42 exceeding in the aggregate three years; or

43 c. Collection and disposal of garbage and refuse for any term
44 not exceeding in the aggregate three years; or

45 d. Data processing programs, systems and services or rental or
46 lease of data processing equipment for any term of not more than
47 five years; or

48 e. Insurance, including the purchase of insurance coverages,
49 insurance consultant or administrative services, and including
50 participation in a joint self-insurance fund, risk management
51 programs or related services provided by a county college
52 insurance group, or participation in an insurance fund established
53 by a county pursuant to N.J.S.40A:10-6, for any term of not more
54 than three years; or

1 f. Leasing or service of automobiles, motor vehicles,
2 electronic communications equipment, machinery and equipment
3 of every nature and kind for any term not exceeding in the
4 aggregate five years [; provided, however, such contracts shall be
5 entered into only subject to and in accordance with the rules and
6 regulations promulgated by the Board of Higher Education]; or

7 g. Supplying of any product or rendering of any service by a
8 telephone company which is subject to the jurisdiction of the
9 Board of Public Utilities, for a term not exceeding five years; or

10 h. The providing of food supplies and services, including food
11 supplies and management contracts for student centers, dining
12 rooms and cafeterias, for a term not exceeding three years; or

13 i. The performance of work or services or the furnishing of
14 materials or supplies for the purpose of conserving energy in
15 buildings owned by, or operations conducted by, the contracting
16 unit, the entire price of which is to be established as a
17 percentage of the resultant savings in energy costs, for a term
18 not exceeding 10 years; provided that a contract is entered into
19 only subject to and in accordance with rules and regulations
20 adopted by the Department of Commerce, Energy and Economic
21 Development establishing a methodology for computing energy
22 cost savings; or

23 j. Any single project for the construction, reconstruction or
24 rehabilitation of a public building, structure or facility, or a
25 public works project including the retention of the services of an
26 architect or engineer in connection with the project, for the
27 length of time necessary for the completion of the actual
28 construction; or

29 k. The management and operation of bookstores for a term not
30 exceeding five years; or

31 l. Custodial or janitorial services for any term not exceeding
32 in the aggregate three years.

33 All multi-year leases and contracts entered into pursuant to
34 this section, except contracts for the leasing or servicing of
35 equipment supplied by a telephone company which is subject to
36 the jurisdiction of the Board of Public Utilities, or contracts and
37 agreements for the provision of work or the supplying of
38 equipment to promote energy conservation and authorized
39 pursuant to subsection i. of this section, and except contracts for
40 insurance coverages, insurance consultant or administrative
41 services, participation or membership in a joint self-insurance
42 fund, risk management programs or related services of a county
43 college insurance group, and participation in an insurance fund
44 established by a county pursuant to N.J.S.40A:10-6 or a joint
45 insurance fund established pursuant to P.L.1983, c.372
46 (C.40A:10-36 et seq.), shall contain a clause making them subject
47 to the availability and appropriation annually of sufficient funds
48 to meet the extended obligation or contain an annual cancellation
49 clause.

50 (cf: P.L.1988, c.144, s.4)

51 145. Section 30 of P.L.1982, c.189 (C.18A:64A-25.30) is
52 amended to read as follows:

53 30. No action for damages shall lie against the Board of Higher
54 Education, the Commission on Higher Education, the Presidents

1 Council, any State official, any county college or its board of
2 trustees or any of its officers because of any action taken by
3 virtue of the provisions of this article.

4 (cf: P.L.1982, c.189, s.30)

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

6 18A:64A-27. The council shall consist of the presidents and
7 chairmen of the boards of trustees of the several county
8 community colleges and of the county college commissions. A
9 trustee board chairman may designate another member of the
10 board as an alternate to attend and to vote at council meetings in
11 the chairman's absence. [The Chancellor shall ex officio be an
12 additional member without vote.]

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

15 (cf: P.L.1989, c.141, s.4)

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

17 18A:64A-28. The council shall organize annually [during the
18 month of December] by the election of a chairman, vice chairman
19 and such other officers as the council shall determine. Such
20 officers shall serve until the following [December] annual
21 organizational meeting and until their successors are elected and
22 qualified. Vacancies in such offices shall be filled in the same
23 manner for the unexpired terms only. The council may also meet
24 at such other times and at such places within the State as it shall
25 deem necessary.

26 (cf: P.L.1985, c.173, s.3)

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

29 8. The council shall encourage and aid movements which it
30 deems necessary for the improvement of county college
31 education and shall, from time to time, make recommendations
32 to the [Board of Higher Education] Governor, Legislature and
33 Commission on Higher Education regarding the coordination of
34 the county colleges on matters of mutual interest and concern.

35 (cf: P.L.1989, c.141, s.8)

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

37 18A:64A-29. [Under the guidance of the board of higher
38 education and with assistance from its staff, the] The council will
39 seek to ensure acceptable and effective lines of development in
40 admissions policy, academic standards, programs, financing, and
41 community relations in the several county colleges.

42 The council will serve as a means of communication between
43 the county colleges, and [staff from the board of higher education
44 will constitute for the council and for the individual county
45 colleges] act as a resource center to aid them in planning, act as
46 a clearing house of information, and provide continuing field
47 services.

48 The council will act as an advisory body to the [board of higher
49 education] Governor, Legislature, Commission on Higher
50 Education and Presidents' Council in the carrying out of [its]
51 their respective duties and responsibilities deriving from this
52 chapter.

53 (cf: N.J.S.18A:64A-29)

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

3 1. The board of chosen freeholders of any county which has not
4 established a county college may, with the consent of the [Board
5 of] Commission on Higher Education, establish a community
6 college agency.

7 (cf: P.L.1974, c.89, s.1)

8 151. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to
9 read as follows:

10 3. The community college commission shall consist of the
11 county superintendent of schools and nine public members who
12 are residents of the county and have resided therein for a period
13 of 4 years prior to their appointment having no official
14 connection with educational institutions contracting with the
15 commission. No elected public official shall serve as a voting
16 member of the commission. The president of the commission
17 shall be an ex officio member of the commission without vote.

18 Seven of the public members shall be appointed by the
19 appointing authority of the county, with the advice and consent
20 of the board of chosen freeholders, and two of the members shall
21 be appointed by the [State Board of Higher Education, subject to
22 the approval of the] Governor, for such initial terms as shall be
23 established by the board. Members shall be appointed for terms
24 of 4 years each, except that the initial appointments shall be
25 made in four classes as nearly equal as possible in number, one
26 class to serve for one year, one class to serve for two years, one
27 class to serve for three years, and one class to serve for four
28 years. The term of all members of the commission shall begin on
29 July 1. Members initially appointed to the commission may serve
30 from the time of their respective appointments, but the term of
31 such office shall be deemed to commence as of July 1 of the year
32 in which the appointment was made. Each member shall serve
33 until his successor shall have been appointed and qualified.
34 Vacancies shall be filled in the same manner as the original
35 appointments and for the remainder of the unexpired terms. Any
36 appointed member may be removed by the appointing authority of
37 the county for cause upon notice and opportunity to be heard.
38 The members of the commission shall serve without compensation
39 for their services, but shall be entitled to receive reimbursement
40 for all reasonable and necessary expenses incurred by virtue of
41 services as a member of the commission.

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

46 The appointing authority of the county shall establish a trustee
47 search committee of not less than five members who shall be
48 residents of the county. The members of the trustee search
49 committee shall not be elected public officials and shall not be
50 eligible for appointment to the board of trustees for a period of
51 six months after their service on the trustee search committee.

52 The trustee search committee shall nominate persons [according
53 to criteria promulgated by the Board of Higher Education] for
54 consideration by the appointing authority of the county for

1 appointment to the board of trustees.

2 (cf: P.L.1983, c.518, s.2)

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

5 7. The commission shall make an annual report on academic
6 and fiscal affairs to the board of chosen freeholders [and to the
7 Board of Higher Education], and annually recommend the funds
8 necessary to be included in the county budget pursuant to
9 N.J.S.18A:64A-15 through 20 for the purpose of public higher
10 education in accordance with the needs for support and facilities
11 as determined by the commission. The first year's estimate of
12 expenses shall be prepared and delivered pursuant to
13 N.J.S.18A:64A-21.

14 (cf: P.L.1974, c.89, s.7)

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

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

26 (cf: P.L.1974, c.89, s.8)

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

29 1. Notwithstanding any provisions of chapter 64A of Title 18A
30 of the New Jersey Statutes to the contrary, any private
31 institution of higher education and any post-secondary institute
32 of a county board of vocational education may, prior to July 1,
33 1994, combine to form a county college [upon petition to and
34 approval by the State Board of Higher Education and] without the
35 need of a referendum.

36 (cf: P.L.1982, c.42, s.1)

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

39 6. The board of trustees shall include seven public trustees,
40 consisting of the county superintendent of schools, four members
41 appointed by the board of chosen freeholders, and two citizens of
42 the county appointed by the [State Board of Higher Education]
43 Governor, and four trustees appointed by the board of governors
44 from among its members. However, no trustee shall be appointed
45 after July 1, 1994 who is an employee of a constituent county. In
46 addition, the student body shall be entitled to elect from the
47 graduating class one representative to serve as a nonvoting
48 member of the board of trustees for a term of 1 year
49 commencing at the next organization of the board following
50 graduation of his class. [The State Board of Higher Education
51 shall by regulation prescribe the rights and duties of the student
52 representative.]

53 All appointive members shall be residents of the county for a
54 period of 4 years prior to appointment and no elected public

1 official or employee of the county college shall serve as a voting
2 member of the board. The terms of office of the appointive
3 members shall be 4 years, except for the first appointment.
4 Terms of those initially appointed by the chairman of the board
5 of chosen freeholders shall expire, respectively, 1, 2, 3 and 4
6 years after appointment. Of those appointed by the [State Board
7 of Higher Education] Governor, one person shall be appointed for
8 a term of 2 years and one for a term of 4 years. Of the members
9 appointed by the board of governors, one person shall be
10 appointed for a term of 1 year, one for a term of 2 years, one for
11 a term of 3 years, and one for a term of 4 years.

12 Each member shall serve until his successor is appointed and
13 qualified.

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

20 (cf: P.L.1982, c.42, s.6)

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

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

- 27 a. Adopt and use a corporate seal;
- 28 b. Sue or be sued;
- 29 c. Determine the educational curriculum and program of the
30 college;
- 31 d. With the advice and consent of the board of governors, upon
32 expiration of the term of the current president of the private
33 institution, appoint and fix the compensation and term of office
34 of a president of the college, who shall be the executive officer
35 of the college;
- 36 e. Appoint, upon nomination of the president, members of the
37 administrative and teaching staff and fix their compensation and
38 terms of employment, subject to the provisions of general law;
- 39 f. Employ other officers, agents and employees, as may be
40 required to carry out the provisions of this act and fix and
41 determine their qualifications, duties, compensation, terms of
42 office and all other conditions and terms of employment;
- 43 g. Fix and determine tuition rates and other fees to be paid by
44 students;
- 45 h. Grant diplomas, certificates or degrees;
- 46 i. Enter into contracts and agreements with the State or any
47 of its political subdivisions or with the United States, or with any
48 public body, department or other agency of the county, State or
49 United States, or with any individual firm or corporation, which is
50 deemed necessary or advisable by the board for carrying out the
51 provisions of this act;
- 52 j. Accept from any government or governmental department,
53 agency or other public or private body or from any other source
54 grants or contributions of money or property, which the board of
55 trustees may use for its purposes;

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

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

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

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

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

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

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

32 (cf: P.L.1982, c.42, s.8)

33 157. Section 10 of P.L.1982, c.42 (C.18A:64A-59) is amended
34 to read as follows:

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

40 a. If the property and funds controlled by the current trustees
41 and its successor board of governors is not properly applied in
42 accordance with the provisions of section 8 of this act for the
43 purposes of higher education and in accordance with the terms of
44 any applicable testament or trust or other special provisions; or

45 b. if the county shall not make provisions sufficient to enable the
46 current board of trustees and its successors to discharge its trust
47 to apply the trust assets as described in section 9 of this act for
48 public higher education through the conduct of a college with
49 high educational standards, then the board of governors, after
50 consideration and on not less than 60 days' prior written notice
51 to the board of trustees and to the [State Board of Higher
52 Education or its successor] Governor, shall have and may exercise
53 the right to withhold or withdraw the use of the properties and
54 funds described in section 9 of this act or any part thereof,

1 subject to adjudication by the courts of the State and subject to
2 their proper application for the purposes of public higher
3 education and in accordance with the terms of any applicable
4 testamentary trust or other special provision.

5 (cf: P.L.1982, c.42, s.10)

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

8 12. In accordance with law, the board of trustees shall make
9 an annual report [to the Chancellor of Higher Education in the
10 manner prescribed by the Board of Higher Education and] to the
11 board of chosen freeholders of the county.

12 (cf: P.L.1982, c.42, s.12)

13 159. Section 27 of P.L.1982, c.42 (C.18A:64A-76 is amended to
14 read as follows:

15 27. This act shall not abrogate the powers of the Governor [or
16 the State Board of Higher Education] to supervise and control the
17 college in accordance with existing law.

18 (cf: P.L.1982, c.42, s.27)

19 160. N.J.S.18A:64E-5 is amended to read as follows:

20 18A:64E-5. The board of trustees shall have control of the
21 buildings and grounds owned and used by such schools, the
22 application of the funds for the support thereof, the regulation of
23 the tuition fees, the appointment and removal of teachers, the
24 power to prescribe the studies and exercise of the school, and
25 rules for its management, to grant certificates of graduation, to
26 appoint some suitable person treasurer of the board, and to frame
27 and modify at pleasure such rules as it may deem necessary for
28 its own government. It shall report annually to the [board of]
29 commission on higher education and to the board of education of
30 the municipality its own doings and the progress and condition of
31 the schools.

32 (cf: N.J.S.18A:64E-5)

33 161. N.J.S.18A:64F-1 is amended to read as follows:

34 18A:64F-1. As used in this chapter:

35 (a) "Student" means any full-time student who is a resident of
36 this State and who enters a school of professional nursing to begin
37 a program of nursing instruction or any part-time student who is
38 a resident of this State who enters an upper division program of
39 nursing instruction [, as defined by the chancellor,] in a school of
40 professional nursing;

41 (b) "Operational expense" means those funds devoted to or
42 required for the regular or ordinary expense of the school of
43 professional nursing, including administration, maintenance and
44 salary expenses;

45 (c) "School of professional nursing" means a school in New
46 Jersey offering a program of nursing instruction not exceeding 4
47 years beyond high school, which is affiliated with a hospital and
48 holds a certificate of accreditation issued by the New Jersey
49 Board of Nursing, provided that said school is not eligible to
50 receive State aid for its nursing program under any other law.

51 (cf: P.L.1983, c.512, s.1)

52 162. N.J.S.18A:64F-2 is amended to read as follows:

53 18A:64F-2. A school of professional nursing may apply for and
54 receive state aid towards the operational expense of said school.

1 The application shall be upon forms prepared and provided by the
2 [chancellor] State Treasurer and shall contain such information as
3 the [chancellor] treasurer shall require. Each application shall be
4 first submitted to the New Jersey board of nursing [who] which
5 shall certify thereon whether said school is accredited and
6 whether or not said accreditation has been suspended or revoked.
7 (cf: N.J.S.18A:64F-2)

8 163. N.J.S.18A:64F-3 is amended to read as follows:

9 18A:64F-3. [The chancellor shall formulate annual budget
10 requests for funds for State aid for qualified schools of
11 professional nursing.] Within the limits of funds appropriated [to
12 the Department of Higher Education] for said purpose, any school
13 of professional nursing whose application has been approved by
14 the [chancellor] State Treasurer shall be entitled to receive State
15 aid for the operational expense of the school to the extent of
16 one-half thereof or \$600.00 per full-time student, whichever is
17 the lesser amount and a pro rata amount for part-time students.
18 (cf: P.L.1983, c.512, s.2)

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

21 2. The Legislature and Governor of the State of New Jersey
22 hereby find that the establishment and operation of programs of
23 medical, dental, nursing, health related professions and health
24 sciences education is in the best interest of the State to provide
25 greater numbers of trained medical personnel to assist in the
26 staffing of the hospitals and public institutions and agencies of
27 the State and to prepare greater numbers of students for the
28 general practice of medicine, dentistry, nursing and the health
29 related professions, and find, declare and affirm, as a matter of
30 public policy of the State, that it is the responsibility of the State
31 to provide funds necessary to establish and operate such programs
32 of education, in the most economical and efficient manner, and
33 that, in furtherance of such policy, the school of medicine
34 heretofore established by Rutgers, The State University,
35 (hereinafter called the "Rutgers Medical School") and the New
36 Jersey College of Medicine and Dentistry shall be combined into
37 a single entity to be known as the University of Medicine and
38 Dentistry of New Jersey.

39 The university shall be comprised of the Graduate School of
40 Biomedical Sciences, the School of Health Related Professions,
41 the New Jersey Dental School, the School of Osteopathic
42 Medicine, the New Jersey Medical School and the Robert Wood
43 Johnson Medical School, and all other departments or schools
44 established by the university in accordance with [the review and
45 approval procedures of the State Board of Higher Education] law.

46 The Legislature and Governor further find and declare that the
47 continuing development of the university as a premier academic
48 health center, able to provide state of the art education, research
49 and patient care services and able to fully participate in today's
50 health-care environment, is in the best interest of the State.
51 Because of the importance of each element of the health-care
52 delivery system, it is the university's obligation to monitor, to
53 identify and to coordinate with the appropriate State agencies
54 and boards to meet the health-care manpower needs of New

1 Jersey as they arise. A key element necessary to the
2 achievement of many of these goals is the structural flexibility to
3 form productive and varied relationships with other health-care
4 organizations, research institutions and private individuals, firms
5 and corporations.

6 The Legislature and Governor further find that such
7 public-private relationships should be encouraged since these
8 cooperative efforts will enable the university to supplement the
9 resources available from the State and thereby provide the
10 university with an economic and efficient means to develop and
11 offer an appropriate range of health-care services.

12 (cf: P.L.1992, c.84, s.2)

13 165. Section 3 of P.L.1970, c.102 (C.18A:64G-3) is amended to
14 read as follows:

15 3. There is hereby established [in the Department of Higher
16 Education] a body corporate and politic to be known as the
17 "University of Medicine and Dentistry of New Jersey." The
18 exercise by the university of the powers conferred by this act in
19 the presentation and operation of programs of medical, dental,
20 nursing and health related professions and health sciences
21 education shall be deemed to be public and essential
22 governmental functions necessary for the welfare of the State
23 and the people of New Jersey.

24 (cf: P.L.1992, c.84, s.3)

25 166. Section 22 of P.L.1981, c.325 (C.18A:64G-3.6) is amended
26 to read as follows:

27 22. The general powers of supervision and control of the [State
28 Board of Higher Education] Governor over the University of
29 Medicine and Dentistry of New Jersey include the power to visit
30 the university to examine into its manner of conducting its
31 affairs and to enforce an observance of its laws and regulations
32 and the laws of the State.

33 (cf: P.L.1981, c.325, s.22)

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

36 7. a. Except in the case of existing university programs, the
37 university shall award associate degrees only in new programs
38 jointly proposed and implemented with institutions fully
39 authorized and accredited to award degrees at that level.

40 b. For the awarding of the baccalaureate degree, the
41 university shall develop and maintain joint degree programs for
42 health related professions and new nursing education programs
43 with fully authorized and accredited institutions and shall be
44 limited to offering upper division courses. Exceptions may be
45 made [in accordance] with [duly adopted regulations] the approval
46 of the [Board of] Commission on Higher Education, except as
47 provided in this act. In instances where the university has been
48 authorized to offer a baccalaureate degree program jointly with
49 another institution, it may independently award a second
50 baccalaureate degree for that program for students who enter the
51 program already possessing a baccalaureate degree from a
52 regionally accredited college or university.

53 (cf: P.L.1992, c.84, s.7)

54 168. Section 4 of P.L.1970, c.102 (C.18A:64G-4) is amended to
55 read as follows:

1 4. a. The government, control, conduct, management and
2 administration of the university shall be vested in the board of
3 trustees of the university. The membership of the board of
4 trustees shall consist of [the Chancellor of the Department of
5 Higher Education and] the Commissioner of Health, who shall
6 serve ex officio, without vote, and 11 voting members, each of
7 whom shall be appointed by the Governor, with the advice and
8 consent of the Senate, for a term of five years and shall serve
9 until his successor is appointed and has qualified. Any vacancies
10 in the voting membership of the board occurring other than by
11 expiration of term shall be filled in the same manner as the
12 original appointment but for the unexpired term only. Each voting
13 member of the board of trustees before entering upon his duties
14 shall take and subscribe an oath to perform the duties of his
15 office faithfully, impartially and justly to the best of his ability.
16 A record of such oath shall be filed in the office of the Secretary
17 of State. Each voting member of the board may be removed from
18 office by the Governor, for cause, after a public hearing.

19 b. The members of the board of trustees shall meet at the call
20 of the Governor for purposes of organizing. The board shall
21 thereafter meet at such times and places as it shall designate.

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

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

31 (cf: P.L. 1992, c.84, s.4)

32 169. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to
33 read as follows:

34 6. The board of trustees of the university [, within the general
35 policies and guidelines set by the Board of Higher Education,]
36 shall have the general supervision over and be vested with the
37 conduct of the university, including its health care facilities
38 regardless of the source of funding. It shall have the power and
39 duty to:

40 (a) Adopt and use a corporate seal;

41 (b) Determine the educational curriculum and program of the
42 university;

43 (c) Determine policies for the organization, administration,
44 and development of the university;

45 (d) Study the educational and financial needs of the university,
46 annually acquaint the Governor and Legislature with the
47 condition of the university, and prepare and submit an annual
48 request for appropriation to the [State Board of Higher
49 Education] Division of Budget and Accounting in the Department
50 of Treasury in accordance with law;

51 (e) Disburse all moneys appropriated to the university by the
52 Legislature and all moneys received from tuition, fees, auxiliary
53 services and other sources;

54 (f) Direct and control expenditures and transfers of funds
55 appropriated to the university in accordance with the provisions

1 of the State budget and appropriation acts of the Legislature,
2 and. as to funds received from other sources, direct and control
3 expenditures and transfers in accordance with the terms of any
4 applicable trusts, gifts, bequests, or other special provisions,
5 reporting changes and additions thereto and transfers thereof to
6 the Director of the Division of Budget and Accounting in the
7 Department of the Treasury [and to the Chancellor of Higher
8 Education]. All accounts of the university shall be subject to
9 audit by the State at any time;

10 (g) In accordance with the provisions of the State budget and
11 appropriation acts of the Legislature, appoint and fix the
12 compensation and term of office of a president of the university
13 who shall be the executive officer of the university;

14 (h) In accordance with the provisions of the State budget and
15 appropriation acts of the Legislature, appoint, upon nomination of
16 the president, such deans and other members of the academic,
17 administrative and teaching staffs as shall be required and fix
18 their compensation and terms of employment;

19 (i) In accordance with the provisions of the State budget and
20 appropriation acts of the Legislature, appoint, remove, promote
21 and transfer such other officers, agents, or employees as may be
22 required to carry out the provisions of this act and assign their
23 duties, determine their salaries, and prescribe qualifications for
24 all positions and in accordance with the salary schedules of the
25 Civil Service Commission wherever possible;

26 (j) Fix and determine [, after consultation with the Board of
27 Higher Education,] tuition rates, and other fees to be paid by
28 students;

29 (k) Grant diplomas, certificates or degrees;

30 (l) Enter into contracts and agreements with the State or any
31 of its political subdivisions or with the United States, or with any
32 public body, department or other agency of the State or the
33 United States or with any individual, firm or corporation which
34 are deemed necessary or advisable by the board for carrying out
35 the provisions of this act. A contract or agreement pursuant to
36 this subsection may require a municipality to undertake
37 obligations and duties to be performed subsequent to the
38 expiration of the term of office of the elected governing body of
39 such municipality which initially entered into or approved said
40 contract or agreement, and the obligations and duties so incurred
41 by such municipality shall be binding and of full force and effect,
42 notwithstanding that the term of office of the elected governing
43 body of such municipality which initially entered into or approved
44 said contract or agreement, shall have expired;

45 (m) Accept from any government or governmental department,
46 agency or other public or private body or from any other source
47 grants or contributions of money or property which the board may
48 use for or in aid of any of its purposes;

49 (n) (1) Acquire (by gift, purchase, condemnation or otherwise),
50 own, lease, dispose of, use and operate property, whether real,
51 personal or mixed, or any interest therein, which is necessary or
52 desirable for university purposes;

53 (2) Adopt standing operating rules and procedures for the

1 purchase of all equipment, materials, supplies and services;
2 however, no contract on behalf of the university shall be entered
3 into for the purchase of services, materials, equipment and
4 supplies, for doing of any work, or for the hiring of equipment or
5 vehicles, where the sum to be expended exceeds \$12,500.00 or the
6 amount determined by the Governor as provided herein, unless
7 the university shall first publicly advertise for bids and shall
8 award the contract to that responsible bidder whose bid,
9 conforming to the invitation for bids, will be most advantageous
10 to the university, price and other factors considered. Such
11 advertising shall not be required in those exceptions created by
12 the board of trustees of the university, which shall be in
13 substance those exceptions contained in sections 4 and 5 of
14 P.L.1954, c.48 (C.52:34-9 and 10) or for the supplying of any
15 product or the rendering of any service by a public utility subject
16 to the jurisdiction of the Board of Public Utilities of this State
17 and tariffs and schedules of the charges, made, charged, or
18 exacted by the public utility for any such products to be supplied
19 or services to be rendered are filed with the said board.
20 Commencing January 1, 1985 and every two years thereafter, the
21 Governor, in consultation with the Department of the Treasury,
22 shall adjust the threshold amount set forth in this paragraph in
23 direct proportion to the rise or fall of the consumer price index
24 for all urban consumers in the New York City and the
25 Philadelphia areas as reported by the United States Department
26 of Labor. The Governor shall notify the university of the
27 adjustment. The adjustment shall become effective on July 1 of
28 the year in which it is reported.

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

42 (3) Employ architects to plan buildings; secure bids for the
43 construction of buildings and for the equipment thereof; make
44 contracts for the construction of buildings and for equipment; and
45 supervise the construction of buildings [. All capital expenditures
46 in excess of \$2,000,000 shall be subject to the approval of the
47 Board of Higher Education except that commencing January 1,
48 1993 and every two years thereafter, the Governor, in
49 consultation with the Department of the Treasury, shall adjust
50 the threshold amount set forth in this paragraph in direct
51 proportion to the rise or fall of the consumer price index for all
52 urban consumers in the New York City and the Philadelphia areas
53 as reported by the United States Department of Labor. The
54 Governor shall notify the university of the adjustment. The

1 adjustment shall become effective on July 1 of the year in which
2 it is reported];

3 (4) Manage and maintain, and provide for the payment of all
4 charges on and expenses in respect of, all properties utilized by
5 the university; and

6 (5) Invest certain monies in such obligations, securities and
7 other investments as the board shall deem prudent in accordance
8 with State and federal law, as follows:

9 In not for profit corporations utilizing income realized from
10 the sale or licensing of intellectual property, as well as the
11 reinvestment of earnings on intellectual property; income
12 realized from the operation of faculty practice plans of the
13 university; and income from overhead grant fund recovery as
14 permitted by federal law;

15 In for profit corporations utilizing income realized from the
16 sale or licensing of intellectual property, as well as the
17 reinvestment of earnings on intellectual property.

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

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

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

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

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

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

49 (u) [Notwithstanding the provisions of section 7 of P.L.1970,
50 c.102 (C.18A:64G-7), retain independent counsel to represent a
51 joint venture, subsidiary corporation, partnership or such other
52 jural entity entered into or owned wholly or in part by the
53 university when the enterprise involves development,
54 manufacture, or marketing of products, technology, or scientific

1 information, and retain independent counsel to represent any
2 separate corporation created by the university pursuant to
3 paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102
4 (C.18A:64G-6); however, the Attorney General shall represent
5 the university as a venturer, partner, or in the case of a
6 corporation, in its shareholder capacity during the incorporation
7 phase and thereafter] Retain independent counsel including
8 representation by the Attorney General in accordance with
9 subsection h. of section 6 of P.L. . c. (C.) (now pending before
10 the Legislature as this bill.);

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

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

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

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

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

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

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

54 (8) Income realized by the university as a result of

1 participation in the development, manufacture or marketing of
2 products, technology, or scientific information may be invested
3 or reinvested pursuant to paragraph (5) of subsection (n) of
4 section 6 of P.L.1970, c.102 (C.18A:64G-6) or retained by the
5 board for use in furtherance of any of the purposes of this act;

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

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

25 (2) Monies in the fund known as the Self-Insurance Trust Fund
26 administered by the State Treasurer shall continue to be available
27 to the university solely to indemnify and defend claims against
28 the university and its employees, officers and servants but only to
29 the extent that the University has elected on behalf of itself and
30 its employees to obtain representation from the Attorney General
31 pursuant to subsection h. of section 6 of P.L. c. (C.) (now
32 pending before the Legislature as this bill) and such entity or
33 individuals would have been entitled to defense and
34 indemnification pursuant to the "New Jersey Tort Claims Act"
35 (N.J.S.59:1-1 et seq.) as a State entity or State employee but for
36 the provision of subsection (t) of section 6 of P.L.1970, c.102
37 (C.18A:64G-6). Any expenditure of such funds shall be made only
38 in accordance with the provisions of the "New Jersey Tort Claims
39 Act" (N.J.S.59:1-1 et seq.) including but not limited to the
40 provisions of chapters 10, 10A and 11 of Title 59 of the New
41 Jersey Statutes. Nothing herein shall be construed to authorize
42 the use of the Self-Insurance Trust Fund to indemnify or insure in
43 any way, directly or indirectly the activities of any joint venture,
44 partnership or corporation entered into or created by the
45 university pursuant to paragraphs (1) and (2) of subsection (v) of
46 section 6 of P.L.1970, c.102 (C.18A:64G-6) and C.18A:64G-6); and
47 (x) Create auxiliary organizations subject to the provisions of
48 P.L.1982, c.16 (C.18A:64-26 et seq.).

49 (cf: P.L.1992, c.84, s.5)

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

52 7. The board of trustees, in addition to the other powers and
53 duties provided herein, shall have and exercise the powers, rights

1 and privileges that are incident to the proper government,
2 conduct and management of the university and the control of its
3 properties and funds and such powers granted to the university or
4 the board or reasonably implied, may be exercised without
5 recourse or reference to any department or agency of the State,
6 except as otherwise provided by this act. [In addition, the board
7 may retain independent counsel with the approval of the Attorney
8 General.]

9 (cf: P.L.1981. c.325, s.8)

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

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

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

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

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

30 d. Annually reviewing the educational programs provided by
31 participating hospitals;

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

35 (cf: P.L.1977, c. 390, s.2)

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

38 3. As used in this act:

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

41 b. ["Chancellor" means the Chancellor of Higher Education]
42 deleted by amendment, P.L. , c. (C.) (now pending before
43 the legislature as this bill).

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

49 d. "Medical" and "physician" refer to doctors of medicine and
50 doctors of osteopathy.

51 (cf: P.L.1977, c.390, s.3)

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

54 4. The council shall consist of [15] 14 members, 11 voting

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

31 a. The council may appoint advisory committees
32 representative of the medical and health care professions,
33 educators, and students, representatives of medical and health
34 care facilities and consumers. The advisory committees shall
35 provide advice and assistance to the council for the council's
36 performance of its designated functions.

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

44 (cf: P.L.1977, c.390, s.4)

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

47 5. The [Board of] Commission on Higher Education, upon the
48 advice of the Advisory Council, with the concurrence of the
49 Commissioner of Health, shall:

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

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

54 c. Establish standards for the use and expenditures of funds

1 appropriated pursuant to this act;

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

5 (cf: P.L.1977. c.390, s.5)

6 175. Section 8 of P.L.1977. c.390 (C.18A:64H-8) is amended to
7 read as follows:

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

11 (cf: P.L.1977. c.390, s.8)

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

14 3. The [State Board of Higher Education] Board of Trustees of
15 Montclair State University shall include in its annual request for
16 appropriations [, submitted to the Governor pursuant to
17 N.J.S.18A:3-14,] a request for such sums as may be necessary to
18 maintain the New Jersey School of Conservation. Such funding
19 shall be separate from and in addition to the regular formula
20 support provided to Montclair State [College] University and shall
21 not limit the funding provided to higher education as a sector.

22 (cf: P.L.1981, c.148, s.3)

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

24 18A:65-14. The membership of the board of governors shall be
25 classified as follows and consist of:

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

28 i. the chancellor, and

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

31 b. 11 voting members.

32 i. six of whom shall be appointed by the governor of the state,
33 with the advice and consent of the senate, and

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

37 All members shall serve for terms of six years, except that the
38 terms of those initially appointed by the governor which began on
39 September 1, 1956, shall expire respectively (as designated by
40 him) one, two, three, four, five and six years after June 30, 1956,
41 and terms of those initially appointed by the board of trustees
42 which began on September 1, 1956, shall expire respectively (as
43 designated by the board) two, three, four, five and six years after
44 June 30, 1956; all of whose respective successors shall be
45 appointed to serve six-year terms. Governors may succeed
46 themselves for not more than one additional term after having
47 served one full six-year term (including an initial term beginning
48 on September 1, 1956, and expiring on June 30, 1962).

49 (cf: N.J.S.18A:65-14)

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

51 18A:65-15. I. The membership of the board of trustees shall
52 be classified as follows and consist of:

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

1 i. the chancellor, and
2 ii.] the president of the corporation, serving as an ex officio
3 non-voting member;

4 b. 11 public trustees, appointed and to be appointed by the
5 governor of the state, with the advice and consent of the senate.
6 viz.,

7 i. five public trustees, serving under section 4 of chapter 49 of
8 the Laws of 1945 for five-year terms expiring respectively, one,
9 two, three, four, and five years after June 30, 1956, whose
10 respective successors shall be appointed upon the expiration of
11 such terms and annually thereafter to serve five-year terms; and

12 ii. six public trustees appointed governors under subsection
13 b.1. of section 18A:65-14 and serving by virtue thereof for and
14 during their respective initial and subsequent terms as governors;

15 c. not less than 12 nor more than 20 trustees who shall be
16 alumni or alumnae of Rutgers, the state university, as may be
17 determined from time to time by the board of trustees, elected
18 by the board in accordance with such rules, regulations and
19 schedules, and modifications thereof, as may be prepared and
20 adopted from time to time by the board, the terms of such alumni
21 trustees or alumnae trustees to be six years for full terms, with
22 power in the board to provide for shorter or interim terms when
23 deemed by it to be advisable.

24 d. Charter trustees:

25 i. in the number of trustees serving as such on August 31, 1956
26 without definite term, who shall continue to serve indefinitely;
27 provided, that upon the occurrence of any vacancy among such
28 charter trustees, no successor shall be elected to fill such
29 vacancy until such time as the number of such trustees has been
30 reduced below 25, and thereafter vacancies within that number
31 shall be filled by the board subject to the following paragraph II;

32 ii. two women elected by the board of trustees serving six-year
33 terms expiring respectively on June 30, 1963 and 1965 and one
34 woman elected by the board of trustees serving a five-year term
35 expiring June 30, 1961, whose respective successors shall be
36 elected by the board upon the expiration of such terms and
37 thereafter to serve six-year terms.

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

45 III. The ex officio members of the board of trustees as
46 constituted on August 31, 1956, pursuant to the charter, statutes,
47 or resolutions of the board from time to time adopted, ceased to
48 be such members on August 31, 1956, with the exception of the
49 president of the corporation who continued as ex officio trustee
50 and ex officio governor, without voting power as hereinabove
51 provided and the commissioner of education who so continued
52 until July 1, 1967.

53 (cf: N.J.S.18A:65-15)

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

2 18A:65-16. (a) The terms of all governors and trustees which
3 are limited shall, unless otherwise expressly provided herein,
4 commence on July 1 in the first year, and end on June 30 in the
5 last year, of such term.

6 (b) In case a governor or a trustee is elected president [or
7 appointed chancellor] and he thereby becomes a nonvoting
8 governor or trustee ex officio, a vacancy in his prior office as
9 governor or trustee shall thereby occur.

10 (c) In case a trustee is appointed a governor by the governor of
11 the state, and he thereby becomes a trustee during his term as
12 governor, a vacancy in his prior office as trustee shall thereby
13 occur.

14 (d) Any vacancy occurring during the term of any governor or
15 trustee (other than by the expiration of his term) shall be filled
16 for the unexpired term only, in the same manner and subject to
17 the same provisions, as in the case of his appointment or election;
18 subject, however, to the provisions of subsection I.d. of section
19 18A:65-15.

20 (cf: N.J.S.18A:65-16)

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

22 18A:65-17. No person, other than [the chancellor or] the
23 president, shall be eligible to membership on the board of
24 governors, if he is a salaried official of the state of New Jersey,
25 or shall be eligible to membership on either the board of
26 governors or the board of trustees, if he is receiving
27 remuneration for services from the corporation or the university.
28 If any member of either board shall become ineligible by reason
29 of the foregoing, a vacancy in his prior office as governor or
30 trustee, as the case may be, shall thereby occur.

31 (cf: N.J.S.18A:65-17)

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

33 18A:65-25. The board of governors shall have general
34 supervision over and be vested with the conduct of the
35 university. It shall have the authority and responsibility to:

36 a. Determine policies for the organization, administration and
37 development of the university;

38 b. Study the educational and financial needs of the university,
39 annually acquaint the Governor and Legislature with the
40 condition of the university, and prepare and [, jointly with the
41 Board of Higher Education,] present the annual budget to the
42 Governor, the Division of Budget and Accounting in the
43 Department of Treasury and the Legislature, in accordance with
44 law;

45 c. Disburse all moneys appropriated to the university by the
46 Legislature, moneys received from tuition, fees, auxiliary
47 services and other sources, and from or by direction of the board
48 of trustees;

49 d. Direct and control expenditure and transfer of funds
50 appropriated to the corporation and the university by the State in
51 accordance with the provisions of the State budget and
52 appropriation acts of the Legislature; and, as to funds received
53 from the trustees and other sources, direct and control
54 expenditures and transfers in accordance with the terms of any

1 applicable trusts, gifts, bequests, or other special provisions,
2 reporting changes and additions thereto and transfers thereof to
3 the Director of the Division of Budget and Accounting in the
4 State Department of the Treasury. All accounts of the university
5 shall be subject to audit by the State at any time.

6 e. Borrow money for the needs of the corporation and the
7 university, as deemed requisite by the board, in such amounts and
8 for such time and upon such terms as may be determined by the
9 board, with the consent and advice of the board of trustees;
10 provided, that no such borrowing shall be deemed or construed to
11 create or constitute a debt, liability, or a loan or pledge of the
12 credit, or be payable out of property or funds (other than moneys
13 appropriated for that purpose) of the State;

14 f. 1. Purchase all lands, buildings, equipment, materials and
15 supplies; and

16 2. Employ architects to plan buildings; secure bids for the
17 construction of buildings and for the equipment thereof; make
18 contracts for the construction of buildings and for equipment; and
19 supervise the construction of buildings;

20 g. Manage and maintain, and provide for the payment of all
21 charges on and expenses in respect of, all properties utilized by
22 the university;

23 h. In accordance with the provisions of the budget, have the
24 sole power (subject to the provisions of section 18A:65-31) to
25 elect, appoint, remove, promote or transfer all corporate,
26 official, educational and civil administrative personnel, and fix
27 and determine their salaries in accordance with salary schedules
28 adopted by the board of governors [and approved by the Board of
29 Higher Education]. Such salary schedules shall prescribe
30 qualifications for the various classifications and shall limit the
31 percentage of the educational staff that may be appointed or
32 promoted to any given classification:

33 i. In accordance with the provisions of the budget, appoint,
34 remove, promote and transfer all other officers, agents, or
35 employees, assign their duties, determine their salaries, and
36 prescribe qualifications for all positions, and in accordance with
37 the salary schedules of the State Civil Service Commission
38 wherever possible; and

39 j. Authorize any new educational department or school [which
40 will require, at the time of establishment, or which may
41 thereafter require, an additional expenditure of money beyond
42 that appropriated, if the establishment thereof is approved by the
43 Board of Higher Education and provision is made therefor in the
44 annual or a supplemental appropriation act or a special act of the
45 Legislature or otherwise] consistent with the institution's
46 programmatic mission or approved by the Commission on Higher
47 Education.

48 (cf: P.L.1970, c.174, s.1)

49 182. N.J.S.18A:65-27 is amended to read as follows:

50 18A:65-27. I. It is hereby declared to be the public policy of
51 the state of New Jersey that:

52 a. the corporation and the university shall be and continue to
53 be given a high degree of self-government and that the
54 government and conduct of the corporation and the university

- 1 shall be free of partisanship; and
- 2 b. resources be and continue to be provided and funds be and
3 continue to be appropriated by the state adequate for the conduct
4 of a state university with high educational standards and to meet
5 the cost of increasing enrollment and the need for proper
6 facilities.
- 7 II. In consideration of the utilization by the state for the
8 purposes of public higher education of privately donated
9 properties and funds valued as at September 1, 1956 at
10 approximately \$50,000,000, and the prospect of future private
11 donations, the state by this chapter agrees with the board of
12 trustees and its successors that:
- 13 a. if the properties and funds controlled by the trustees shall
14 not be properly applied in accordance with the provisions of
15 subsection (d) of section 18A:65-25 for the purpose of higher
16 education and in accordance with the terms of any applicable
17 testamentary, trust, or other special provision; or
- 18 b. if, without the consent of the board of trustees,
- 19 (1) the university is not continued to be designated and
20 maintained as the state university of New Jersey, or
21 (2) the name of the university shall be changed, or
22 (3) a vacancy in the office of the president of the university
23 shall be filled otherwise than by appointment of the board of
24 governors with the advice and consent of the board of trustees, or
25 (4) the provisions for the essential self-government of the
26 university, viz., the provisions of sections 18A:65-12 to
27 18A:65-16, inclusive, 18A:65-19, 18A:65-24 to 18A:65-26,
28 inclusive, 18A:65-28, subsection (b) of 18A:65-29, 18A:65-30,
29 subsection (c) of 18A:65-31, 18A:65-33, 18A:65-6, 18A:65-9 and
30 18A:65-4, or any of them or of this section 18A:65-27, are
31 amended or altered in any substantial respect or repealed; or
- 32 c. if provision shall not be made by the state sufficient to
33 enable the board of trustees to discharge its trust to apply the
34 trust assets described in subsection 2 of section 18A:65-26 for
35 public higher education through the conduct of a university with
36 high educational standards, the board of trustees, after careful
37 consideration and on not less than 60 days' prior written notice
38 to the board of governors and to the [board of higher education or
39 its successors] Governor, shall have and may exercise the right to
40 withhold or withdraw the use of the properties and funds above
41 described in subsection 2 of section 18A:65-26, or any part of
42 them, (aa) subject to adjudication by the courts of the state, and
43 (bb) subject to their proper application for the purposes of public
44 higher education and in accordance with the terms of any
45 applicable testamentary, trust or other special provision.
- 46 (cf: N.J.S.18A:65-27)
- 47 183. N.J.S.18A:65-33.1 is amended to read as follows:
48 18A:65-33.1. The corporation shall have the care, custody and
49 control of such property as the state now has or shall hereafter
50 acquire at the university, subject to the visitorial powers of the
51 [board of higher education] Governor.
- 52 (cf: N.J.S.18A:65-33.1)
- 53 184. N.J.S.18A:65-34 is amended to read as follows:
54 18A:65-34. The visitorial general powers of supervision and

1 control of the [board of higher education] Governor over Rutgers,
2 the state university, are continued and are defined as the powers
3 to visit the university to examine into its manner of conducting
4 its affairs and to enforce an observance of its laws and
5 regulations and the laws of the state.

6 (cf: N.J.S.18A:65-34)

7 185. N.J.S.18A:65-35 is amended to read as follows:

8 18A:65-35. The board of governors shall advise [with the board
9 of higher education], in consultation with the Commission on
10 Higher Education and the Presidents' Council, to the end that the
11 facilities and services of the university may be so utilized as to
12 increase the efficiency of the public school system and provide
13 higher education for the people of the state, and [the board of
14 higher education shall investigate and, jointly with] the board of
15 governors [,] shall make recommendations to the governor and the
16 legislature, respecting the needs for the facilities and services, of
17 the university, as an instrumentality of the state for said
18 purposes.

19 (cf: N.J.S.18A:65-35)

20 186. N.J.S.18A:65-61 is amended to read as follows:

21 18A:65-61. The care, custody and control of any building used
22 jointly by any state college and the corporation shall be vested in
23 the board of trustees of the state college or in the corporation, as
24 the case may be. The care, custody and control of any building of
25 a state college wholly utilized by the corporation shall be
26 exercised by the corporation subject to the visitorial power [of
27 the board of higher education] granted herein and the care,
28 custody and control of any building of the corporation wholly
29 utilized for any state college shall be exercised by the board of
30 trustees of the state college.

31 (cf: N.J.S.18A:65-61)

32 187. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to
33 read as follows:

34 3. As used in this act:

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

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

53 c. "Base annual salary" means the base salary upon which
54 contributions by the member and his employer to the alternate

1 benefit program were based during the last year of creditable
2 service.

3 d. ["Board of Higher Education" means the board described in
4 article 2 of chapter 3 of Title 18A of the New Jersey Statutes
5 and the agency responsible for the establishment of the alternate
6 benefits program of the State and County Colleges.] deleted by
7 amendment (P.L. , c. (C.) (now pending before the
8 Legislature as this bill)

9 e. "University of Medicine and Dentistry" means the
10 University of Medicine and Dentistry of New Jersey established
11 pursuant to the terms of section 3 of P.L.1970, c.102
12 (C.18A:64G-3).

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

15 g. "Division of Pensions and Benefits" means the division
16 established in the Department of the Treasury pursuant to section
17 1 of P.L.1955, c.70 (C.52:18A-95) and is the agency responsible
18 for the administration of the alternate benefit program of [the
19 Department of Higher Education,] the State and county colleges
20 and for the administration of the group life and disability
21 insurances of all alternate benefit programs established in the
22 State for public employees.

23 h. "Full-time officers" and "full-time members of the
24 faculty" shall include the president, vice president, secretary and
25 treasurer of the respective school. [Also included are employees
26 of the Department of Higher Education whose positions are so
27 designated by the Board of Higher Education. All other
28 employees of the Department of Higher Education shall, if
29 otherwise eligible, be enrolled in the Public Employees'
30 Retirement System or transferred from the Teachers' Pension
31 and Annuity Fund to said system.] "Full-time" shall also include
32 eligible full-time officers and full-time members of the faculty
33 who are granted sabbaticals or leaves of absence with pay where
34 the compensation paid is 50% or more of the base salary at the
35 time the leave commences and the period of eligibility
36 terminates with the end of the school year following the year in
37 which the sabbatical began. "Part-time" shall be defined as an
38 appointment where the employee receives a salary or wages for a
39 period of less than 50% of the normal work week. These
40 definitions shall apply to teaching or administrative staff
41 members or to employees serving in a dual capacity where the
42 appointment includes teaching as well as administrative duties.

43 i. "Group Annuity Plan" refers to the Group Annuity Contract
44 R-134 between the Board of Trustees of the New Jersey Institute
45 of Technology and the Prudential Insurance Company of America.

46 j. "Member" or "participant" means a full-time officer or a
47 full-time member of the faculty participating in the alternate
48 benefit program.

49 k. "New Jersey Institute of Technology" means the Newark
50 College of Engineering.

51 l. "Pension reserve" means those moneys as defined in
52 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

53 m. "Rutgers, The State University" means the institution of
54 higher education described in chapter 65 of Title 18A of the New
55 Jersey Statutes.

1 n. "State Colleges" means the colleges so described in chapter
2 64 of Title 18A of the New Jersey Statutes.

3 o. "Mutual fund company" means an investment company or
4 trust regulated by the federal "Investment Company Act of
5 1940," 15 U.S.C. §§80a-1 et seq.

6 (cf: P.L.1993. c.385. s.2)

7 188. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended
8 to read as follows:

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

35 Any person participating in the alternate benefit program shall
36 be ineligible for membership in the Teachers' Pension and
37 Annuity Fund, the Public Employees' Retirement System, the
38 Police and Firemen's Retirement System or the Group Annuity
39 Plan and any person electing to participate in the alternate
40 benefit program shall thereby waive all rights and benefits
41 provided by the Teachers' Pension and Annuity Fund, the Public
42 Employees' Retirement System, the Police and Firemen's
43 Retirement System or the Group Annuity Plan as a member of
44 said fund, system or plan, except as herein and otherwise
45 provided by law or under terms of the Group Annuity Plan.

46 Any person required to participate in the alternate benefit
47 program by reason of employment, who at the time of such
48 employment is a member of the Teachers' Pension and Annuity
49 Fund, shall be permitted to transfer his membership in said fund
50 to the Public Employees' Retirement System, by waiving all
51 rights and benefits which would otherwise be provided by the
52 alternate benefit program. Any such new employee who is a
53 member of the Public Employees' Retirement System will be
54 permitted to continue his membership in that system, by waiving

1 all rights and benefits which would otherwise be provided by the
2 alternate benefit program. Such waivers shall be accomplished
3 by filing forms satisfactory to the Division of Pensions within 30
4 days of the beginning date of employment.

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

9 No person eligible for participation in the alternate benefit
10 program shall be eligible for, or receive, benefits under chapters
11 4 and 8B of Title 43 of the Revised Statutes.

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

15 (cf: P.L.1984, c.200, s.1)

16 189. Section 6 of P.L.1969, c.242 (C.18A:66-172) is amended
17 to read as follows:

18 6. Participants in the alternate benefit program shall be
19 allowed to allocate portions of their own contributions and the
20 contributions of their employer, including amounts used by the
21 employer to purchase an annuity pursuant to a salary reduction
22 agreement under section 24 of P.L.1969, c.242 (C.18A:66-190), to
23 accounts with two or more insurers or mutual fund companies
24 designated pursuant to the provisions of section 3 of P.L.1993,
25 c.385 (C.18A:66-172.1) as companies from which alternate
26 benefit contracts may be purchased, and shall, subject to such
27 rules and regulations as the Division of Pensions and Benefits may
28 adopt, be permitted to direct the withdrawal of such
29 contributions from their account with one such company for
30 deposit in an account with another such company. Since the
31 establishment of the alternate benefit programs for the several
32 public institutions of higher education in New Jersey is designed
33 to provide mobility of pension credit from within the academic
34 community in and outside the State, and since it is imperative
35 that eligibility for participation in this program be of uniform
36 application in the several schools, it shall be the responsibility of
37 the [Board of Higher Education] Director of the Division of
38 Pensions to establish regulations which shall provide for such
39 uniformity.

40 (cf: P.L.1993, c.385, s.4)

41 190. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended
42 to read as follows:

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

52 The Division of Pensions [and Benefits] shall provide for
53 reductions from the compensation of each participant in the
54 alternate benefit program employed by [the Department of

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

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

10 (b) Based on a certification to the Division of Pensions [and
11 Benefits] by the University of Medicine and Dentistry of New
12 Jersey, Rutgers, The State University and the New Jersey
13 Institute of Technology of the number and base salary of
14 participants, the division shall authorize the State to make
15 payment of the employer contributions to the alternate benefit
16 program at a rate equal to 8% of the employee's base salary,
17 which moneys shall be paid to the designated insurers or mutual
18 fund companies for the benefit of each participant.

19 Based on a certification by the Division of Pensions [and
20 Benefits] of the number and base salary of participants employed
21 by [the Department of Higher Education.] the State and county
22 colleges, the State shall make payment of the employer
23 contributions to the alternate benefit program at a rate equal to
24 8% of the employee's base salary, which moneys shall be paid to
25 the designated insurers or mutual fund companies for the benefit
26 of each participant.

27 (c) For the member of the Public Employees' Retirement
28 System employed by the county colleges, who is defined in the
29 regulations of the [Board of Higher Education] Division of
30 Pensions as a full-time faculty member and who is permitted to
31 transfer his membership and does so, the State shall pay the
32 employer contribution to the alternate benefit program at a rate
33 equal to 8% of the member's base salary. If the member
34 continues membership in the Public Employees' Retirement
35 System, the State shall pay the employer contribution to the
36 retirement system on his behalf and such employer contribution
37 shall be at a rate equal to the normal contribution made by the
38 State on behalf of nonveteran members of the Public Employees'
39 Retirement System.

40 (d) For any nonacademic employee of a county college, as
41 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is
42 eligible for the program according to the regulations of the
43 [Board of Higher Education] Director of the Division of Pensions,
44 the county college shall pay the employer contribution to the
45 retirement system on the employee's behalf in the same manner
46 as the State, pursuant to this section.

47 (cf: P.L. 1993, c.385, s.6)

48 191. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended
49 to read as follows:

50 24. The Board of Trustees of the New Jersey College of
51 Medicine and Dentistry, the Board of Governors of Rutgers, The
52 State University, the Board of Trustees of the New Jersey
53 Institute of Technology and [the Board of Higher Education on
54 behalf of the Department of Higher Education.] the boards of

1 trustees of State and county colleges, are hereby authorized to
2 enter into agreement with each employee participating in the
3 alternate benefit program whereby the employee agrees to take a
4 reduction in salary with respect to amounts earned after the
5 effective date of such agreement in return for the agreement of
6 the respective institution to use a corresponding amount to
7 purchase an annuity for such employee so as to obtain the
8 benefits afforded under section 403(b) of the Federal Internal
9 Revenue Code, as amended. Any such agreement shall specify
10 the amount of such reduction, the effective date thereof, and
11 shall be legally binding and irrevocable with respect to amounts
12 earned while the agreement is in effect; provided, however, that
13 such agreement may be terminated after it has been in effect for
14 a period of not less than 1 year upon notice in writing by either
15 party, and provided further that not more than one such
16 agreement shall be entered into during any taxable year of the
17 employee. For the purposes of this section, any annuity or other
18 contract which meets the requirements of section 403(b) of the
19 Federal Internal Revenue Code, as amended, may be utilized.
20 The amount of the reduction in salary under any agreement
21 entered into between the institutions and any employee pursuant
22 to this section shall not exceed the limitations set forth in
23 P.L.93-406 (Employment Retirement Income Security Act of
24 1974) and Section 415(c) of the Internal Revenue Code of 1954 as
25 amended for such year.

26 (cf: P.L.1981, c.39, s.1)

27 192. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended
28 to read as follows:

29 25. No retirement, death or other benefit shall be payable by
30 the State, the University of Medicine and Dentistry, Rutgers. The
31 State University, the New Jersey Institute of Technology [the
32 Board or the Department of Higher Education] or the Division of
33 Pensions and Benefits under the alternate benefit program.
34 Benefits shall be payable to participating employees and their
35 beneficiaries only by the designated insurers or mutual fund
36 companies under the terms of the contracts.

37 (cf: P.L.1993, c.385, s.11)

38 193. Section 3 of P.L.1993, c.385 (C.18A:66-172.1) is amended
39 to read as follows:

40 3. There is established in but not of the Division of Pensions
41 and Benefits in the Department of the Treasury the Pension
42 Provider Selection Board, which shall consist of the Director of
43 the Division of Pensions and Benefits or a representative of that
44 director; the Director of the Division of Investment or a
45 representative of that director; the Commissioner of the
46 Department of Insurance or a representative of that
47 commissioner; the Director of the Division of Purchase and
48 Property or a representative of that director; [the Chancellor of
49 Higher Education:] and a person appointed by the [Chancellor of
50 Higher Education] Director of the Division of Pensions who is an
51 active participant or receiving a benefit from the alternate
52 benefit program.

53 The Pension Provider Selection Board shall select through a
54 competitive bidding process at least three unrelated insurance or

1 mutual fund companies licensed or otherwise authorized to
2 transact business in New Jersey from which alternate benefit
3 contracts will be purchased. These new insurers or mutual fund
4 companies shall be selected by competitive bidding in accordance
5 with all applicable State laws and regulations not later than the
6 270th day following the effective date of P.L.1993, c.385
7 (C.18A:66-172.1 et al.). The selected carriers shall be authorized
8 to receive contributions within 60 days of their selection. Each
9 contract shall be awarded for a period not to exceed six years
10 with a renewal option for a period not to exceed three years. All
11 carriers shall be subject to a performance review by the Pension
12 Provider Selection Board every seven years and must meet such
13 standards as the Pension Provider Selection Board shall establish
14 by regulation in order to be renewed for another term of seven
15 years as carriers. Removal of a carrier for cause during a
16 seven-year term is not waived. In establishing by regulation the
17 criteria for the initial selection and any performance review of a
18 carrier, the Pension Provider Selection Board shall consider,
19 among other things, the following:

20 a. the portability of the contracts offered or to be offered by
21 the company, based on the number of states in which the
22 company provides contracts under similar plans;

23 b. the efficacy of the contracts in the recruitment and
24 retention of employees for the various State public institutions of
25 higher education;

26 c. the nature and extent of the rights and benefits to be
27 provided by the contracts for participating employees and their
28 beneficiaries;

29 d. the relation of the rights and benefits to the amount of
30 contributions to be made pursuant to the provisions of this article;

31 e. the suitability of the rights and benefits to the needs and
32 interests of participating employees and the various State public
33 institutions of higher education;

34 f. the ability of the company to provide the rights and benefits
35 under such contracts;

36 g. the financial soundness of the company, the extent of the
37 company's financial commitment to the contracts, and whether
38 the company meets the minimum financial criteria established by
39 the Division of Pensions and Benefits [and the Board of Higher
40 Education];

41 h. the company's overall quality of service, its investment
42 performance considering return on investments and risk, the
43 administrative fee to be charged to participating employees, and
44 the offering of a balanced array of investment opportunities; and

45 i. the nature of the informational or promotional materials to
46 be provided to prospective participants.

47 The Pension Provider Selection Board may not designate a
48 company which serves as a disbursement system for other
49 providers or which charges third party administrative fees.

50 A company that has been designated as of January 1, 1993 by
51 the Division of Pensions and Benefits as a designated provider
52 shall continue to be so designated until its status as a designated
53 provider is terminated for cause by the division or by the Pension
54 Provider Selection Board.

55 (cf: P.L.1993, c.385, s.3)

1 194. N.J.S.18A:67-2 is amended to read as follows:

2 18A:67-2. No institution which proposes to offer courses of
3 study above high school grade, which courses satisfy in whole or
4 in part the requirements for a college or university degree, shall
5 adopt or use any title or name commonly accepted as descriptive
6 of collegiate or university institutions without the approval of the
7 [board of] commission on higher education made under rules
8 relating to names and titles of institutions adopted by [said board]
9 the commission.

10 (cf: N.J.S.18A:67-2)

11 195. N.J.S.18A:68-3 is amended to read as follows:

12 18A:68-3. No corporation shall furnish instruction or learning
13 in the arts, sciences, or professions for the purposes of admitting
14 any person to the grade of a degree, or shall confer or participate
15 in conferring a degree, giving to any person a diploma of
16 graduation or of proficiency in a course of study, in learning, or
17 in scientific arts or methods, within this state, until it shall have
18 filed a certified copy of its certificate of incorporation with the
19 [board of] commission on higher education and obtained from
20 [such board] the commission a license to carry on the business
21 under such rules as the [board of higher education] commission
22 may prescribe.

23 (cf: N.J.S.18A:68-3)

24 196. N.J.S.18A:68-4 is amended to read as follows:

25 18A:68-4. Any license issued under this article may be revoked
26 by the [board of] commission on higher education.

27 (cf: N.J.S.18A:68-4)

28 197. N.J.S.18A:68-5 is amended to read as follows:

29 18A:68-5. When it shall appear that any corporation is
30 carrying on the business of such instruction or teaching, or
31 conferring any such degree, or giving any such diploma without
32 such license, the [board of] commission on higher education,
33 represented by the attorney general, may institute a civil action
34 in the superior court to restrain the corporation from the
35 transaction of any such business or the exercise of any such
36 franchise within this state until it shall have obtained such
37 license or the approval of [said board] the commission. The court
38 may proceed in the action in a summary manner or otherwise.
39 The costs in any such action, to be fixed by the court, shall be
40 paid by the corporation before the dissolution of any injunctive
41 order or judgment.

42 (cf: N.J.S.18A:68-5)

43 198. N.J.S.18A:68-6 is amended to read as follows:

44 18A:68-6. No school, corporation, association or institution of
45 learning conducted within this state and licensed by the
46 Commission on Higher Education, nor any officer or member
47 thereof, in recognition of the attainment or proficiency of any
48 person in pursuing or graduating from any course or courses of
49 study, arts, or learning conducted by it or another such school
50 corporation, association or institution, shall admit any such
51 person to the grade of a degree by conferring, or participating in
52 conferring, any degree upon any person [without first submitting
53 the basis or conditions thereof to the board of higher education,
54 and obtaining its approval thereof, and of the practice of

1 conferring and bestowing such degrees] unless that degree
2 program is consistent with the programmatic mission of the
3 institution or is approved by the commission.

4 Nothing contained in this section shall apply to any school,
5 corporation, association or institution of learning, or officer or
6 member thereof, which was established and conducted within this
7 state on April 1, 1887, and was then in the course of admitting
8 persons to the grade of a degree by conferring the same upon
9 them in recognition of their attainments or proficiencies, nor to
10 any school conducted under the public school system.

11 (cf: N.J.S.18A:68-6)

12 199. N.J.S.18A:68-7 is amended to read as follows:

13 18A:68-7. The approval given by the [board of] commission on
14 higher education of the basis or conditions for the admission to
15 the grade of a degree may be revoked for proper cause by [said
16 board] the commission after hearing upon 20 days' notice of the
17 time and place of such hearing given to any such school,
18 corporation, association or institution of learning by service upon
19 any officer or member thereof, and proof made at such hearing to
20 the satisfaction of the [board of higher education] commission,
21 that the standards presented for admission to such grade of a
22 degree or for the conferring of such degree are not being
23 satisfactorily complied with by such school, corporation,
24 association or institution of learning, or by the officers or
25 members thereof.

26 The [board of higher education] commission shall keep a record
27 of such approvals and revocations in a book to be provided and
28 used solely for that purpose, which book shall be kept at its office
29 in Trenton and may be inspected by any person upon request.

30 (cf: N.J.S.18A:68-7)

31 200. N.J.S.18A:68-9 is amended to read as follows:

32 18A:68-9. An officer or member of a school, corporation,
33 association or institution of learning who by vote or in any other
34 manner or capacity, or a school, corporation, association or
35 institution of learning which shall admit or participate in
36 admitting a scholar, student, or subscriber to any grade of a
37 degree by conferring or participating in conferring any degree
38 upon him, contrary to the provisions of this chapter, or who shall
39 sign any certificate or diploma as evidence of the conferring of
40 such degree shall be liable to a penalty of not more than \$300.00
41 for each offense, to be enforced and collected by and in the name
42 of the [board of] commission on higher education in a summary
43 proceeding in accordance with chapter 58 of Title 2A of the New
44 Jersey Statutes, the penalty enforcement law. Process shall be
45 either in the nature of a summons or warrant.

46 (cf: N.J.S.18A:68-9)

47 201. N.J.S.18A:68-11 is amended to read as follows:

48 18A:68-11. All moneys recovered under the provisions of this
49 article shall be payable [by the board of higher education] to the
50 state treasurer.

51 (cf: N.J.S.18A:68-11)

52 202. Section 2 of P.L.1977, c.123 (C.18A:68-11.2) is amended
53 to read as follows:

54 2. As used in this act:

55 a. "Institution of higher education" means an institution of

1 collegiate grade in New Jersey [approved or] licensed by the
2 [State Board of] Commission on Higher Education or otherwise
3 authorized under N.J.S.18A:68-6 and accredited by the Middle
4 States Association of Colleges and Secondary Schools.

5 b. "Educational loan" means either (1) a loan which is made
6 for the purpose of defraying the cost of attendance by one or
7 more students at the institution of higher education making such
8 loan or (2) a loan to an employee of an institution of higher
9 education for the purpose of defraying the costs of
10 post-secondary school education of the employee or of the spouse
11 or child of the employee.

12 (cf: P.L.1977, c.123, s.2)

13 203. Section 1 of P.L.1977,c.330 (C.18A:71-15.1) is amended to
14 read as follows:

15 1. There is hereby created the Student Assistance Board
16 [which is responsible to the Board of Higher Education and which]
17 in but not of the Department of Treasury. Notwithstanding this
18 allocation, the board shall be independent of any supervision or
19 control by the department or any officer thereof. The board shall
20 consist of the [Chancellor] chairman of the [Department of]
21 Commission on Higher Education and the State Treasurer or [his
22 designee] their designees and 12 other members to be appointed
23 by the Governor as follows:

24 Four public members who shall be residents of the State;

25 One representative of Rutgers, The State University;

26 One representative of the State-supported county colleges;

27 One representative of the State Colleges;

28 One representative of the nontax supported institutions of
29 higher education in the State;

30 One representative of the New Jersey Institute of Technology;

31 One member of the Educational Opportunity Fund Board;

32 Two New Jersey residents currently enrolled as students in an
33 undergraduate degree program, one of whom shall attend a public
34 institution of higher education of this State and one of whom
35 shall attend a nontax supported institution of higher education in
36 this State. These student members shall be selected from
37 candidates recommended by the Student Advisory Committee.
38 The term of office of the appointed student members shall not
39 exceed two years.

40 The term of office of the other appointed members, except for
41 the initial appointments, shall be for 4 years.

42 The terms of the initial appointed members shall be fixed by
43 the Governor in such manner as two shall serve 1-year terms, two
44 shall serve 2-year terms, three shall serve 3-year terms and
45 three shall serve 4-year terms. Each member shall serve until his
46 successor has been appointed and is qualified. Any vacancy in the
47 board shall be filled by the Governor by the appointment of a
48 person who shall hold office for the balance of the unexpired
49 terms. The Student Assistance Board shall annually elect a
50 chairperson and vice-chairperson from among its public
51 members. The members of the Student Assistance Board shall
52 serve without compensation, but shall be reimbursed for their
53 actual expenses necessarily incurred in the performance of their
54 duties.

55 (cf: P.L.1991, c.500, s.1)

1 204. Section 3 of P.L.1977, c.330 (C.18A:71-15.3) is amended
2 to read as follows:

3 3. The Student Assistance Board shall coordinate and
4 administer such undergraduate scholarship and tuition aid
5 programs as provided by law and shall provide an annual report on
6 these programs to the [Board of Higher Education] Governor and
7 to the Legislature.
8 (cf: P.L.1977, c.330, s.3)

9 205. Section 3 of P.L.1977, c.345 (C.18A:71-26.3) is amended
10 to read as follows:

11 3. It shall be the duty of the Student Assistance Board in but
12 not of the State Department of [Higher Education] Treasury
13 to administer the provisions of this act.
14 (cf: P.L.1977, c.345, s.3)

15 206. Section 4 of P.L.1977, c.345 (C.18A:71-26.4) is amended
16 to read as follows:

17 4. Garden State Scholarships shall be awarded by institutions
18 of higher education in New Jersey pursuant to criteria and
19 guidelines established by the Student Assistance Board and
20 approved by the [Board of] Commission on Higher Education. The
21 criteria and guidelines established for the fiscal year 1978-79
22 shall be submitted to the Legislature, together with appropriate
23 supporting information, and such criteria and guidelines shall be
24 deemed approved by the Legislature at the end of 30 calendar
25 days after the date on which they are transmitted to the
26 Legislature, or if the Legislature is not in session on the thirtieth
27 day, then on the next succeeding day on which it shall be
28 meeting, unless between the date of transmittal and the end of
29 the 30-day period the Legislature passes a concurrent resolution
30 rejecting the criteria and guidelines in which case the criteria
31 and guidelines then in effect shall continue in effect.

32 Any subsequent revisions of said criteria and guidelines shall be
33 submitted to the Legislature, together with appropriate
34 supporting information, and such criteria and guidelines shall be
35 deemed approved by the Legislature at the end of 60 calendar
36 days after the date on which they are transmitted to the
37 Legislature, or if the Legislature is not in session on the sixtieth
38 day, then on the next succeeding day on which it shall be
39 meeting, unless between the date of transmittal and the end of
40 the 60-day period the Legislature passes a concurrent resolution
41 rejecting the criteria and guidelines in which case the criteria
42 and guidelines then in effect shall continue in effect.

43 (cf: P.L.1977, c.345, s.4)

44 207. Section 5 of P.L.1977, c.345 (C.18A:71-26.5) is amended
45 to read as follows:

46 5. A Garden State Scholarship shall be awarded annually to
47 each eligible New Jersey resident enrolled as a full-time
48 undergraduate or graduate student in a curriculum leading to a
49 degree or certificate in an institution of collegiate grade in New
50 Jersey, [approved or] licensed by the [State Board of] Commission
51 on Higher Education and accredited by a regional accrediting
52 association recognized by the Council on Postsecondary
53 Accreditation.

54 (cf: P.L.1977, c.345, s.5)

1 208. Section 8 of P.L.1977, c.345 (C.18A:71-26.8) is amended
2 to read as follows:

3 8. The Student Assistance Board shall adopt rules and
4 regulations subject to the approval of the [Board of] Commission
5 on Higher Education and proscribe and provide appropriate forms
6 for application as necessary to implement this act. The
7 [Department of] Commission on Higher Education shall on behalf
8 of the Student Assistance Board employ such persons, contract
9 for services, and make such additional expenditures as may be
10 necessary or appropriate for effectuating the provisions of this
11 act.

12 (cf: P.L.1977, c.345, s.8)

13 209. Section 10 of P.L.1977, c.345 (C.18A:71-26.10) is
14 amended to read as follows:

15 10. Each Garden State Scholarship shall entitle the eligible
16 undergraduate and graduate recipients to an award in an amount
17 established by the Student Assistance Board and approved by the
18 [Board of] Commission on Higher Education pursuant to section 4
19 of P.L.1977, c.345 (C.18A:71-26.4). Payments under this act
20 shall be made by the State Treasurer on the order of the
21 [Chancellor of Higher Education] executive director in
22 accordance with the rules regulating the same adopted by the
23 board.

24 (cf: P.L.1984, c.94, s.1)

25 210. Section 3 of P.L.1984, c.94 (C.18A:71-26.13) is amended
26 to read as follows:

27 3. Fiscal resources for the Garden State Scholarship program
28 may come from State appropriations, reserve funds designated by
29 the New Jersey Higher Education Assistance Authority, or such
30 other sources as are recommended by the State [Board of Higher
31 Education] Treasurer.

32 (cf: P.L.1984, c.94, s.3)

33 211. Section 4 of P.L.1989, c.288 (C.18A:71-26.17) is amended
34 to read as follows:

35 4. Annually, at a regularly scheduled public meeting of the
36 [State Board of Higher Education] Student Assistance Board,
37 seven individuals selected by the Student Assistance Board shall
38 be presented with the award and with materials commemorating
39 the lives and the achievements of the seven astronauts for whom
40 they are named.

41 (cf: P.L.1989, c.288, s.4)

42 212. Section 3 of P.L.1968, c.142 (C.18A:71-30) is amended to
43 read as follows:

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

46 (a) The term "board" shall mean the Board of Directors of the
47 New Jersey Educational Opportunity Fund created by section 4 of
48 [this act] P.L.1968, c.142 (C.18A:71-31).

49 (b) [The term "chancellor" shall mean the Chancellor of Higher
50 Education.] deleted by amendment, P.L. c. (C.) (now
51 pending before the Legislature as this bill)

52 (c) The term "department" shall mean the Department of
53 [Higher Education] State.

54 (d) The term "fund" shall mean the New Jersey Educational

1 Opportunity Fund created by section 4 of [this act] P.L.1968,
2 c.142 (C.18A:71-31).

3 (e) The term "higher education" shall mean that education
4 which is provided by any or all of the public institutions of higher
5 education as herein defined or any or all equivalent private
6 institutions.

7 (f) The term "public institutions of higher education" shall
8 mean and include Rutgers, The State University, [Newark College
9 of Engineering] the New Jersey Institute of Technology, the [New
10 Jersey College] University of Medicine and Dentistry of New
11 Jersey, the [6] nine State colleges, [the College of Aeronautical
12 and Air-space Science established in Atlantic county pursuant to
13 chapter 285 of the laws of 1964,] the county colleges, [the public
14 junior colleges, the industrial schools,] and any other public
15 universities, colleges [,] or county colleges [or junior colleges]
16 now or hereafter established or authorized by law.

17 (cf: P.L.1968, c.142, s.3)

18 213. Section 4 of P.L.1968, c.142 (C.18A:71-31) is amended to
19 read as follows:

20 4. (a) There is hereby created and established [in] under the
21 [department] Commission on Higher Education an educational
22 opportunity fund which shall be known as the "New Jersey
23 Educational Opportunity Fund." Notwithstanding this allocation,
24 the fund shall be independent of any supervision or control by the
25 department or by any officer thereof. The fund shall identify,
26 recruit and provide financial assistance to needy students who are
27 residents of this State in order that they may be able to attend
28 institutions of higher education.

29 (b) The business and operations of the fund shall be
30 administered by the [chancellor and the] board of directors
31 created pursuant to section 5 of [this act] P.L.1968, c.142
32 (C.18A:71-32) subject to the general supervision of the
33 Commission on Higher Education.

34 (c) The [chancellor] commission in consultation with the board
35 shall designate an individual to serve as the chief executive
36 officer of the fund and shall organize the work of the fund in such
37 manner as [he] the chief executive officer deems necessary to
38 carry out the provisions of this act. The [chancellor] commission
39 may employ such persons, contract for such services, make such
40 expenditures and adopt such rules and regulations as may be
41 necessary or appropriate to carry out the provisions of this act.

42 (cf: P.L.1968, c.142, s.4)

43 214. Section 5 of P.L.1968, c.142 (C.18A:71-32) is amended to
44 read as follows:

45 5. (a) The board of directors of the fund shall consist of the
46 [chancellor] chairman of the Commission on Higher Education or
47 the [chancellor's] chairman's designee and eight citizens of this
48 State appointed by the [State Board of Higher Education with the
49 approval of the] Governor. Citizen members of the board shall be
50 selected without regard to political affiliation and, as far as may
51 be practicable, on the basis of their knowledge of, or interest in,
52 the problems of needy students and higher education. The board
53 shall organize annually as established by rule of the board to
54 elect a chairman, vice chairman and other officers as the board

1 shall determine from among its members. The officers shall
2 serve for a one-year term and until their successors are elected
3 and qualified. Vacancies in the offices shall be filled in the same
4 manner for the unexpired term only.

5 (b) Each citizen member of the board shall serve for a term of
6 four years and until his successor shall have been appointed and
7 qualified; provided, that in the case of the first appointments to
8 the board, two members shall be appointed for terms expiring
9 June 30, 1969; two members shall be appointed for terms expiring
10 June 30, 1970; two members shall be appointed for terms expiring
11 June 30, 1971; and two members shall be appointed for terms
12 expiring June 30, 1972. Any vacancy in the membership of the
13 board shall be filled in the same manner as the original
14 appointment for the remainder of the unexpired term.

15 (c) The board shall develop and maintain a Statewide system
16 for the identification of potential college students from needy
17 families; devise methods for recruiting such students; advise the
18 [chancellor] commission on the organization, coordination and
19 support, in cooperation with public and private institutions of
20 higher education of the State, of programs of remedial education
21 for such students; and provide financial assistance as required by
22 such students.

23 (d) Members of the board shall serve without compensation but
24 shall be entitled to be reimbursed for all reasonable and
25 necessary expenses incurred in the discharge of their duties.
26 (cf: P.L.1988, c.101, s.1)

27 215. Section 6 of P.L.1968, c.142 (C.18A:71-33) is amended to
28 read as follows:

29 6. The board shall:

30 (a) Administer all funds appropriated by the Legislature for the
31 purpose of carrying out the provisions of this act.

32 (b) Be an agency of communication with departments and
33 agencies of the United States on the availability of grants or
34 loans to this State for purposes related or similar to those set
35 forth in this act.

36 (c) Develop, establish and publicize criteria for the
37 determination of eligibility for financial assistance from the fund
38 based on need and potential for success in college.

39 (d) Established procedures for determining the amount of each
40 award according to the total financial need of each student.

41 (e) Through the [chancellor] Commission on Higher Education,
42 be responsible and report periodically in writing to the [Board of
43 Higher Education] Governor and the Legislature on the
44 performance of its duties in accordance with the provisions of
45 this act.

46 (f) Adopt by-laws, and make, enforce, alter and repeal rules for
47 its own operation and for carrying out the provisions of this act.

48 (g) Receive and disburse such contributions to the fund as may
49 be forthcoming from private and public sources.

50 (cf: P.L.1968, c.142, s.6)

51 216. Section 7 of P.L.1968, c.142 (C.18A:71-34) is amended to
52 read as follows:

53 7. (a) The board is hereby authorized to award "opportunity
54 grants" from the fund to needy students for undergraduate study

1 leading to a baccalaureate degree, associate degree, or other
2 approved certificate and for graduate and professional study
3 leading to approved master's and doctor's degrees at institutions
4 of higher education, public and private, located in New Jersey;
5 provided, that the board shall allow not more than 10% of the
6 needy students to be awarded opportunity grants in any year to
7 use their opportunity grants at institutions of higher education
8 located outside this State; and, provided further, that no more
9 than 10% of the funds appropriated and available for the purposes
10 of this act shall be awarded to students for use in graduate study.

11 (b) Opportunity grants may be awarded annually, upon proper
12 application to the fund, to any needy student who qualifies under
13 the standards to be developed and promulgated by the board and
14 who is or will be attending an institution of collegiate grade
15 located in New Jersey and approved for this purpose by the
16 [Board of] Commission on Higher Education, except that in cases
17 where the student will be or is attending an institution in another
18 State, the accreditation procedures of that State shall be
19 accepted, subject to the approval of the board.

20 (c) The board may utilize the services of the Office of Student
21 Assistance to administer the provisions of this section.

22 (cf: P.L.1968, c.142, s.7)

23 217. Section 12 of P.L.1968, c.142 (C.18A:71-39) is amended
24 to read as follows:

25 12. The [chancellor] board of directors shall develop, establish
26 and maintain programs of remedial and supplementary education
27 for the students who will receive educational opportunity
28 assistance under this act. Such programs may be administered
29 directly by the [Department of Higher Education] fund or may be
30 co-operative ventures undertaken with any or all of the public
31 and private institutions of higher education in the State.

32 (cf: P.L.1968, c.142, s.12)

33 218. Section 3 of P.L.1968, c.429 (C.18A:71-43) is amended to
34 read as follows:

35 3. It shall be the duty of the Student Assistance Board in but
36 not of the State Department of [Higher Education] Treasury to
37 administer the provisions of this act.

38 (cf: P.L.1977, c.344, s.1)

39 219. Section 4 of P.L.1977, c.344 (C.18A:71-44) is amended to
40 read as follows:

41 4. State tuition aid grants shall be awarded by the Student
42 Assistance Board to all eligible applicants without any limitation
43 on the number to be awarded in any year other than the amount
44 of appropriations available therefor. In the event that the
45 amount appropriated is insufficient for full awards to all eligible
46 applicants, the Student Assistance Board shall reduce awards
47 equitably among eligible students according to such procedures
48 and guidelines as it may find appropriate which procedures and
49 guidelines shall be approved by the [State Board of] Commission
50 on Higher Education and by the subcommittee on transfers of the
51 Joint Appropriations Committee. Annually, on or before March 1
52 of the pre-budget year, the criteria and guidelines which shall be
53 used to distribute available funds should the amount appropriated
54 be insufficient for full awards to all eligible applicants shall be

1 submitted by the [Chancellor of Higher Education] Executive
2 Director of Student Assistance Programs to the Joint
3 Appropriations Committee of the Legislature, together with
4 appropriate supporting information. Such criteria and guidelines
5 may be approved or disapproved by the subcommittee on
6 transfers of said committee at any time; provided however that if
7 at the end of 60 calendar days after the date on which they are
8 transmitted to the committee the subcommittee on transfers has
9 taken no action, the proposed criteria and guidelines shall be
10 deemed to be approved by said subcommittee.

11 (cf: P.L.1977, c.344, s.2)

12 220. Section 7 of P.L.1968, c.429 (C.18A:71-47) is amended to
13 read as follows:

14 7. A college tuition aid grant shall be awarded annually to
15 each eligible, qualified full-time undergraduate student enrolled
16 in a curriculum leading to a degree or certificate in an institution
17 of collegiate grade in New Jersey [approved or] licensed by the
18 [State Board of] Commission on Higher Education, or in an
19 institution of collegiate grade in another state, provided that
20 such state permits its residents to utilize its state student
21 financial assistance grants in New Jersey institutions of higher
22 education through reciprocity agreements approved by the
23 Student Assistance Board and the [Board of Higher Education]
24 commission. In no event shall a New Jersey tuition aid grant be
25 utilized at an out-of-State institution which is not licensed by
26 that state and accredited by a regional accrediting association
27 recognized by the Council on Postsecondary Accreditation.

28 (a) Eligibility. To each New Jersey resident enrolled as a
29 full-time student after July 1, 1978 for the academic year
30 beginning in September of 1978 the State shall grant an amount
31 as provided in paragraph (b) of this section. No student shall be
32 eligible for a grant unless he has certified in a form satisfactory
33 to the Student Assistance Board that the grant is essential to his
34 carrying out his plans for attending college. No student shall be
35 eligible for grants in more than four and one-half academic
36 years, unless the recipient is enrolled in an undergraduate
37 program regularly requiring five academic years for completion,
38 in which case the Student Assistance Board shall permit five and
39 one-half years of eligibility. Notwithstanding the foregoing
40 provisions, a student receiving aid under the provisions of
41 P.L.1968, c.142 (C.18A:71-28 et seq.) shall be entitled to a sixth
42 year of eligibility. Notwithstanding the foregoing provisions, a
43 county college student who transfers to a four year institution, or
44 any student who is required to pursue 18 or more credit hours in a
45 remedial or developmental curriculum, as defined by regulations
46 adopted by the [Board of Higher Education] Student Assistance
47 Board, is entitled to an additional half year of eligibility. For the
48 purpose of this amendatory act, a remedial curriculum shall
49 include only noncredit courses in which a student is directed to
50 enroll [as a result of his score on the New Jersey College Basic
51 Skills Placement Test or its equivalent at independent colleges or
52 universities] by the institution. Eligibility for tuition aid grants
53 may be extended to part-time students through regulations

1 developed by the Student Assistance Board and approved by the
2 [Board of Higher Education] commission if the level of
3 appropriated funds allows such an extension, subject to prior
4 approval by the Director of the Division of Budget and
5 Accounting in the Department of the Treasury and Joint
6 Appropriation Committee's Subcommittee on Transfers or its
7 successor. No student shall be eligible for grants unless he
8 maintains such minimum standards of academic performance as
9 are required by the institution in which he is enrolled. No student
10 shall be eligible for a tuition aid grant who is enrolled in a course
11 leading to a degree in theology or divinity.

12 In the event a student for any reason ceases to continue to be
13 enrolled or otherwise becomes ineligible during the course of an
14 academic year, he shall cease to be eligible for tuition aid. Both
15 the student and the institution shall have the responsibility to
16 notify the Student Assistance Board when a student ceases to be
17 eligible to receive student assistance because of withdrawal for
18 any reason or a change in status from a full to part-time student.

19 (b) Amount of grant. The amount of a tuition aid grant under
20 this act to any student attending an institution of higher
21 education in New Jersey shall be established by the Student
22 Assistance Board but shall not exceed the maximum amount of
23 tuition normally charged at a public institution of higher
24 education for students attending that institution or 50% of the
25 average tuition normally charged at the independent colleges and
26 universities for students attending those institutions. The amount
27 of a New Jersey Tuition Assistance Grant under this act to any
28 student attending an institution of higher education in any state
29 other than New Jersey pursuant to this section shall not exceed
30 \$500.00 in an academic year. The amount of grant to be paid for
31 each semester or equivalent shall be based on the financial need
32 for such a grant, as determined by standards and procedures
33 established by the Student Assistance Board and approved by the
34 [State Board of Higher Education] commission. The standards and
35 procedures which shall be established by the Student Assistance
36 Board for the fiscal year 1978-79 shall be submitted to the
37 Legislature, together with appropriate supporting information,
38 and such standards and procedures shall be deemed approved by
39 the Legislature at the end of 30 calendar days after the date on
40 which they are transmitted to the Legislature, or if the
41 Legislature is not in session on the 30th day, then on the next
42 succeeding day on which it shall be meeting, unless between the
43 date of transmittal and the end of the 30-day period the
44 Legislature passes a concurrent resolution rejecting the standards
45 and procedures, in which case the standards and procedures then
46 in effect shall continue in effect.

47 Any subsequent revisions of said standards and procedures shall
48 be submitted to the Legislature, together with appropriate
49 supporting information, and such standards and procedures shall
50 be deemed approved by the Legislature at the end of 60 calendar
51 days after the date on which they are transmitted to the
52 Legislature, or if the Legislature is not in session on the 60th day,
53 then on the next succeeding day on which it shall be meeting,

1 unless between the date of transmittal and the end of the 60-day
2 period the Legislature passes a concurrent resolution rejecting
3 the standards and procedures, in which case the standards and
4 procedures then in effect shall continue in effect.

5 (c) Appropriations for each program category of tuition aid
6 grants shall be separately made by line item.

7 (cf: P.L.1986, c.155, s.1)

8 221. Section 2 of P.L.1979, c.229 (C.18A:71-78) is amended to
9 read as follows:

10 2. There shall be appropriated to the Department of [Higher
11 Education] Treasury in any general or supplemental appropriation
12 act such sums as shall be necessary to carry out the purposes of
13 this act.

14 (cf: P.L.1979, c.229, s.2)

15 222. Section 5 of P.L.1991, c.272 (C.18A:71-91) is amended to
16 read as follows:

17 5. a. The Treasurer, in consultation with the [Board of]
18 Commission on Higher Education, shall also provide for additional
19 financial incentives to be provided to holders of Garden State
20 Savings Bonds to encourage the enrollment of students at
21 institutions of higher education located in the State of New
22 Jersey. These financial incentives shall be in such forms as
23 determined by the Treasurer in consultation with issuing officials
24 at the time of the authorization of the Garden State Savings
25 Bonds and shall at a minimum provide that each participating
26 institution shall guarantee that the value of Garden State Savings
27 Bonds redeemed for the purposes of the payment of tuition, fees,
28 and other educational costs at the institution, shall, at the time
29 of matriculation of the student, be increased by not less than six
30 percent of the face value of the bonds at the time of redemption.
31 Two percent of the incentive amount shall be paid by the State,
32 and four percent by participating institutions.

33 b. Every public institution of higher education in New Jersey
34 shall participate in the financial incentive program. Independent
35 institutions of higher education in New Jersey may elect to
36 participate in the program. Each independent institution which
37 elects to participate shall enter into a contract with the [State
38 Board of Higher Education] Department of Treasury which shall,
39 at a minimum, define the terms of participation and establish
40 conditions under which an institution may withdraw from the
41 program. Any independent institution that withdraws from the
42 program shall guarantee to provide the financial incentives in
43 effect for all bonds purchased during the period in which the
44 institution was a participant in the program.

45 c. The original purchaser and any member of the immediate
46 family of the original purchaser of a Garden State Savings Bond
47 shall be eligible for the financial incentive program established
48 pursuant to this section.

49 (cf: P.L.1991,c.272,s.5)

50 223. Section 7 of P.L.1991, c.272 (C.18A:71-93) is amended to
51 read as follows:

52 7. The Treasurer or the issuing authority or agency shall
53 submit a report after each bond issuance to the [Board of]
54 Commission on Higher Education detailing the results of each

1 separate sale of Garden State Savings Bonds.

2 (cf: P.L.1991, c.272, s.7)

3 224. Section 8 of P.L.1991, c.272 (C.18A:71-94) is amended to
4 read as follows:

5 8. The Treasurer shall, in consultation with the [concurrence
6 of the Board of] Commission on Higher Education, approve the
7 following:

8 a. Additional financial incentives as provided in this act;

9 b. Limits that may be imposed on the amount of Garden State
10 Savings Bonds that may be purchased by individual households;

11 c. Minimum denominations to market the Garden State Savings
12 Bonds so that they are affordable by individuals; however, each
13 issue shall be offered with sufficient bonds at a purchase price of
14 \$100 to satisfy demand;

15 In addition, the Treasurer shall evaluate the feasibility of
16 staggered or periodic forms of payments for Garden State Savings
17 Bonds, and to advise the issuing officials regarding such
18 evaluation.

19 (cf: P.L.1991, c.272, s.8)

20 225. Section 9 of P.L.1991, c.272 (C.18A:71-95) is amended to
21 read as follows:

22 9. The [Board of] Commission on Higher Education and the
23 Treasurer shall assess the effectiveness of the program and
24 recommend any necessary changes to the issuing officials
25 regarding future bond sales after the initial sale of Garden State
26 Savings Bonds.

27 (cf: P.L.1991, c.272, s.9)

28 226. Section 5 of P.L.1991, c.296 (C.18A:71-100) is amended
29 to read as follows:

30 5. Nothing in this act shall preclude a public institution of
31 higher education from requiring the payment of other fees,
32 subject to approval by the State [Board of Higher Education]
33 Treasurer, for individuals attending courses pursuant to the
34 provisions of this act.

35 (cf: P.L.1991, c.296, s.5)

36 227. Section 6 of P.L.1991, c.296 (C.18A:71-101) is amended
37 to read as follows:

38 6. The State [Board of Higher Education] Treasurer shall
39 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.), rules and regulations necessary to
41 implement the provisions of this act.

42 (cf: P.L.1991, c.296, s.6.)

43 228. N.J.S.18A:72-2 is amended to read as follows:

44 18A:72-2. As used in this chapter, unless the context indicates
45 another or different meaning, the following words shall have the
46 following meanings:

47 "Authority" means the higher education assistance authority
48 created by this chapter, or any board, body, commission,
49 department or officer succeeding to the principal functions
50 thereof or to whom the powers conferred upon the authority by
51 this chapter shall be given by law,

52 "Bond" means bonds or notes of the authority issued pursuant
53 to this chapter,

54 "Lender" includes the authority and any institution authorized

1 to make loans under [section] N.J.S.18A:72-9.

2 "Fund" means the higher education assistance fund,

3 "Other eligible institution" means a business or trade school, or
4 technical institution or other technical or vocational school, in
5 any State which (1) admits as regular students only persons who
6 have completed or left elementary or secondary school and who
7 have been able to benefit from the training offered by such
8 institution; (2) is legally authorized to provide, and provides
9 within that State, a program of post-secondary vocation or
10 technical education designed to fit individuals for useful
11 employment in recognized occupations; (3) has been specially
12 accredited by the Federal Commissioner of Education or by an
13 accrediting agency recognized by him or has been approved by
14 the authority.

15 "Post-secondary nondegree institution of higher education"
16 means a county college [or a junior college] licensed [or approved]
17 by the [Department of] Commission on Higher Education [,
18 operated in accordance with rules and regulations of the Board of
19 Higher Education] or a trade or business school otherwise licensed
20 or approved and operated and requiring a high school diploma or
21 its equivalent for admission and offering a course or courses of
22 study with a minimum length of 2 academic years and of not less
23 than 1,800 hours in any one or more of the following fields:

- 24 A. Accounting and finance,
25 B. Airframe and power plant mechanics,
26 C. Automotive mechanics,
27 D. Commercial art,
28 E. Drafting and design technology (aeronautical, architectural,
29 electronic, mechanical, structural, tool and die),
30 F. Economic engineering,
31 G. Electronics,
32 H. Fashion and textile design,
33 I. Higher accounting and business administration,
34 J. Industrial management technology,
35 K. Medical and X-ray technology,
36 L. Metallurgical technology,
37 M. Secretarial (administrative, executive, legal, medical, data
38 processing),
39 N. Terminal courses or college credit transfer courses in
40 liberal arts and sciences.

41 (cf: P.L.1977, c.191, s.1)

42 229. N.J.S.18A:72-3 is amended to read as follows:

43 18A:72-3. There is hereby created in but not of the
44 Department of [Higher Education] Treasury the Higher Education
45 Assistance Authority, which shall be a body corporate and politic,
46 with corporate succession. Notwithstanding this allocation, the
47 authority shall be independent of any supervision or control by
48 the department or by any officer thereof. The authority shall
49 constitute an instrumentality of the State exercising public and
50 essential governmental functions, and the exercise by the
51 authority of the powers conferred by this chapter shall be deemed
52 and held to be an essential governmental function of the State.

53 (cf: P.L.1969, c.135, s.2)

54 230. N.J.S.18A:72-4 is amended to read as follows:

1 18A:72-4. The authority shall consist of [seven] eight
2 members; one of whom shall be the [chancellor] chairman of the
3 Commission on Higher Education, ex officio; one of whom shall
4 be the State Treasurer, ex officio, or the treasurer's designee;
5 and six of whom shall be residents of this State, appointed by the
6 Governor, with the advice and consent of the Senate, for terms of
7 four years, except in the case of the first members so appointed,
8 who shall be appointed one for a term of one year, one for a term
9 of two years, and one for a term of three years. No more than
10 three of the appointed commissioners shall be members of the
11 same political party, and each of them shall serve until his
12 successor is appointed and has qualified. The membership of the
13 authority may include representatives of lending institutions or
14 institutions of higher education within the State of New Jersey.
15 Any vacancy in the membership of the authority, occurring
16 otherwise than by expiration of term, shall be filled in the same
17 manner as the original appointment was made, but for the
18 unexpired term only.

19 (cf: P.L.1987, c.187, s.1)

20 231. N.J.S.18A:72-10 is amended to read as follows:

21 18A:72-10. The authority shall have the following powers:

22 (1) (a) To make loans

23 (i) To persons or to assist in the placing of loans to persons,
24 who are residents of this State, and who are attending and are in
25 good standing in, or who plan to attend, any qualified institution
26 of collegiate grade, located in this State or elsewhere, which is
27 approved by any regional accrediting association recognized by
28 the national commission on accrediting, or [approved] licensed by
29 the [Board of] Commission on Higher Education, any qualified
30 post-secondary nondegree institution of higher education, located
31 in this State or elsewhere, or any other eligible institution, or

32 (ii) To persons who reside outside this State and who plan to
33 attend, are enrolled in or are attending in good standing any
34 eligible educational institution located within this State or
35 elsewhere, or

36 (iii) To parents of persons meeting requirements set forth in (i)
37 or (ii) above, in order to assist them in meeting expenses of
38 higher education, and to guarantee such loans upon such terms
39 and conditions as the authority may prescribe, in an amount for
40 any academic year or in total as may be authorized by the New
41 Jersey Higher Education Assistance Authority [and approved by
42 the Board of Higher Education]; provided, however, that such
43 amounts may not exceed in any given year or in total that amount
44 which is guaranteed by the federal government.

45 For the purposes of this section, a qualified institution of
46 collegiate grade shall be deemed to include a school of
47 professional nursing accredited or approved by the New Jersey
48 Board of Nursing, and a qualified post-secondary nondegree
49 institution of higher education located outside the State shall
50 mean and include any such institution offering courses in one or
51 more of the fields enumerated, and meeting the admission
52 standards set forth in N.J.S.18A:72-2.

53 (b) When the authority determines that higher annual or
54 cumulative student loan limits than those established in section

1 (1)(a) are warranted in order to carry out the purposes of the
2 statute with regard to students engaged in high cost graduate or
3 professional education, the authority may make or guarantee
4 loans to eligible students in amounts to correspond to those
5 higher limits [, provided that such maximum limits are
6 recommended by the authority and approved by the Board of
7 Higher Education].

8 (2) To adopt rules not inconsistent with law governing the
9 application for and the guarantee of loans made by the authority
10 and governing any other matters related to its activities.

11 (3) To buy and sell approved notes evidencing loans made under
12 this chapter, and to buy and sell participations in approved notes
13 made pursuant to this chapter.

14 (4) From time to time to issue its negotiable bonds and bond
15 anticipation notes for the purpose of providing funds (a) to carry
16 out any purposes of the authority under this chapter, including,
17 without limitation, making or purchasing loans under any
18 provision of this chapter; (b) to purchase from lenders approved
19 notes or participations in approved notes as provided by law; and
20 (c) for the refunding of outstanding bonds.

21 (5) To engage in programs which state guaranty agencies are
22 authorized to participate in pursuant to 20 U.S.C. § 1071 et seq.
23 as amended.

24 (6) To perform any other acts which may be deemed necessary
25 or appropriate to carry out the objects and purposes of this
26 chapter.

27 (cf: P.L.1991, c.268, s.11)

28 232. N.J.S.18A:72-11 is amended to read as follows:

29 18A:72-11. Any application for a loan under this chapter shall
30 be submitted to the authority for its approval, and the authority
31 shall approve the same only if it finds that the applicant:

32 a. (1) Is a resident of New Jersey and has demonstrated high
33 moral character, good citizenship and dedication to American
34 ideals; or

35 (2) Is a resident of a state other than this State, and has been
36 admitted to, or is in regular attendance at and is in good standing
37 in, an eligible educational institution located within this State or
38 elsewhere; and

39 b. Intends to make application for admission to, or has been
40 admitted to, or is in regular attendance at and is in good standing
41 in, a qualified institution of collegiate grade approved by any
42 regional accrediting association recognized by the national
43 commission on accrediting, or [approved] licensed by the [board
44 of] commission on higher education, a qualified post-secondary
45 nondegree institution of higher education or any other eligible
46 institution; or

47 c. Is the parent of such eligible person; and

48 d. Has complied with all rules adopted by the authority
49 pursuant to this chapter in connection with the granting of such
50 loans.

51 (cf: P.L.1987, c.187, s.3)

52 233. N.J.S.18A:72-12 is amended to read as follows:

53 18A:72-12. (1) Upon approval by the authority of a loan
54 application, any lender may make the loan as approved and upon

1 the terms and conditions required under this chapter, but no
2 moneys shall be advanced or paid under any such loan until the
3 applicant shall have satisfied the authority, and, unless the
4 authority is the lender, the authority shall have certified to the
5 lender, that the applicant has been admitted to, or is in regular
6 attendance and in good standing at, a qualified institution of
7 collegiate grade approved by any regional accrediting association
8 recognized by the national commission on accrediting or
9 [approved] licensed by the [Board of] Commission on Higher
10 Education, a qualified post-secondary nondegree institution of
11 higher education or any other eligible institution. Any lender
12 making a loan shall cooperate with the authority in supervising
13 the use of credit in accordance with its purposes. The check
14 representing the loan proceeds shall be made payable to the
15 applicant and eligible institution jointly, except when the
16 applicant is attending an eligible institution not located in the
17 United States or when the loan is made to the parent of an
18 eligible student, in which instance the check may be made
19 payable to the applicant only.

20 (2) Notwithstanding the provisions of [section] N.J.S.18A:72-11
21 or of subsection (1) of this section, the authority may approve a
22 loan for the purposes of this chapter, after it has been made by a
23 lender and the proceeds thereof disbursed by the lender for the
24 purposes of this chapter, provided such loan would have been
25 approved by the authority had prior application been made
26 therefor pursuant to [section] N.J.S.18A:72-11. A loan which is
27 so approved after it has been made shall, from the time of its
28 approval, be treated for all purposes of this chapter in the same
29 manner as if such loan had been applied for and approved by the
30 authority prior to its making, and the lender making such loan
31 shall have the same rights under this chapter in respect to such
32 loan as it would have had if the loan had been applied for and
33 approved by the authority prior to its making.

34 (3) As an incentive to lenders to make loans under this chapter,
35 the authority may, by resolution of the members thereof, provide
36 for the payment to lenders of an incentive fee solely with respect
37 to loans made, placed or guaranteed after August 1, 1969, which
38 incentive fee shall be computed on any one of the following bases:

39 (i) a single fee at the rate not exceeding 1/2 of 1%, computed
40 on the amount of each such loan for the period from the making
41 of such loan to the date repayment begins; or (ii) a single fee not
42 to exceed \$25.00 per borrower per academic year; or (iii) such
43 other form and amount of incentive fee as shall be fixed from
44 time to time by rule of the authority.

45 (4) If an eligible institution determines during the term of a
46 loan that the student debtor is entitled to a credit against tuition
47 or other fees, such credit shall be made directly to the lender,
48 who shall deduct the amount of the credit from the loan balance.

49 (cf: P.L.1983, c.151, s.1)

50 234. N.J.S.18A:72-20 is amended to read as follows:

51 18A:72-20. The authority may, with respect to the exercise of
52 its functions related to loans guaranteed by it under this chapter,
53 the provisions of any other law to the contrary notwithstanding:

54 (1) Consent to the modification, with respect to rate of

1 interest, time of payment of principal or interest or any portion
2 thereof, or other provisions of any note, or any instrument
3 securing a loan which has been guaranteed by the authority;

4 (2) Authorize payment or compromise, subject to the approval
5 in writing of the attorney general, of any claim upon or arising as
6 a result of any such guaranty;

7 (3) Authorize payment, compromise, waiver or release, subject
8 to the approval in writing of the attorney general, of any debt,
9 right, title, claim, lien or demand, however acquired, including
10 any equity or right of redemption and, the waiver or release of
11 any debt, right, title, claim, lien or demand including any equity
12 or right of redemption shall be sufficient if executed by the
13 [chancellor] chair of the authority on behalf of the authority.
14 The register or county clerk of any county and the clerk of any
15 court is hereby authorized to cancel of record any lien, including
16 but not limited to judgments, chattel mortgages and conditional
17 sales agreements whenever the document evidencing such
18 cancellation or request for cancellation is signed by the
19 [chancellor] chair of the authority on behalf of the authority; and
20 the register and the clerk of any county is authorized to record
21 any documents of the authority signed by the [chancellor] chair of
22 the authority;

23 (4) Purchase at any sale, public or private, upon such terms and
24 for such prices as it determines to be reasonable and take title
25 to, property, real, personal or mixed;

26 (5) Sell at public or private sale, exchange, assign, convey or
27 otherwise dispose of any such property upon such terms and for
28 such prices as it determines to be reasonable;

29 (6) Complete, administer, operate, obtain and authorize
30 payment for insurance on and maintain, renovate, repair,
31 modernize, lease or otherwise deal with any property acquired or
32 held by it pursuant to this chapter;

33 (7) Authorize payment from the fund and any income received
34 by the investment of said fund, subject to the rules of the
35 authority, disbursements, costs, commissions, attorney's fees and
36 other reasonable expenses related to and necessary for making
37 and protection of guaranteed loans and the recovery of moneys,
38 loans or management of property acquired in connection with
39 such loans.

40 (cf: N.J.S.18A:72-20)

41 235. Section 7 of P.L.1991, c.268 (C.18A:72-40) is amended to
42 read as follows:

43 7. An eligible student under the NJ CLASS Loan Program is a
44 student who cannot obtain federally guaranteed student loans
45 either because those loans are not available or because the
46 student does not meet the program eligibility requirements as
47 defined by the federal government, or who requires the NJ
48 CLASS loan to supplement the student's federally guaranteed
49 loans and unless otherwise restricted by the authority by
50 regulation, such student shall:

51 a. Be a New Jersey resident enrolled on at least a half-time
52 basis as an undergraduate or graduate student in a curriculum
53 leading to a degree or certificate in an institution of collegiate
54 grade in New Jersey, [approved or] licensed by the [State Board

1 of] Commission on Higher Education and accredited by a regional
2 accrediting association recognized by the Council on
3 Postsecondary Accreditation; or

4 b. Be a New Jersey resident enrolled on a least a half-time
5 basis as an undergraduate or graduate student in a curriculum
6 leading to a degree or certificate in an out-of-State institution
7 of collegiate grade accredited by an accrediting association
8 recognized by the Council on Postsecondary Accreditation; or

9 c. Reside outside this State and be enrolled on at least a
10 half-time basis as an undergraduate or graduate student in a
11 curriculum leading to a degree or certificate in an institution of
12 collegiate grade in New Jersey, [approved or] licensed by the
13 [State Board of] Commission on Higher Education and accredited
14 by a regional accrediting association recognized by the Council
15 on Postsecondary Accreditation.

16 (cf: P.L.1991. c.268, s.7)

17 236. N.J.S.18A:72A-4 is amended to read as follows:

18 18A:72A-4. (a) There is hereby established in but not of the
19 department of [higher education] treasury a public body corporate
20 and politic, with corporate succession to be known as the "New
21 Jersey educational facilities authority." Notwithstanding this
22 allocation, the authority shall be independent of any supervision
23 or control by the department or any officer thereof. The
24 authority shall constitute a political subdivision of the state
25 established as an instrumentality exercising public and essential
26 governmental functions, and the exercise by the authority of the
27 powers conferred by this chapter shall be deemed and held to be
28 an essential governmental function of the state.

29 (b) The authority shall consist of seven members, two of whom
30 shall be the [chancellor] chairman of the Commission on Higher
31 Education, ex officio, and the state treasurer, ex officio, or when
32 so designated by them, their deputies and five citizens of the
33 state to be appointed by the governor with the advice and consent
34 of the senate for terms of five years; provided that the terms of
35 the members first appointed shall be arranged by the governor so
36 that one of such terms shall expire on April 30 in each successive
37 year ensuing after such appointments. Each member shall hold
38 office for the term of his appointment and shall continue to serve
39 during the term of his successor unless and until his successor
40 shall have been appointed and qualified. Any vacancy among the
41 members appointed by the governor shall be filled by appointment
42 for the unexpired term only. A member of the authority shall be
43 eligible for reappointment.

44 (c) Any member of the authority appointed by the governor
45 may be removed from office by the governor for cause after a
46 public hearing.

47 (d) The members of the authority shall serve without
48 compensation, but the authority may reimburse its members for
49 necessary expenses incurred in the discharge of their duties.

50 (e) The authority, upon the first appointment of its members
51 and thereafter on or after April 30 in each year, shall annually
52 elect from among its members a chairman and a vice chairman
53 who shall hold office until April 30 next ensuing and shall
54 continue to serve during the terms of their respective successors

1 unless and until their respective successors shall have been
2 appointed and qualified. The authority may also appoint, retain
3 and employ, without regard to the provisions of Title 11, Civil
4 Service, of the Revised Statutes, such officers, agents, employees
5 and experts as it may require, and it shall determine their
6 qualifications, terms of office, duties, services and compensation.

7 (f) The powers of the authority shall be vested in the members
8 thereof in office from time to time and a majority of the total
9 authorized membership of the authority shall constitute a quorum
10 at any meeting thereof. Action may be taken and motions and
11 resolutions adopted by the authority at any meeting thereof by
12 the affirmative vote of a majority of the members present, unless
13 in any case the bylaws of the authority shall require a larger
14 number. No vacancy in the membership of the authority shall
15 impair the right of a quorum to exercise all the rights and
16 perform all the duties of the authority.

17 (g) Before the issuance of any bonds under the provisions of this
18 chapter, the members and the officer of the authority charged
19 with the handling of the authority's moneys shall be covered by a
20 surety bond or bonds in a penal sum of not less than \$25,000.00
21 per person conditioned upon the faithful performance of the
22 duties of their respective offices, and executed by a surety
23 company authorized to transact business in the state of New
24 Jersey as surety. Each such bond shall be submitted to the
25 attorney general for his approval and upon his approval shall be
26 filed in the office of the secretary of state prior to the issuance
27 of any bonds by the authority. At all times after the issuance
28 of any bonds by the authority the officer of the authority and each
29 member charged with the handling of the authority's moneys
30 shall maintain such surety bonds in full force and effect. All
31 costs of such surety bonds shall be borne by the authority.

32 (h) Notwithstanding any other law to the contrary, it shall not
33 be or constitute a conflict of interest for a trustee, director,
34 officer or employee of a participating college to serve as a
35 member of the authority; provided such trustee, director, officer
36 or employee shall abstain from discussion, deliberation, action
37 and vote by the authority under this chapter in specific respect to
38 such participating college of which such member is a trustee,
39 director, officer or employee.

40 (i) A true copy of the minutes of every meeting of the
41 authority shall be forthwith delivered by and under the
42 certification of the secretary thereof, to the governor. No action
43 taken at such meeting by the authority shall have force or effect
44 until 10 days after such copy of the minutes shall have been so
45 delivered. If, in said 10-day period, the governor returns such
46 copy of the minutes with veto of any action taken by the
47 authority or any member thereof at such meeting, such action
48 shall be null and of no effect. If the governor shall not return the
49 minutes within said 10-day period, any action therein recited
50 shall have force and effect according to the wording thereof. At
51 any time prior to the expiration of the said 10-day period, the
52 governor may sign a statement of approval of any such action of
53 the authority, in which case the action so approved shall not
54 thereafter be disapproved.

1 Notwithstanding the foregoing provisions of this subsection (i),
2 with regard to the sale and award of bonds of the authority, the
3 authority shall furnish to the governor a certified copy of the
4 minutes of the meeting at which said bonds are sold and awarded
5 forthwith upon the taking of such action and the governor shall
6 indicate his approval or disapproval of such action prior to the
7 end of the business day upon which such action of the authority
8 was taken.

9 The powers conferred in this subsection (i) upon the governor
10 shall be exercised with due regard for the rights of the holders of
11 bonds of the authority at any time outstanding, and nothing in, or
12 done pursuant to, this subsection (i) shall in any way limit,
13 restrict or alter the obligation or powers of the authority or any
14 representative or officer of the authority to carry out and
15 perform in every detail each and every covenant, agreement or
16 contract at any time made or entered into by or on behalf of the
17 authority with respect to its bonds or for the benefit, protection
18 or security of the holders thereof.

19 (cf: N.J.S.18A:72A-24)

20 237. N.J.S.18A:72A-24 is amended to read as follows:

21 18A:72A-24. The [board of higher education, or the
22 [chancellor] Governor [, or their representatives.] may visit,
23 examine into and inspect, the authority as an institution under
24 the educational supervision of the state, and may require, as
25 often as desired, duly verified reports therefrom giving such
26 information and in such form as [such board or chancellor] the
27 Governor shall prescribe.

28 (cf: N.J.S.18A:72A-4)

29 238. N.J.S.18A:72A-26 is amended to read as follows:

30 18A:72A-26. In order to provide new dormitories and to enable
31 the construction and financing thereof, to refinance indebtedness
32 hereafter created by the authority for the purpose of providing a
33 dormitory or dormitories or additions or improvements thereto,
34 or for any one or more of said purposes, but for no other purpose
35 unless authorized by law, each of the following bodies shall have
36 the powers hereafter enumerated to be exercised upon such terms
37 and conditions, including the fixing of any consideration or rental
38 to be paid or received, as it shall determine by resolution as to
39 such property and each shall be subject to the performance of the
40 duties hereafter enumerated, that is to say, the [board of higher
41 education] treasurer as to such as are located on land owned by [,
42 or owned by] the State [and held for, the Department of Higher
43 Education or on lands of the institutions under the jurisdiction of
44 the Department of Higher Education] or by the authority, the
45 board of governors of the university, the board of trustees of the
46 [Newark College of Engineering] New Jersey Institute of
47 Technology or the [New Jersey College] University of Medicine
48 and Dentistry of New Jersey, the board of trustees of a State
49 college or the board of trustees of a county college as to such as
50 are located on land owned by the university or by the particular
51 college respectively, namely:

52 a. The power to sell and to convey to the authority title in fee
53 simple in any such land and any existing dormitories thereon
54 owned by the [Department of Higher Education or owned by the]

1 State [and held for such department or of any of the institutions
2 under the jurisdiction of the Department of Higher Education] or
3 owned by the board of trustees of a county college or the power
4 to sell and to convey to the authority such title as the university
5 or the college respectively may have in any such land and any
6 existing dormitories thereon.

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

10 c. The power to lease or sublease from the authority, and to
11 make available, any such land and existing dormitories conveyed
12 or leased to the authority under subsections a. and b. of this
13 section, and any new dormitories erected upon such land or upon
14 any other land owned by the authority, any rentals to be payable,
15 as to the university or as to any such college from available funds
16 other than moneys appropriated to it by the State.

17 d. The power and duty, upon receipt of notice of any
18 assignment by the authority of any lease or sublease made under
19 subsection c. of this section, or of any of its rights under any such
20 lease or sublease, to recognize and give effect to such
21 assignment, and to pay to the assignee thereof rentals or other
22 payments then due or which may become due under any such
23 lease or sublease which has been so assigned by the authority.

24 (cf: P.L.1971, c.77, s.1)

25 239. N.J.S.18A:72A-27.1 is amended to read as follows:

26 18A:72A-27.1. In addition to the powers and duties with
27 respect to dormitories given under [sections] N.J.S.18A:72A-26
28 and 18A:72A-27 the [Board of Higher Education] treasurer, the
29 board of governors of the university, the board of trustees of the
30 [Newark College of Engineering] New Jersey Institute of
31 Technology, the board of trustees of a State college, the board of
32 trustees of a county college and the board of trustees of the [New
33 Jersey College] University of Medicine and Dentistry of New
34 Jersey shall also have the same power and be subject to the same
35 duties in relation to any conveyance, lease or sublease made
36 under subsections a., b., or c. of section 18A:72A-26, with
37 respect to revenue producing facilities; that is to say, structures
38 or facilities which produce revenues sufficient to pay the rentals
39 due and to become due under any lease or sublease made under
40 subsection c. of section 18A:72A-26 including, without limitation,
41 student unions and parking facilities.

42 (cf: P.L.1971, c.77, s.3)

43 240. Section 2 of P.L.1988, c.159 (C.18A:72A-27.3) is amended
44 to read as follows:

45 2. a. [Prior to] Following final approval by the [State Board of
46 Higher Education] board of trustees of a proposed project for the
47 acquisition, construction or financing of any non-revenue
48 producing educational facility, the board of trustees [, through
49 the Chancellor of Higher Education.] shall, on a day when both
50 houses of the Legislature are meeting, submit the proposal to the
51 President of the Senate and the Speaker of the General Assembly,
52 and submit informational copies of the proposal to the members
53 of the Senate [Revenue, Finance] Budget and Appropriations
54 Committee and the Assembly Appropriations Committee, or their

1 successors and to the Commission on Higher Education. The
2 submission shall include all appropriate supporting information,
3 including, at a minimum, a description of the project, its impact,
4 cost and construction schedule, and a detailed explanation of the
5 sources of revenue which will be dedicated to the financing of the
6 project.

7 b. The proposal as submitted to the Legislature shall be
8 deemed approved after 60 days, as provided herein, of the date on
9 which the proposal and the supporting information were
10 submitted to the Legislature, unless between the date of
11 submission and the end of the 60 day period, the Legislature
12 passes a concurrent resolution approving the proposal with
13 modifications or rejecting the proposal. The 60 days shall
14 commence on the day of submission and expire on the 60th day
15 after submission or for a house not meeting on the 60th day, on
16 the next meeting day of that house.

17 (cf: P.L.1988, c.159, s.2)

18 241. N.J.S.18A:72A-29 is amended to read as follows:

19 18A:72A-29. All [powers conferred and duties imposed upon the
20 board of higher education or the department of higher education
21 pursuant to this chapter shall be exercised and performed by
22 resolution of that board and all conveyances, leases and
23 subleases, pursuant to this chapter shall be made, executed and
24 delivered in the name of said department and shall be signed by
25 the chancellor and sealed with the seal of said department] lands
26 presently titled in the name of the State of New Jersey or one of
27 its departments, which are occupied by a public institution of
28 higher education, are hereby transferred to that individual public
29 institution of higher education.

30 To the extent not otherwise expressly provided under existing
31 law, all powers and duties conferred upon the university pursuant
32 to this chapter shall be exercised and performed by resolution of
33 its board of governors and all powers and duties conferred upon
34 any of said colleges pursuant to this chapter shall be exercised
35 and performed by resolution of its board of trustees.

36 All conveyances, leases and subleases made pursuant to this
37 chapter, when duly authorized by the university, shall be made,
38 executed and delivered in the name of the university and shall be
39 signed by its president or a vice president and sealed with the
40 seal of the university and all conveyances, leases and subleases
41 made pursuant to this chapter, when duly authorized by any of
42 said colleges, shall be made, executed and delivered in the name
43 of the college and shall be signed by the president or a vice
44 president and sealed with the seal of the college.

45 (cf: N.J.S.18A:72A-29)

46 242. Section 3 of P.L.1979, c.132 (C.18A:72B-17) is amended
47 to read as follows:

48 3. As used in this act:

49 a. "Eligible institution" or "institution" means only those
50 independent institutions of higher education incorporated and
51 located in this State, which, by virtue of law or character or
52 license, are non-profit educational institutions empowered to
53 grant academic degrees and which provide a level of education
54 which is equivalent to the education provided by the State's

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

10 b. "New Jersey Student" means any resident of this State as
11 defined [by regulations of the Board of Higher Education]
12 pursuant to section 1 of P.L.1979, c.361 (C.18A:62-4).

13 c. "Academic Year" means the normal period of attendance,
14 excluding summer session, for a full-time undergraduate student
15 to make a year's progress toward a degree.

16 d. "Full-time equivalent student in an eligible institution"
17 means a unit of 32 undergraduate student credit hours [as defined
18 by regulations of the Board of Higher Education].

19 e. "Undergraduate student" means a student enrolled in a
20 program leading to an associate or baccalaureate degree, or to a
21 certificate, diploma or its equivalent, awarded by the institution.

22 f. "Direct per student support for the State college sector"
23 means the average direct net State support per budgeted
24 full-time equivalent student at the State colleges. This average
25 shall be derived from the General Appropriation Act for the
26 pre-budget year by taking the sum of the total appropriation
27 amounts for all State colleges, except Thomas A. Edison College
28 of New Jersey, subtracting from that sum debt service and
29 capital costs and the sum of anticipated revenues at the State
30 colleges, except Edison College, for tuitions, other student fees,
31 School of Conservation, and miscellaneous; and dividing the
32 remainder by the total number of budgeted full time equivalent
33 students at the State colleges, as stipulated in language in said
34 Appropriation Act.

35 g. "Department" means the Department of [Higher Education]
36 Treasury.

37 h. ["Board" means the Board of Higher Education.] deleted by
38 amendment, P.L. ,c. (C.) (now pending before the
39 Legislature as this bill)

40 i. "Pre-budget year" means the fiscal year preceding the year
41 in which the budget is implemented.

42 (cf: P.L.1979, c.132, s.3)

43 243. Section 4 of P.L.1979, c.132 (C18A:72B-18) is amended to
44 read as follows:

45 4. The [Board of Higher Education] State Treasurer, subject to
46 the availability of appropriations, is authorized to contract with
47 eligible independent colleges and universities in this State to
48 provide educational services to New Jersey students. Payment to
49 the institutions shall be based upon the number of full time
50 equivalent New Jersey undergraduates enrolled during the
51 pre-budget year in the independent institutions multiplied by 25%
52 of the level of direct per student support for the State college
53 sector during the pre-budget year. The total funding generated
54 by the preceding formula shall be distributed as follows:

1 a. Ten percent of this total shall be divided equally among the
2 eligible institutions. These "designated" amounts shall be
3 awarded to each institution except in any instance where the
4 amount of dollars designated for a particular institution under
5 this section exceeds the total amount to be awarded to that
6 institution under subsections b. and c. of this section. In such
7 instances, the funds designated under subsection a. shall be
8 reduced to equal the total of subsections b. and c., which shall be
9 the amount awarded to the institution under this section. The
10 difference between the amount designated and the amount
11 awarded under this section shall be returned to the department.

12 b. Thirty-five percent shall be distributed on the basis of New
13 Jersey students who received State financial aid or aid
14 administered by such institutions of \$1,000.00 or more, in all
15 cases exclusive of loans, during the pre-budget year.

16 c. Fifty-five percent shall be distributed on the basis of New
17 Jersey full-time equivalent students, as herein defined, enrolled
18 in such institutions during the pre-budget year.

19 The funds granted under this act may be used by the
20 institutions for any purposes which they deem to be appropriate
21 to maintaining or enhancing the quality of the academic offerings
22 available to New Jersey students, except for purposes of
23 sectarian instruction, the construction or maintenance of
24 sectarian facilities, or for any other sectarian purpose or
25 activity. For the purposes of this act the number of full time
26 equivalent students at the eight State colleges for the 1979-80
27 academic year is 54,380.

28 (cf: P.L.1979, c.132, s.4)

29 244. Section 5 of P.L.1979, c.132 (C.18A:72B-19) is amended
30 to read as follows:

31 5. Funds received by an institution pursuant to this act shall be
32 maintained in a separate ledger account. Each institution shall
33 cause an audit of such account and of enrollment figures to be
34 made annually by a certified public accountant and forwarded to
35 the [board] treasurer. The [board] treasurer shall have the right to
36 audit institutional records pertaining to this act. Each institution
37 also shall furnish to the board a copy of its audited annual
38 financial statement.

39 (cf: P.L.1979, c.132, s.5)

40 245. Section 6 of P.L.1979, c.132 (C.18A:72B-20) is amended
41 to read as follows:

42 6. In the event any institution shall expend such funds in
43 violation of the provisions of this act or the rules or regulations
44 of the [board] treasurer, the [board] treasurer may suspend
45 further aid to such institutions and recover any such funds
46 theretofore misspent.

47 (cf: P.L.1979, c.132, s.6)

48 246. Section 8 of P.L.1979, c.132 (C.18A:72B-22) is amended
49 to read as follows:

50 8. The [board] State Treasurer shall promulgate rules and adopt
51 policies and make all determinations necessary for the proper
52 administration and enforcement of the provisions of this act.

53 (cf: P.L.1979, c.132, s.8)

54 247. Section 1 of P.L.1987, c.312 (C.18A:72B-25) is amended
55 to read as follows:

1 1. As used in this act:

2 [a. "Board" means the State Board of Higher Education;

3 b.] "School" means the Morehouse School of Medicine in
4 Atlanta, Georgia.

5 (cf: P.L.1987, c.312, s.1)

6 248. Section 2 of P.L.1987, c.312 (C.18A:72B-26) is amended
7 to read as follows:

8 2. The State [Board of Higher Education] Treasurer is
9 authorized to contract with the Morehouse School of Medicine for
10 the acceptance of New Jersey residents to study medicine.

11 (cf: P.L.1987, c.312, s.2)

12 249. Section 3 of P.L.1987, c.312 (C.18A:72B-27) is amended
13 to read as follows:

14 3. Commencing with the first year class to be admitted for the
15 1987-88 academic year, the [board] treasurer shall contract with
16 the school for the acceptance of two to four medical students.
17 The students shall be residents of New Jersey who are from a
18 disadvantaged or minority background and are certified as
19 eligible by the [Chancellor of Higher Education] treasurer.
20 Admission of eligible applicants is based solely on academic merit.

21 (cf: P.L.1987, c.312, s.3)

22 250. Section 4 of P.L.1987, c.312 (C.18A:72B-28) is amended
23 to read as follows:

24 4. The [chancellor] treasurer, at his discretion, shall
25 periodically review the school's admissions procedures and
26 records to determine if these procedures comply with the terms
27 of the contract.

28 (cf: P.L.1987, c.312, s.4)

29 251. Section 6 of P.L.1987, c.312 (C.18A:72B-30) is amended
30 to read as follows:

31 6. The [board] treasurer shall pay to the school \$11,000.00 per
32 year for each eligible student attending the school pursuant to
33 this act, provided that the school charges the student only the
34 tuition and fees required of resident students. Any showing of a
35 discriminatory practice against a student admitted pursuant to
36 this act in areas such as tuition, financial aid, the quality of
37 instruction or housing or any other area is grounds for
38 termination of the contract by the board.

39 (cf: P.L.1987, c.312, s.6)

40 252. Section 7 of P.L.1987, c.312 (C.18A:72B-31) is amended to
41 read as follows:

42 7. a. To be certified by the [chancellor] treasurer as eligible
43 for admission to the school pursuant to this act, the applicant
44 shall (1) be a resident of New Jersey for at least 12 months; and
45 (2) enter into a written agreement to practice medicine for at
46 least four years following the completion of training in an area of
47 the State designated by the [chancellor] Commissioner of Health
48 as one with a shortage of physicians.

49 b. No student admitted to the study of medicine at a medical
50 school within this State shall be certified by the [chancellor]
51 treasurer as eligible for admission to the school pursuant to this
52 act.

53 c. Each agreement shall provide (1) that if the applicant fails
54 to complete medical school, the applicant is liable to reimburse

1 the [board] treasurer for the amount paid to the school to support
2 his education, plus interest in an amount equal to the current
3 prevailing market rate; and (2) that if the applicant, upon
4 licensure as a physician, fails to practice in the designated area
5 for four years, the applicant is liable to reimburse the [board]
6 treasurer for the amount paid to the school to support his
7 education, plus interest in an amount equal to twice the current
8 prevailing market rate. The agreement shall also contain a clause
9 under which the applicant consents to the exercise of jurisdiction
10 over the cause of action by the courts of New Jersey and the
11 execution of a judgment rendered by the New Jersey courts in
12 any jurisdiction.

13 d. The [chancellor] treasurer may waive the requirement of
14 reimbursement upon the death or disability of the individual.
15 (cf: P.L.1987, c.312, s.7)

16 253. Section 8 of P.L.1987, c.312 (C.18A:72B-32) is amended
17 to read as follows:

18 8. The school, at a time agreed upon with the [board] treasurer,
19 shall implement a resident training program with a New Jersey
20 hospital, if it is determined that an appropriate out-of-State
21 training program is not available.
22 (cf: P.L.1987, c.312, s.8)

23 254. Section 2 of P.L.1979, c.39 (C.18A:72C-2) is amended to
24 read as follows:

25 2. Each institution awarded an Einstein Chair under this act
26 shall select an outstanding scholar to fill the chair on such terms
27 and conditions as may be agreed upon, [subject to the approval of
28 the Chancellor of Higher Education,] within the appropriations
29 provided for said chairs. Each person appointed to the Einstein
30 Chair may be granted tenure on appointment.
31 (cf: P.L.1979, c.39, s.2)

32 255. Section 60 of P.L.1991, c.187 (C.18A:72D-12) is amended
33 to read as follows:

34 60. As used in sections 60 through 76 of P.L.1991, c.187
35 (C.18A:72D-12 et seq.):

36 "Eligible student loan expenses" means the cumulative total of
37 the annual student loans covering the cost of attendance at an
38 undergraduate institution of medical or dental education. Interest
39 paid or due on student loans that an applicant has taken out for
40 use in paying the costs of undergraduate medical or dental
41 education shall be considered eligible for reimbursement under
42 the program. The [Chancellor of Higher Education] executive
43 director of student assistance programs may establish a limit on
44 the total amount of student loans which may be redeemed for
45 participants under the program, provided that the total
46 redemption of student loans does not exceed \$70,000.

47 "Medically underserved area" means an urban or rural area
48 which need not conform to the geographic boundaries of a
49 political subdivision within the State but which shall be defined in
50 terms of census tracts, if possible, which is a rational area for
51 the delivery of health services and which has a medical or dental
52 manpower shortage as determined by the Commissioner of
53 Health; or a population group which the commissioner determines
54 has a medical or dental manpower shortage; or a public or

1 nonprofit private health care facility or other facility which is so
2 designated.

3 "Primary care" includes the practice of family medicine,
4 general internal medicine, general pediatrics, general obstetrics,
5 gynecology, and any other areas of medicine which the
6 Commissioner of Health may define as primary care. Primary
7 care also includes the practice of general dentistry and
8 pedodontics.

9 "Primary Care Physician and Dentist Loan Redemption
10 Program" means a program which provides for the redemption of
11 the eligible student loan expenses of its participants.

12 "Undergraduate medical or dental education" means the period
13 of time between entry into medical or dental school and the
14 award of the medical (M.D., D.O.) degree or dental (D.M.D.,
15 D.D.S.) degree, respectively.

16 (cf: P.L.1991, c.187, s.60)

17 256 Section 61 of P.L.1991, c.187 (C.18A:72D-13) is amended
18 to read as follows:

19 61. There is established a Primary Care Physician and Dentist
20 Loan Redemption Program within the [Department of Higher
21 Education] Office of Student Assistance. The program shall
22 provide for the redemption of a portion of the eligible student
23 loan expenses of program participants for each year of service in
24 a medically underserved area of the State as designated by the
25 Commissioner of Health.

26 (cf: P.L.1991, c.187, s.61)

27 257. Section 63 of P.L.1991, c.187 (C.18A:72D-15) is amended
28 to read as follows:

29 63. The Commissioner of Health, after consultation with the
30 Commissioner of Corrections and the Commissioner of Human
31 Services, shall designate and establish a ranking of medically
32 underserved areas of the State. The criteria used by the
33 Commissioner of Health in designating underserved areas shall
34 include, but not be limited to:

35 a. the ratio of the supply of primary care physicians and
36 dentists by relative specialty to the population under
37 consideration with a goal of meeting current standards for
38 physician and dentist to population ratios in primary care medical
39 and dental specialties;

40 b. the financial resources of the population under
41 consideration;

42 c. the population's access to medical and dental services; and

43 d. appropriate physician and dentist staffing ratios in State,
44 county, municipal and private nonprofit health care facilities.

45 The commissioner shall annually transmit the list of medically
46 underserved areas and the number of positions needed in each
47 area to the [Chancellor of Higher Education] executive director.

48 (cf: P.L.1991, c.187, s.63)

49 258. Section 64 of P.L.1991, c.187 (C.18A:72D-16) is amended
50 to read as follows:

51 64. A medical or dental student who is eligible and interested
52 in participating in the loan redemption program shall sign a
53 nonbinding agreement with the [Department of Higher Education]
54 Office of Student Assistance upon completion of the final year of

1 undergraduate medical or dental training, as appropriate. At the
2 end of the final year of residency training in the case of a
3 physician, and at the end of the final year of undergraduate
4 dental training or residency training if such training is required in
5 a primary care dental specialty in the case of a dentist, the
6 applicant shall sign a contractual agreement with the
7 [Department of Higher Education] office. The agreement shall
8 specify the applicant's length of required service and the total
9 amount of eligible student loan expenses to be redeemed by the
10 State in return for service. The agreement shall also stipulate
11 that the applicant has knowledge of and agrees to the six-month
12 probationary period required prior to final acceptance into the
13 program pursuant to section 66 of P.L.1991, c.187
14 (C.18A:72D-18).

15 (cf: P.L.1991, c.187, s.64)

16 259. Section 66 of P.L.1991, c.187 (C.18A:72D-18) is amended
17 to read as follows:

18 66. Each program participant shall serve a six-month
19 probationary period upon initial placement in a service site within
20 the medically underserved area. During that period, the medical
21 or dental staff of the service site, as appropriate, shall evaluate
22 the suitability of the placement for the participant. At the end
23 of the probationary period, the medical or dental staff shall
24 recommend the continuation of the program participant's present
25 placement, a change in placement, or its determination that the
26 participant is an unsuitable candidate for the loan redemption
27 program. If the medical or dental staff of the service site
28 recommends a change in placement, then the [Chancellor of
29 Higher Education] executive director shall place the program
30 participant in an alternate placement within a medically
31 underserved area. If the medical or dental staff determines that
32 the program participant is not a suitable candidate for the
33 program, then the [chancellor] executive director shall take this
34 recommendation into consideration in regard to the participant's
35 final acceptance into the program. No loan redemption payment
36 shall be made during the six-month probationary period, however,
37 a program participant shall receive credit for this six-month
38 period in calculating the first year of required service under the
39 loan redemption contract.

40 (cf: P.L.1991, c.187, s.66)

41 260. Section 67 of P.L.1991, c.187 (C.18A:72D-19) is amended
42 to read as follows:

43 67. The [Chancellor of Higher Education] executive director, in
44 consultation with the Commissioner of Health, shall match
45 program participants to medically underserved areas based upon
46 the ranking of the underserved areas established by the
47 commissioner and on the basis of participant preference.

48 (cf: P.L.1991, c.187, s.67)

49 261. Section 68 of P.L.1991, c.187 (C.18A:72D-20) is amended
50 to read as follows:

51 68. The [Chancellor of Higher Education] executive director
52 shall annually determine the number of program positions
53 available on the basis of the need for primary care physicians and
54 dentists in medically underserved areas of the State as

1 determined by the Commissioner of Health and the State and
2 federal funds available for the program. Once the number of
3 program positions has been determined, the [chancellor]
4 executive director shall select the program participants from
5 among those students who have applied to the program and who
6 meet the criteria established pursuant to section 62 of P.L.1991,
7 c.187 (C.18A:72D-14). In selecting program participants, the
8 [Chancellor of Higher Education] executive director shall accord
9 priority to applicants in the following manner:

10 a. First, to any applicant who is completing a fourth, third or
11 second year of a loan redemption contract;

12 b. Second, to any applicant whose residence in the State at the
13 time of entry into post secondary education was within a
14 medically underserved area; and

15 c. Third, to any applicant according to the severity of the
16 physician or dentist shortage in the area selected by the applicant.

17 In the event that there are more applicants who have the same
18 priority than there are program positions, the [Chancellor of
19 Higher Education] executive director shall select participants by
20 means of a lottery or other form of random selection.

21 (cf: P.L.1991, c.187, s.68)

22 262. Section 69 of P.L.1991, c.187 (C.18A:72D-21) is amended
23 to read as follows:

24 69. A physician or dentist who has previously entered into a
25 contract with the [Department of Higher Education] office may
26 nullify the agreement by notifying the [Department of Higher
27 Education] office in writing and assuming full responsibility for
28 repayment of principal and interest at the appropriate market
29 rate of the full amount of the eligible student loan expenses or
30 that portion of the loan which has not been redeemed by the
31 State in return for partial fulfillment of the contract. In no
32 event shall service in a medically underserved area for less than
33 the full calendar year of each period of service entitle the
34 participant to any benefits under the loan redemption program.
35 A participant seeking to nullify the contract shall be required to
36 pay the unredeemed portion of indebtedness in not more than 10
37 years following termination of the contract minus the years of
38 service already served under the contract.

39 (cf: P.L.1991, c.187, s.69)

40 263. Section 70 of P.L.1991, c.187 (C.18A:72D-22) is amended
41 to read as follows:

42 70. In case of a program participant's death or total or
43 permanent disability, the [Chancellor of Higher Education]
44 executive director shall nullify the service obligation of the
45 student thereby terminating the student's obligation to repay the
46 unpaid balance of the redeemable portion of the loan and the
47 accrued interest thereon, or where continued enforcement of the
48 contract may result in extreme hardship, the [chancellor]
49 executive director may nullify or suspend the service obligation
50 of the student.

51 (cf: P.L.1991, c.187, s.70)

52 264. Section 71 of P.L.1991, c.187 (C.18A:72D-23) is amended
53 to read as follows:

54 71. In case of a program participant's conviction of a felony or

1 misdemeanor or an act of gross negligence in the performance of
2 service obligations or where the license to practice has been
3 suspended or revoked. the [Chancellor of Higher Education]
4 executive director shall have the authority to terminate the
5 participant's service in the program and request repayment of
6 the outstanding debt.

7 (cf: P.L.1991, c.187, s.71)

8 265. Section 72 of P.L.1991, c.187 (C.18A:72D-24) is amended
9 to read as follows:

10 72. A student who is participating in a federal program of a
11 similar nature, which provides financial support for students in
12 return for service in underserved areas of the nation, shall not be
13 eligible for participation in the Primary Care Physician and
14 Dentist Loan Redemption Program unless after review and
15 consideration the [Chancellor of Higher Education] executive
16 director finds that the student has extraordinary financial
17 responsibilities making it essential for the student to use the loan
18 resources of both federal and State programs. These cases shall
19 be reviewed and approved by the [chancellor] executive director
20 on an individual basis. In these cases, the period of service to the
21 State of New Jersey may be served simultaneously with the
22 federal service obligation if that obligation is being discharged by
23 service within this State.

24 (cf: P.L.1991, c.187, s.72)

25 266. Section 73 of P.L.1991, c.187 (C.18A:72D-25) is amended
26 to read as follows:

27 73. Prior to repayment of the annual amount eligible for
28 redemption, each program participant shall report to the
29 [Department of Higher Education] office of student assistance, in
30 such manner and form as it shall prescribe, information on the
31 participant's performance of service in the medically
32 underserved area as required under the contract.

33 (cf: P.L.1991, c.187, s.73)

34 267. Section 74 of P.L.1991, c.187 (C.18A:72D-26) is amended
35 to read as follows:

36 74. The [Chancellor of Higher Education] executive director
37 and the Commissioner of Health shall jointly establish a
38 procedure for the recruitment of program applicants at medical
39 and dental schools and health centers. The procedure shall
40 provide for the participation of the medical and dental staff, as
41 appropriate, of those facilities in the selection of appropriate
42 applicants for the program.

43 (cf: P.L.1991, c.187, s.74)

44 268. Section 75 of P.L.1991, c.187 (C.18A:72D-27) is amended
45 to read as follows:

46 75. The [Department of Higher Education] office of student
47 assistance shall annually apply for any federal funds which may
48 be available to implement the provisions of this act.

49 (cf: P.L.1991, c.187, s.75)

50 269. Section 76 of P.L.1991, c.187 (C.18A:72D-28) is amended
51 to read as follows:

52 76. The State [Board of Higher Education] executive director
53 shall adopt rules and regulations pursuant to the "Administrative
54 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be

1 necessary to implement the provisions of sections 60 through 75
2 of P.L.1991, c.187 (C.18A:72D-12 et seq.).
3 (cf: P.L.1991, c.187, s.76)

4 270. Section 2 of P.L.1980, c.154 (C.18A:72E-2) is amended to
5 read as follows:

6 2. Subject to available appropriations, Seton Hall shall select
7 an outstanding scholar to fill the chair on such terms and
8 conditions as may be agreed upon [, subject to the approval of the
9 Chancellor of Higher Education]. The person appointed to the
10 Hughes Chair may be granted tenure on appointment.
11 (cf: P.L.1980, c.154, s.2)

12 271. Section 2 of P.L.1984, c.189 (C.18A:72F-2) is amended to
13 read as follows:

14 2. The Legislature finds and declares that:

15 a. Within the State colleges minority faculty members with
16 doctoral degrees in certain academic disciplines, notably the
17 physical and life sciences, engineering, mathematics,
18 management, computer science, environmental sciences, and
19 statistics, are underrepresented in comparison to nonminority
20 faculty members with doctorates.

21 b. There is in the United States a serious shortage of minority
22 doctoral degree graduates in the academic disciplines cited above
23 from which the State colleges can recruit faculty members.

24 c. The State colleges in New Jersey currently face difficult
25 problems in recruiting and retaining minority faculty members
26 with doctoral degrees in the academic disciplines cited above.

27 d. **[With the support of the Department of Higher Education.]**
28 **Rutgers, The State University and the State colleges have**
29 **cooperated in implementing a pilot program, the Minority**
30 **Advancement Program in Teaching and Research, whereby**
31 **eligible State college minority faculty members or other**
32 **minorities admitted to the State university in a doctoral degree**
33 **program in certain academic disciplines are provided grant, loan**
34 **and other support opportunities to assist them in completing the**
35 **academic degree requirements and to increase the pool of**
36 **potential minority faculty members holding doctoral degrees.**

37 (cf: P.L.1984, c.189, s.2)

38 272. Section 3 of P.L.1984, c.189 (C.18A:72F-3) is amended to
39 read as follows:

40 3. As used in this act:

41 a. "Eligible discipline" means an academic discipline in which
42 minority individuals are underrepresented as determined by the
43 **[State Board of Higher Education] Executive Director of Student**
44 **Assistance Programs.**

45 b. "Faculty member" means any person employed full-time by
46 a New Jersey State college, to perform primarily teaching,
47 research, or administrative duties for 10 or more months per
48 academic year.

49 c. "Minority" means any person who is a member of a
50 racial-ethnic group that has been historically disadvantaged in
51 obtaining access to equal educational opportunities.

52 d. "Program" means the Minority Faculty Advancement Loan
53 and Loan Redemption Program created pursuant to this act.

54 e. "State college" means any institution created pursuant to

1 chapter 64 of Title 18A of the New Jersey Statutes.

2 (cf: P.L.1984, c.189, s.3)

3 273. Section 4 of P.L.1984, c.189 (C.18A:72F-4) is amended to
4 read as follows:

5 4. There is established within the [Department of Higher
6 Education] Office of Student Assistance a Minority Faculty
7 Advancement Loan and Loan Redemption Program for students at
8 Rutgers, The State University, or the New Jersey Institute of
9 Technology, or at a private college or university which agrees to
10 participate in the program who are enrolled in an eligible
11 discipline in the Minority Advancement Program in Teaching and
12 Research.

13 Eligible participants shall include:

14 a. State college faculty members who have been nominated by
15 their institution and granted up to a four year leave of absence in
16 order to participate in the program. A nomination by a State
17 college shall include a commitment to reemploy the nominee in
18 the same or in an equivalent position at the college upon
19 completion of the program; and

20 b. Individuals who otherwise qualify pursuant to procedures set
21 forth by the [Chancellor of Higher Education] Executive Director
22 of Student Assistance Programs, but who are not State college
23 faculty members, or who have not been nominated by a college.

24 (cf: P.L.1984, c.189, s.4)

25 274. Section 5 of P.L.1984, c.189 (C.18A:72F-5) is amended to
26 read as follows:

27 5. Eligible program participants seeking loans to finance their
28 education shall first apply for loans under the Guaranteed Student
29 Loan Program. In the event that participants have borrowed the
30 maximum permitted under the terms of this program or are
31 otherwise ineligible, they may apply for direct loans in amounts
32 not exceeding \$10,000.00 per student annually which loans may be
33 renewed for up to a maximum of four academic years for a total
34 loan indebtedness not exceeding \$40,000.00 per student. Direct
35 loans will be evidenced by promissory notes and may be secured
36 pursuant to regulations and forms established by the [Chancellor
37 of Higher Education] Executive Director of Student Assistance
38 Programs.

39 Direct loans shall not bear interest or finance charges during
40 the time a student is enrolled as a full-time student in the
41 program or is engaged in approved redemption service pursuant to
42 this act. Direct loans shall become due and payable pursuant to
43 section 8 of this act six months after graduation if no redemption
44 contract is in effect, or six months after change to part-time
45 student status, withdrawal from the program, or termination
46 from full-time employment either as a faculty member at a State
47 college or other qualified employment.

48 (cf: P.L.1984, c.189, s.5)

49 275. Section 6 of P.L.1984, c.189 (C.18A:72F-6) is amended to
50 read as follows:

51 6. Direct loans obtained pursuant to section 5 of this act and
52 federally guaranteed student loans together with interest thereon
53 secured after admission to the Minority Advancement Program
54 may be redeemed by program participants upon execution of a

1 contract between the participant and the [Department of Higher
2 Education] executive director. The maximum loan redemption
3 for program participants shall amount to cancellation of
4 repayment for one-quarter of the eligible loan indebtedness in
5 return for each full academic year of service as a faculty
6 member in a State college for total cancellation of loan
7 indebtedness for up to, but not to exceed, a maximum of
8 \$40,000.00 per student. In no event shall faculty service for less
9 than the full academic year of each period of service entitle the
10 participant to any benefits under the loan redemption conditions
11 of the program. Prior to the annual redemption of loan
12 indebtedness, participants in the program shall submit proof of
13 faculty service to the [Department of Higher Education]
14 executive director.

15 (cf: P.L.1984, c.189, s.6)

16 276. Section 7 of P.L.1984, c.189 (C.18A:72F-7) is amended to
17 read as follows:

18 7. Faculty service requirements for loan redemption purposes
19 shall be satisfied at the State college which nominated the
20 faculty member to participate in the program unless otherwise
21 agreed by the State college president. Program participants not
22 nominated by a State college may satisfy their faculty service
23 requirement at any New Jersey State college; except that any
24 faculty member participating in the program upon nomination by
25 an institution of higher education within New Jersey other than a
26 State college shall satisfy his faculty service requirements for
27 loan redemption purposes at his nominating institution unless
28 otherwise agreed by the nominating institution's president.
29 However, if the [chancellor] executive director determines that
30 no appropriate faculty positions are available in the State
31 colleges, faculty service requirements may be satisfied at other
32 public or private colleges or universities in New Jersey which are
33 licensed by the [Board of] Commission on Higher Education, or at
34 any other agency of State government.

35 (cf: P.L.1984, c.189, s.7)

36 277. Section 8 of P.L.1984, c.189 (C.18A:72F-8) is amended to
37 read as follows:

38 8. Program participants who have entered into redemption
39 contracts with the [Department of Higher Education] executive
40 director may nullify their contracts by submitting written
41 notification to the [department] executive director and assuming
42 full responsibility for repayment of principal and interest on the
43 full amount of their direct loans or that portion of the loans
44 which has not been redeemed by the State in return for partial
45 fulfillment of the contracts. The interest on the loans shall be at
46 the prevailing rate established for the federal Guaranteed
47 Student Loan Program at the time the loans were made. The
48 participant seeking to nullify the contract shall be required to
49 repay the loan or the unredeemed portion thereof in not more
50 than 10 years following the termination of the contract minus the
51 years of service already performed under the contract.
52 Repayments of direct loans by participants who do not perform
53 faculty service for redemption purposes may be used to provide
54 future loans under the program, as determined by the [chancellor]

1 executive director.

2 (cf: P.L.1984, c.189. s.8)

3 278. Section 9 of P.L.1984, c.189 (C.18A:72F-9) is amended to
4 read as follows:

5 9. In case of a program participant's death or total or
6 permanent disability, the [chancellor] executive director shall
7 nullify the service obligation of the student, thereby terminating
8 the student's obligation to repay the unpaid balance of the
9 redeemable portion of the loan and the accrued interest thereon,
10 or where continued enforcement of the contract may result in
11 extreme hardship, the [chancellor] executive director may nullify
12 or suspend the service obligation of the student.

13 (cf: P.L.1984, c.189, s.9)

14 279. Section 10 of P.L.1984, c.189 (C.18A:72F-10) is amended
15 to read as follows:

16 10. The impact of the program on the representation of State
17 college minority faculty members with doctoral degrees in the
18 designated disciplines shall be evaluated periodically by the
19 [chancellor] Commission on Higher Education and the Presidents'
20 Council.

21 (cf: P.L.1984, c.189. s.10)

22 280. Section 11 of P.L.1984, c.189 (C.18A:72F-11) is amended
23 to read as follows:

24 11. The [chancellor] executive director and the Commission on
25 Higher Education shall promulgate such rules and regulations in
26 accordance with the "Administrative Procedure Act," P.L.1968,
27 c.410 (C.52:14B-1 et seq.) as are necessary to carry out the
28 purposes of this act.

29 (cf: P.L.1984, c.189. s.11)

30 281. Section 2 of P.L.1985, c.365 (C.18A:72G-2) is amended to
31 read as follows:

32 2. Saint Peter's College shall select an outstanding scholar to
33 fill the chair on such terms and conditions as may be agreed upon,
34 subject to [the approval of the Chancellor of Higher Education
35 and] available appropriations. The person appointed to the Durant
36 Chair may be granted tenure on appointment.

37 (cf: P.L.1985, c.365, s.2)

38 282. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to
39 read as follows:

40 3. As used in this act:

41 a. "Aurally impaired" means a hearing impairment of such
42 severity that the individual depends primarily upon visual
43 communication.

44 b. "Competent authority" means any doctor of medicine or
45 any doctor of osteopathy licensed to practice medicine and
46 surgery in this State.

47 c. ["Department" means the Department of Higher Education.]
48 deleted by amendment, P.L. c. (now pending before the
49 Legislature as this bill).

50 d. "Eligible student" means any student "admitted to a public
51 or independent institution of higher education who is" suffering
52 from a visual impairment, auditory impairment or a specific
53 learning disability within guidelines established by the
54 [Department of] Commission on Higher Education pursuant to

1 regulations promulgated under this act.

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

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

28 g. "Program" means the Higher Education Services for
29 Visually Impaired, Auditorily Impaired and Learning Disabled
30 Students Program established pursuant to this act.

31 h. "Public institution of higher education" means Rutgers, The
32 State University, the New Jersey Institute of Technology, the
33 University of Medicine and Dentistry of New Jersey, the State
34 colleges and the county colleges.

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

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

43 (cf: P.L.1985, c.493, s.3)

44 283. Section 4 of P.L.1985, c.493 (C.18A:72H-4) is amended to
45 read as follows:

46 4. There is established a Higher Education Services for
47 Visually Impaired, Auditorily and Learning Disabled Students
48 Program within the [Department of] Commission on Higher
49 Education. The program shall provide appropriate support
50 services for eligible students attending a public or independent
51 institution of higher education within the State and promote
52 research and development of techniques and approaches to offset
53 handicapping conditions. All appropriate public and private
54 groups, organizations and agencies shall be consulted in preparing

1 programs and services for these students.

2 (cf: P.L.1985, c.493, s.4)

3 284. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to
4 read as follows:

5 6. The [department, through the Chancellor of Higher
6 Education] Commission on Higher Education, shall:

7 a. Enter into agreements with any individual, agency or public
8 or independent institution of higher education in this State, under
9 which the individual, agency or institution shall undertake to
10 provide direct support services to eligible students, provided
11 these services do not duplicate or replace any services for which
12 these students are currently eligible.

13 b. Enter into contractual agreements with any public or
14 independent institution of higher education to establish and
15 maintain within that institution offices to facilitate the provision
16 and coordination of support services to eligible students.

17 c. Authorize the payment to those individuals, agencies and
18 institutions as set forth in subsections a. and b. of this section of
19 funds appropriated or otherwise made available to the
20 department under this act or any other law, or from any other
21 lawful source.

22 d. Assess, evaluate and review the extent of the visual or
23 auditory impairments or the learning disabilities which shall
24 qualify students for eligibility for services pursuant to the
25 regulations promulgated under this act.

26 e. Develop and coordinate a comprehensive support plan for
27 eligible students specifying the needs of the eligible students.

28 f. Provide the supportive services outlined in the support plan,
29 directly or through contractual agreements with individuals,
30 institutions, agencies and others, as appropriate.

31 g. Foster awareness of, and sensitivity to, the students'
32 handicapping conditions through seminars, presentations, bulletins
33 and other activities for instructional, administrative and other
34 staff of public and independent higher educational institutions.

35 h. Encourage and facilitate the use of a variety of
36 instructional materials and methods by disseminating to
37 professional staff of public and independent institutions of higher
38 education information on techniques, materials and sources
39 relating to curricular specialities.

40 i. Annually review and report to the Governor and the State
41 Legislature on the services and activities funded by the
42 department each year under this act.

43 (cf: P.L.1985, c.493, s.6)

44 285. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to
45 read as follows:

46 7. To assist in fulfilling the duties and responsibilities relating
47 to this act, the [chancellor] commission shall appoint an advisory
48 board, which shall be broadly representative of those individuals
49 and organizations having an active interest in, and academic or
50 practical knowledge and experience in, the abilities and needs of
51 visually impaired, auditorily impaired and learning disabled
52 students; the methods and techniques of evaluation of
53 handicapping conditions and curricular support development,
54 including, without limitation, representatives from professional

1 organizations, parent/student organizations, institutional
2 administrations, academic personnel, student personnel services
3 staff, and students. A representative from the Departments of
4 Labor and Human Services shall serve on the advisory board.

5 (cf: P.L.1985, c.493, s.7)

6 286. Section 8 of P.L.1985, c.493 (C.18A:72H-8) is amended to
7 read as follows:

8 8. The [chancellor] commission shall adopt rules and regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.) to implement the provisions of this act.

11 (cf: P.L.1985, c.493, s.8)

12 287. Section 2 of P.L.1988, c.42 (C.18A:72K-2) is amended to
13 read as follows:

14 2. Douglass College shall select a distinguished scholar to fill
15 the chair for a term of up to two years upon such terms and
16 conditions as may be agreed upon subject to [the approval of the
17 Chancellor of Higher Education and] available appropriations.
18 The purpose of the chair shall be to fund research, teaching and
19 lectures in Women's Studies by an outstanding scholar at
20 Douglass College.

21 (cf: P.L.1988, c.42, s.2)

22 288. Section 2 of P.L.1991, c.435 (C.18A:72L-2) is amended to
23 read as follows:

24 2. Monmouth College shall select the individuals to fill the
25 professorship for such periods of time and upon such terms and
26 conditions as may be agreed upon, subject to [the approval of the
27 Chancellor of Higher Education and] available appropriations. The
28 incumbent of the research professorship shall devote his or her
29 time to teaching, action research, educational policy analysis,
30 program development and public service.

31 (cf: P.L.1991, c.435, s.2.)

32 289. Section 1 of P.L.1991, c.485 (C.18A:72M-1) is amended to
33 read as follows:

34 1. As used in this act:

35 "Eligible discipline" means an academic discipline in which
36 minority individuals are underrepresented as determined by the
37 [State Board of Higher Education] Executive Director of Student
38 Assistance Programs.

39 "Minority" means any person who is a member of a
40 racial-ethnic group that has been historically disadvantaged in
41 obtaining access to equal educational opportunities.

42 "Program" means the Minority Undergraduate Fellowship
43 Program established pursuant to this act.

44 (cf: P.L.1991, c.485, s.1)

45 290. Section 2 of P.L.1991, c.485 (C.18A:72M-2) is amended to
46 read as follows:

47 2. The [Chancellor of Higher Education] Executive Director of
48 Student Assistance Programs shall establish a Minority
49 Undergraduate Fellowship Program within the [Department of
50 Higher of Education] Office of Student Assistance. The purpose
51 of the program is to identify academically talented minority
52 undergraduate students who may be interested in pursuing an
53 academic career in an eligible discipline at a public or
54 independent institution of higher education within the State, and

1 to provide such students with the institutional and faculty support
2 necessary to assist them in reaching that goal.

3 (cf: P.L.1991, c.485, s.2)

4 291. Section 3 of P.L.1991, c.485 (C.18A:72M-3) is amended to
5 read as follows:

6 3. The [chancellor] executive director, in consultation with the
7 Commission on Higher Education, shall establish policies and
8 procedures for the nomination and selection as program fellows
9 of academically talented minority undergraduate students who
10 are in their junior year of study at a public or independent college
11 or university within the State. Upon the selection of program
12 fellows, the institution in which each student who is selected is
13 enrolled shall assign to the student a faculty advisor who shall do
14 the following:

15 a. Supervise a research project conducted by the fellow during
16 the junior year or actively involve the student in a project which
17 the advisor is conducting;

18 b. Supervise the fellow as an undergraduate teaching assistant
19 in the fellow's senior year of study;

20 c. Accompany the fellow to the annual meeting of the
21 professional association of the fellow's academic discipline; and

22 d. Assist the fellow in the selection of a graduate or
23 professional school.

24 (cf: P.L.1991, c.485, s.3)

25 292. Section 5 of P.L.1991, c.485 (C.18A:72M-5) is amended to
26 read as follows:

27 5. The [chancellor] executive director, in consultation with the
28 commission, shall periodically evaluate the impact of the
29 program on the representation of college and university minority
30 faculty members with graduate degrees in eligible disciplines.

31 (cf: P.L.1991, c.485, s.5)

32 293. Section 6 of P.L.1991, c.485 (C.18A:72M-6) is amended to
33 read as follows:

34 6. The State [Board of Higher Education] executive director
35 and the Commission on Higher Education shall adopt rules and
36 regulations pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
38 purposes of this act.

39 (cf: P.L.1991, c.485, s.6)

40 294. Section 7 of P.L.1991, c.485 (C.18A:72M-7) is amended to
41 read as follows:

42 7. The [Department of Higher Education] executive director
43 may utilize funding received under the Minority Faculty
44 Advancement Loan and Loan Redemption Program Act,"
45 P.L.1984, c.189 (C.18A:72F-1 et seq.) in making payments under
46 this act.

47 (cf: P.L.1991,c.485,s.7.

48 295. Section 1 of P.L.1987, c.222 (C.5:9-22.1) is amended to
49 read as follows:

50 1. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), any
51 program of education approved by the Department of Education
52 or by institutions of higher education licensed by the [Department
53 of] Commission on Higher Education which is intended, in whole
54 or in part, to serve citizens of this State of the age of 65 years or

1 over, shall be considered eligible for State aid from the net
2 proceeds of any State lottery, as shall be provided by law.
3 (cf: P.L.1987, c.222, s.1)

4 296. Section 12 of P.L.1991, c.375 (C.5:10-14.3) is amended to
5 read as follows:

6 12. a. The State Treasurer shall establish a special fund to be
7 known as the "Sports Authority Fund" and shall pay into the fund
8 amounts from the General Fund as shall be necessary to pay the
9 principal and interest on bonds or notes of the authority issued
10 pursuant to this section and to pay any amounts due from the
11 authority under any credit agreement entered into by the
12 authority in connection with the bonds or notes, provided that all
13 payments from the General Fund shall be subject and dependent
14 upon appropriations made from time to time for those purposes.

15 b. (1) The State Treasurer and the authority are authorized to
16 enter into agreements as shall be necessary to effectuate the
17 purposes of this section, including without limitation, provisions
18 for securing the payment of bonds or notes issued by the
19 authority pursuant to subsection d. of this section and the
20 interest thereon and providing for the investment of moneys in
21 the fund; provided that the agreements shall be subject to
22 approval by the presiding officers of both houses of the
23 Legislature, and provided further that when the purposes of this
24 section have been satisfied, and upon the earlier of:

25 (a) the certification by the State Treasurer that the revenues
26 of the authority are sufficient to satisfy the requirements of
27 paragraphs (1), (2), (3), (4), (5) and (6) of subsection c. of section 6
28 of P.L.1971, c.137 (C.5:10-6) for the term of bonds or notes
29 issued pursuant to subsection d. of this section; or

30 (b) the satisfaction of the requirements for the payment of
31 bonds or notes issued pursuant to P.L.1991, c.375 (C.5:10-3 et
32 al.); the State Treasurer and the authority shall not, except for
33 the refunding of bonds or notes issued pursuant to subsection d. of
34 this section which produces debt service savings, enter into any
35 further agreements regarding payments by the State Treasurer
36 into the "Sports Authority Fund" for any reason, including but not
37 limited to, the financing or restructuring of the debt of the
38 authority.

39 (2) The agreements shall indicate the nature and scope of the
40 projects to be financed pursuant to this section.

41 (3) The agreements shall provide that with respect to the
42 Atlantic City convention center project, the authority shall
43 review all existing expert studies that present options as to the
44 scope and nature of the project and the linkages between the
45 project and the economic development of Atlantic City. Based
46 upon its analysis of the available studies and such other expert
47 studies as the authority may authorize, the authority shall report
48 to the Legislature and include in the minutes of the authority its
49 proposal for the development of the convention center. The
50 report shall include an explanation for the selection of the
51 project option proposed by the authority.

52 c. Notwithstanding anything to the contrary in this act, if and
53 to the extent provided in any agreement between the State
54 Treasurer and the authority, all or part of the revenues of the

1 authority, other than luxury tax revenues or revenues of the
2 convention center project, in excess of the requirements of the
3 resolutions authorizing or relating to the issuance of any of the
4 authority's bonds or notes, except those issued pursuant to this
5 section, shall be paid into the General Fund in repayment to the
6 State for amounts previously paid by the State pursuant to this
7 section with respect to the payment of principal and interest on
8 bonds or notes issued for any of the purposes set forth in this
9 section, except the purposes set forth in paragraphs (3), (4) and
10 (5) of subsection d. of this section, and any payments on account
11 of any credit agreements with respect to the bonds or notes.
12 Except as otherwise provided in this section, bonds or notes of
13 the authority issued pursuant to this section shall be authorized,
14 sold and issued in the manner and be entitled to the benefits,
15 protection and provisions as apply to bonds and notes of the
16 authority authorized to be issued pursuant to P.L.1971. c.137.
17 (C.5:10-1 et seq.).

18 d. In addition to its other powers to issue bonds and notes, the
19 authority shall have power to issue from time to time bonds and
20 notes payable from amounts in the Sports Authority Fund
21 established pursuant to subsection a. of this section, as follows:

22 (1) To provide sufficient funds to refund from time to time
23 outstanding bonds or notes of the authority issued for the
24 meadowlands complex or the Monmouth racetrack project
25 authorized pursuant to paragraph (5) of subsection a. of section 6
26 of P.L.1971. c.137 (C.5:10-6), whether or not the bonds or notes
27 or interest thereon have become due, to provide for the
28 establishment of funds or reserves to secure payment of the
29 bonds or notes or any other bonds or notes issued or to be issued
30 for those purposes or interest thereon, and to provide for the
31 payment of all other costs or expenses of the authority incident
32 to or necessary to carry out the refunding; provided that the
33 refunding bonds issued at any time pursuant to this paragraph
34 shall not exceed that amount estimated to be necessary so that
35 subsequent to the refunding, the revenues from the meadowlands
36 complex or the Monmouth racetrack project, as the case may be,
37 shall be sufficient to pay all costs payable from those revenues,
38 as shall be estimated in a determination by the authority made in
39 accordance with the agreement between the authority and the
40 State Treasurer;

41 (2) To finance or refinance a capital program for the
42 meadowlands complex and the Monmouth racetrack project
43 authorized pursuant to paragraph (5) of subsection a. of section 6
44 of P.L.1971. c.137 (C.5:10-6), adopted by the authority to provide
45 for major repairs, reconstruction and improvements which are
46 legally mandated or otherwise needed to meet environmental or
47 safety requirements, to prevent a loss of revenues, to augment
48 revenues or to continue or enhance the operations of any of the
49 facilities thereof, provided that the aggregate cost of the
50 projects financed pursuant to this paragraph shall not exceed
51 \$30,000,000, exclusive of interest paid during construction;

52 (3) To provide for the financing or refinancing of the facilities
53 for Rutgers, the State University pursuant to paragraph (8) of
54 subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

1 (4) To provide for the financing or refinancing of the
2 convention center project;

3 (5) To finance or refinance feasibility studies for public
4 projects consistent with the purposes of the authority; and

5 (6) To provide for the financing or refinancing of any other
6 project of the authority, but only if and to the extent expressly
7 authorized by law enacted subsequent to the enactment of this
8 act.

9 (7) To provide for the financing of the facilities at institutions
10 of higher education pursuant to paragraph (11) of subsection a. of
11 section 6 of P.L.1971, c.137 (C.5:10-6), based upon a list of
12 projects recommended by the [Chancellor of] Commission on
13 Higher Education following a competitive application process,
14 provided that the aggregate financing of the projects undertaken
15 pursuant to this paragraph shall not exceed \$5,000,000.

16 e. Bonds and notes authorized pursuant to this section shall be
17 special obligations of the authority payable as herein provided.
18 Bonds and notes shall not be deemed to constitute a debt or
19 liability of the State or a pledge of the faith and credit of the
20 State but are dependent for repayment upon appropriations as
21 provided by law from time to time. These bonds and notes and
22 the interest thereon may also be payable from the proceeds
23 thereof set aside for that purpose and income accruing therefrom.
24 (cf: P.L.1991, c.375, s.12)

25 297. Section 19 of P.L.1971, c.199 (C.40A:12-19) is amended
26 to read as follows:

27 19. When the governing body of a county or municipality shall
28 determine by resolution that all or any part of a tract of land
29 improved or unimproved is no longer needed for public purposes,
30 the governing body may authorize the conveyance of such lands
31 or any portion thereof to the State when so requested or approved
32 by resolution of the State Board of Education or [State Board of
33 Higher Education] any board of trustees or board of governors, as
34 appropriate, of a public institution of higher education or to any
35 board of education in the county or municipality or to a regional
36 board of education of a regional school district or to a
37 consolidated board of education of a consolidated school district
38 or the board of education of any county vocational school,
39 requesting or approving such conveyance by resolution, for a
40 nominal consideration, to be used by the State for educational
41 purposes, connected with the district board of education or the
42 regional board of education or the consolidated board of
43 education or the board of education of any county vocational
44 school, and may cause the same to be duly conveyed by its proper
45 officers accordingly. A prior dedication or use for park purposes
46 of such land or any part thereof shall not be deemed to preclude a
47 transfer and conveyance thereof under the provisions of this
48 section.

49 (cf: P.L.1971, c.199, s.19)

50 298. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
51 read as follows:

52 2. As used in this act

53 (a) The term "State" means the State of New Jersey.

54 (b) The term "commission" means the State Health Benefits

1 Commission, created by section 3 of this act.

2 (c) The term "employee" means an appointive or elective
3 officer or full-time employee of the State of New Jersey. For
4 the purposes of this act an employee of Rutgers, The State
5 University of New Jersey, shall be deemed to be an employee of
6 the State, and an employee of the New Jersey Institute of
7 Technology shall be considered to be an employee of the State
8 during such time as the Trustees of the Institute are party to a
9 contractual agreement with the State [Board of Higher
10 Education] Treasurer for the provision of educational services.
11 For the purposes of this act the term "employee" shall not
12 include persons employed on a short-term, seasonal, intermittent
13 or emergency basis, persons compensated on a fee basis, persons
14 having less than 2 months of continuous service or persons whose
15 compensation from the State is limited to reimbursement of
16 necessary expenses actually incurred in the discharge of their
17 official duties. An employee paid on a 10-month basis, pursuant
18 to an annual contract, will be deemed to have satisfied the
19 2-month waiting period if he begins employment at the beginning
20 of the contract year. The term "employee" shall also not include
21 persons, active or retired, who are otherwise eligible for benefits
22 under this act but who, although they meet the age eligibility
23 requirement of the Federal medicare program, are not covered by
24 the complete Federal program. A determination by the
25 commission that a person is an eligible employee within the
26 meaning of this act shall be final and shall be binding on all
27 parties.

28 (d) The term "dependents" means an employee's spouse and the
29 employee's unmarried children under the age of 23 years who live
30 with the employee in a regular parent-child relationship.
31 "Children" shall include stepchildren, legally adopted children
32 and foster children provided they are reported for coverage and
33 are wholly dependent upon the employee for support and
34 maintenance. A spouse or child enlisting or inducted into
35 military service shall not be considered a dependent during such
36 military service. The term "dependents" shall not include
37 spouses of persons, active or retired, who are otherwise eligible
38 for the benefits under this act but who, although they meet the
39 age eligibility requirement of the Federal medicare program, are
40 not covered by the complete Federal program.

41 (e) The term "carrier" means a voluntary association,
42 corporation or other organization which is lawfully engaged in
43 providing or paying for or reimbursing the cost of, personal health
44 services, including hospitalization, medical and surgical services,
45 under insurance policies or contracts, membership or subscription
46 contracts, or the like, in consideration of premiums or other
47 periodic charges payable to the carrier.

48 (f) The term "hospital" means (1) an institution operated
49 pursuant to law which is primarily engaged in providing on its own
50 premises, for compensation from its patients, medical diagnostic
51 and major surgical facilities for the care and treatment of sick
52 and injured persons on an inpatient basis, and which provides such
53 facilities under the supervision of a staff of physicians and with
54 24 hour a day nursing service by registered graduate nurses, or (2)

1 an institution not meeting all of the requirements of (1) but which
2 is accredited as a hospital by the Joint Commission on
3 Accreditation of Hospitals. In no event shall the the term
4 "hospital" include a convalescent nursing home or any institution
5 or part thereof which is used principally as a convalescent
6 facility, residential center for the treatment and education of
7 children with mental disorders, rest facility, nursing facility or
8 facility for the aged or for the care of drug addicts or alcoholics.
9 (cf: P.L.1979 c.90, s.1)

10 299. Section 9 of P.L.1986, c.42 (C.18A:64-18.2) is amended to
11 read as follow:

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

39 The finance committee of the board of trustees shall consist of
40 three members of the board, who shall be appointed in the same
41 manner and for the same term as other committees of the board
42 are appointed.

43 (cf: P.L.1986, c.42, s.9)

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

46 8. All functions, powers and duties relating to the investment
47 or reinvestment of funds other than those funds specified in
48 paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102
49 (C.18A:64G-6) within the jurisdiction of the board of trustees
50 including the purchase, sale or exchange of any investments or
51 securities [shall] may be exercised and performed by the Director
52 of the Division of Investment in accordance with the provisions of
53 chapter 270 of the laws of 1950 (C.52:18A-79 et seq.) if so
54 authorized by the board. Sections 9 and 10 of P.L.1970, c.102

1 (C.18A:64G-9 and 18A:64G-10) shall only be applicable in the
2 event of such an election. Before any such investment,
3 reinvestment, purchase, sale or exchange shall be made by the
4 director for or on behalf of the board of trustees, the Director of
5 the Division of Investment shall submit the details thereof to the
6 board, which shall, itself or by its finance committee, within 48
7 hours, exclusive of Sundays and public holidays, after such
8 submission to it, file with the director its written acceptance or
9 rejection of such proposed investment, reinvestment, purchase,
10 sale or exchange; and the director shall have authority to make
11 such investment, reinvestment, purchase, sale or exchange for or
12 on behalf of the board, unless there shall have been filed with him
13 a written rejection thereof by the board or its finance committee
14 as herein provided. The board of trustees shall determine from
15 time to time the cash requirements of the various funds and
16 accounts established by it and the amount available for
17 investment, all of which shall be certified to the State Treasurer
18 and the Director of the Division of Investment.

19 The finance committee of the board of trustees shall consist of
20 three members of the board who shall be appointed in the same
21 manner and for the same term as other committees of the board
22 are appointed.

23 (cf: P.L.1992, c.84, s.6)

24 301. (New section) a. The Governor, or the Governor's
25 designee, shall have authority to visit institutions of higher
26 education to examine their manner of conducting their affairs
27 and to enforce an observance of the laws of the State.

28 b. The Governor, or the Governor's designee, may administer
29 oaths and examine witnesses under oath in any part of the State
30 with regard to any matter pertaining to higher education, and
31 may cause the examination to be reduced to writing. Any person
32 willfully giving false testimony upon being sworn or affirmed to
33 tell the truth shall be guilty of a misdemeanor.

34 c. The Governor, or the Governor's designee, may issue
35 subpoenas pursuant to this section compelling the attendance of
36 witnesses and the production of books and papers in any part of
37 the State. Any person who shall neglect or refuse to obey the
38 command of the subpoena or who, after appearing, shall refuse to
39 be sworn and testify, unless such refusal is on grounds recognized
40 by law, shall in either event be subject to a penalty of \$1,000.00
41 for each offense to be recovered in a civil action. Such penalty
42 when recovered shall be paid into the State Treasury.

43 302. (New section) The employees of the Department of
44 Higher Education shall remain on the State payroll until July 8,
45 1994 and shall perform those tasks which are necessary to
46 effectuate the transfer of the Department of Higher Education
47 and its function to the entities set forth in this act; however,
48 these employees shall exercise no control, supervision or
49 regulatory authority over any institution of higher education
50 subsequent to July 1, 1994.

51 303. (New section) Notwithstanding any other law to the
52 contrary, upon the termination of the office and term of the
53 Chancellor of Higher Education on the effective date of the act,
54 the Chancellor of Higher Education shall cease to serve as a

- 1 member of any board, commission or body to which the
2 Chancellor of Higher Education is appointed to serve by law.
- 3 304. (New section) Notwithstanding any law to the contrary,
4 career service employees of the Department of Higher Education
5 shall be entitled to exercise demotional or lateral rights upon a
6 layoff to appropriate positions in other departments of State
7 government to the extent that those positions are former
8 positions within the Department of Higher Education which were
9 transferred to another department of State government pursuant
10 to this act.
- 11 305. The following acts and parts of acts are hereby repealed:
12 N.J.S.18A:3-1 through N.J.S.18A:3-23 inclusive
13 Section 6 of P.L.1986, c.87 (C.18A:3-15.6)
14 N.J.S.18A:5-1 through N.J.S.18A:5-4 inclusive
15 N.J.S.18A:60-4
16 Section 2 of P.L.1986, c.194 (C.18A:61C-2)
17 P.L.1985, c.193 (C.18A:62-8 through 18A:62-13 inclusive)
18 P.L.1977, c.420 (C.18A:63B-1 through 18A:63B-6 inclusive)
19 Section 2 of P.L.1986, c.139 (C.18A:64-3.2)
20 N.J.S.18A:64-15 and 18A:64-16
21 Sections 21 and 29 of P.L.1986, c.43 (C.18A:64-72 and
22 18A:64-80)
23 N.J.S.18A:64A-7
24 Sections 12.21 and 29 of P.L.1982, c.189 (C.18A:64A-25.12,
25 18A:64A-25.21 and 18A:64A-25.29)
26 N.J.S.18A:64B-1 through 18A:64B-13 inclusive
27 N.J.S.18A:64C-4
28 N.J.S.18A:64D-1
29 N.J.S.18A:64F-4
30 Section 23 of P.L.1981, c.325 (C.18A:64G-3.7)
31 Sections 8, 9 and 10 of P.L. 1970, c.102 (C.18A:64G-8,
32 18A:64G-9 and 18A:64G-10)
33 P.L.1975, c.345 (C.18A:64G-32 through 18A:64G-34)
34 N.J.S.18A:65-7
35 P.L.1987, c.88 (C.18A:66-193 through 18A:66-205 inclusive)
36 Section 13 of P.L.1968, c.142 (C.18A:71-40)
37 P.L.1986, c.180 (C.18A:71-79 through 18A:71-86 inclusive)
38 306. This act shall take effect on July 1, 1994.
39
40

41 STATEMENT

- 42
43 This bill abolishes the Department of Higher Education,
44 including the Office of the Chancellor and the State Board of
45 Higher Education, and provides for a new system of governance
46 for New Jersey's public and independent institutions of higher
47 education.
- 48 The bill creates a Commission on Higher Education, in but not
49 of the Department of State, consisting of 9 public members to be
50 appointed by the Governor, and the chair of the Presidents'
51 Council, also established by the bill. The commission will be
52 responsible for planning and a statewide master plan for higher
53 education; advocacy and new initiatives for the system; licensure
54 of institutions; program approval; and articulation between higher

1 education and education. The commission will appoint an
2 executive director and such other staff as necessary.

3 The bill also creates a Presidents' Council including the
4 presidents of all public institutions of higher education and those
5 independent institutions which receive State aid. The council will
6 have an executive board consisting of the presidents of Rutgers,
7 UMDNJ, NJIT, 3 State college presidents, 4 county college
8 presidents, and 3 independent college presidents. The chair will
9 revolve among the different sectors. The council is an advisory
10 body and is to make recommendations on new programs, regional
11 alliances, budget and student aid levels, licensure and the
12 statewide higher education master plan. The council will be
13 funded through dues paid by the various institutions.

14 Student aid programs will be administered under an Office of
15 Student Assistance in, but not of the Department of Treasury.
16 The Office is to be headed by an Executive Director of Student
17 Assistance Programs to be appointed by the Governor. The
18 Student Assistance Board, the Higher Education Assistance
19 Authority and the Educational Facilities Authority are continued
20 in but not of the Department of Treasury, and the Educational
21 Opportunity Fund is continued under the Commission on Higher
22 Education.

23 Under the bill, each institution's board of trustees will have
24 final authority over the management and operation of the
25 institution, including institutional planning, fiscal affairs,
26 construction and contracts, employment and compensation of
27 staff, tuition and fees, controversies and disputes, and program
28 and degree offerings, so long as they are consistent with the
29 institution's mission and applicable State law. The institutions
30 will be able to retain legal counsel and will submit their budget
31 requests directly to the Office of Management and Budget in the
32 Treasury. Changes in programs or degree offerings which
33 represent a change in the institution's mission would require
34 approval of the Commission on Higher Education, and the budget
35 request is also to be submitted to the commission for general
36 review.

37 Apart from the major programs described above, the bill
38 reallocates various programs and responsibilities currently under
39 the Department of Higher Education and repeals those sections of
40 law relating to oversight and the promulgation of regulations
41 wherein the boards of trustees have final authority under this
42 bill. The remaining repealed sections are those statutes which
43 are no longer operative, including: the establishment of the
44 Department of Higher Education; the education coordinating
45 council; the fund for the improvement of collegiate education;
46 optometric education; community college agencies; junior
47 colleges; the contract with Fairleigh Dickenson Dental school;
48 and the Governor's Teaching Scholars loan program.

49

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The "Higher Education Restructuring Act of 1994."



ASSEMBLY, No. 75

STATE OF NEW JERSEY

INTRODUCED MAY 19, 1994

By Assemblymen WOLFE, LANCE, Rocco, Assemblywomen Haines, Wright, Assemblyman Oros, Assemblywoman Crecco, Assemblymen Frelinghuysen, Malone, Cottrell, Zecker, Felice, Assemblywoman J. Smith, Assemblymen Gaffney, Augustine, Gibson, Kavanaugh, Bateman, Assemblywoman Murphy, Assemblymen DeCroce, Colburn, Azzolina, Arnone, LoBiondo and Assemblywoman Gregory-Scocchi

1 AN ACT concerning the governance of higher education,
2 abolishing the State Department of Higher Education and
3 revising parts of the statutory law.

4

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

7 1. (New section) This act shall be known and may be cited as
8 the "Higher Education Restructuring Act of 1994."

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

10 a. the institutions of higher education are one of the most
11 valuable and underutilized resources in the State; and

12 b. the elimination of unnecessary State oversight and its
13 accompanying bureaucracy will serve to unleash the creativity
14 and innovation of these institutions; and

15 c. the restructuring of higher education must ensure that
16 student aid programs are not only preserved but strengthened and
17 that the State continue to foster and encourage programs to
18 promote diversity and accessibility; and

19 d. the institutions of higher education in the State shall be
20 responsible for achieving the Statewide goals of affordability and
21 accessibility for all students, institutional excellence, and
22 effectiveness in addressing the societal and economic needs of
23 the State; and

24 e. in order to provide institutions with the ability to fulfill
25 their mission and Statewide goals, greater decision making and
26 accountability must be placed at the institutional level and
27 structures must be established to ensure cooperation among
28 institutions and coordination at the State level.

29 3. (New section) For the purposes of this act, unless the
30 context clearly requires a different meaning:

31 "Commission" means the New Jersey Commission on Higher
32 Education established by this act;

33 "Council" means the New Jersey Presidents' Council
34 established by this act;

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

40 "State college" means any of the State colleges established
41 pursuant to chapter 64 of Title 18A of the New Jersey Statutes
42 including any State college designated as a teaching university.

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 4. (New section) The Department of Higher Education created
2 by P.L.1967, c.271 (C.18A:3-1 et seq.) is abolished as a principal
3 department in the Executive Branch of State Government and all
4 of its functions, powers and duties, except as herein otherwise
5 provided, are terminated.

6 5. (New section) The offices and terms of the Chancellor of
7 Higher Education, vice-chancellor, the assistant chancellors and
8 the directors of the various divisions and offices of the
9 Department of Higher Education, except as herein otherwise
10 provided, shall terminate upon the effective date of this act.

11 6. (New section) The governing board of each public
12 institution of higher education shall have the following general
13 powers and duties to fulfill its mission and the Statewide goals in
14 cooperation with other institutions and the State coordinating
15 structures:

16 a. To develop an institutional plan and to determine the
17 programs and degree levels to be offered by the institution
18 consistent with this plan and the institution's programmatic
19 mission;

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

25 c. To set tuition and fees;

26 d. To establish admission standards and requirements and
27 standards for granting diplomas, certificates and degrees;

28 e. To recommend for appointment by the Governor, members
29 to the institution's governing board. The recommendation shall
30 be made with regard to the mission of the institution and the
31 diversity of the community to be served;

32 f. To have final authority to determine controversies and
33 disputes concerning tenure, personnel matters of employees not
34 classified under Title 11A of the New Jersey Statutes, and other
35 issues arising under Title 18A of the New Jersey Statutes
36 involving higher education except as otherwise provided herein.
37 Any hearings conducted pursuant to this section shall conform to
38 the requirements of the "Administrative Procedures Act,"
39 P.L.1968, -c.410 (C.52:14B-1 et seq.). The final administrative
40 decision of a governing board of a public institution of higher
41 education is appealable to the Superior Court, Appellate Division;

42 g. To invest and reinvest the funds of the institution;

43 h. To retain legal counsel of the institution's choosing. State
44 entities may choose representation by the Attorney General;
45 however, as to claims of a tortious nature, the institution shall
46 elect within 30 days of the effective date of this act whether it,
47 and its employees, shall be represented in all such matter by the
48 Attorney General. If the institution elects not to be represented
49 by the Attorney General, it shall be considered and its employees
50 considered employees of a sue and be sued entity for the purposes
51 of the "New Jersey Tort Claims Act" only. The institution shall
52 be required in that circumstance to provide its employees with
53 defense and indemnification consistent with the terms and
54 conditions of the Tort Claims Act in lieu of the defense and

1 indemnification that such employees would otherwise seek and be
2 entitled to from the Attorney General pursuant to N.J.S.59:10-1
3 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

4 i. To be accountable to the public for fulfillment of the
5 institution's mission and Statewide goals and for effective
6 management of the institution;

7 j. To submit a request for State support to the Division of
8 Budget and Accounting in the Department of Treasury and to the
9 Commission in accordance with the provisions of this act.

10 These powers and duties are in addition to and not a limitation
11 of the specific powers and duties provided for the governing
12 board of each public institution under chapters 64, 64A, 64G or
13 64E of Title 18A of the New Jersey Statutes. If the provisions of
14 this section are inconsistent with these specific powers and
15 duties, the specific powers and duties shall govern.

16 7. (New section) There is established a body corporate and
17 politic, with corporate succession, to be known as the "New
18 Jersey Presidents' Council." Each president of a public
19 institution of higher education in the State and of an independent
20 institution which receives direct State aid shall be a member of
21 the Council and shall serve ex officio.

22 8. (New section) The Council shall have the responsibility,
23 consistent with State and federal law, to:

24 a. provide public information and research on higher education
25 issues;

26 b. review and make recommendations to the commission
27 concerning proposals for new programs that exceed the
28 programmatic mission of an institution or that change the
29 programmatic mission of an institution;

30 c. review and comment on proposals for new programs that
31 demand significant added resources or raise significant issues of
32 duplication but do not exceed the programmatic mission of the
33 institution or require a change in the programmatic mission;

34 d. encourage the formation of regional or other alliances
35 among institutions including interinstitutional transfers, program
36 articulation, cooperative programs, and shared resources. The
37 council shall also keep institutions apprised of the discontinuance
38 of programs at other institutions and each president shall notify
39 the council of any such action;

40 e. advise and assist the commission in developing and updating
41 a plan for higher education in the State including, but not limited
42 to, the establishment of new institutions, closure of existing
43 institutions and consolidation of institutions;

44 f. provide policy recommendations on statewide higher
45 education issues;

46 g. recommend to the Governor, Legislature and commission on
47 policy and overall levels of funding for student aid programs
48 necessary to ensure accessibility to higher education;

49 h. transmit to the Governor, Legislature and commission a
50 general budget policy statement regarding overall State funding
51 levels;

52 i. upon referral from the commission pursuant to this act
53 provide recommendations concerning institutional licensure and
54 university status; and

1 j. appoint subcommittees consisting of the presidents of the
2 institutions of the various higher education sectors to decide
3 matters, within the authority of the council. The presidents of
4 the independent institutions shall develop a unified request for
5 State support under chapter 72B of Title 18A of the New Jersey
6 Statutes. The presidents of the county college sector shall
7 develop a unified request for State support under chapter 64A of
8 Title 18A of the New Jersey Statutes.

9 k. consult with other institutions of higher education which do
10 not receive direct State aid when actions of the council directly
11 affect such institutions.

12 9. (New section) The council shall have perpetual succession
13 and shall have the following powers:

14 a. To make, amend, and repeal rules and by-laws for its own
15 governance and guidance not inconsistent with State or federal
16 law;

17 b. To adopt an official seal and alter the same at pleasure;

18 c. To maintain an office at such place or places within the
19 State as it may designate; and

20 d. To sue and be sued in its own name and to retain legal
21 counsel of its choosing.

22 10. (New section) For the purposes of funding the necessary
23 expenses of the council, the various institutions shall pay the
24 expenses incurred by its respective president, and shall
25 appropriate annually such sums for dues as may be assessed by a
26 two-thirds vote of the council. The dues may be made upon a
27 graduated scale based upon a two thirds vote of the council.

28 11. (New section) a. The council shall organize within 60 days
29 of the effective date of this act. Thereafter the council shall
30 organize annually during the month of February and meet at
31 other times as may be necessary, but not less than twice during
32 the course of the year. Although the council is a purely advisory
33 body, it shall be subject to the provisions of the "Open Public
34 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

35 b. The council may select such officers as may be necessary
36 for the transaction of business.

37 12. (New section) a. There shall be established an executive
38 board which performs such duties as determined by the council.
39 The executive board shall be composed of 13 members as follows:

40 The president of Rutgers, the State University;

41 The president of the University of Medicine and Dentistry of
42 New Jersey;

43 The president of New Jersey Institute of Technology;

44 Three presidents of State Colleges who shall be selected by the
45 presidents of this sector;

46 Four presidents of county colleges who shall be selected by the
47 presidents of this sector;

48 Three presidents of independent institutions who shall be
49 selected by the presidents of this sector.

50 b. The chair of the executive board shall be rotated among the
51 presidents of Rutgers, the State University of New Jersey, the
52 president of the University of Medicine and Dentistry of New
53 Jersey, and the president of New Jersey Institute of Technology;
54 a president selected by the presidents of the State Colleges;

1 a president selected by the presidents of the county colleges; and
2 a president selected by the presidents of the independent
3 institutions. The chair of the executive board shall serve for a
4 two year period. Biennially, the executive board shall select the
5 chair in the manner provided above.

6 13. (New section) a. There is established the New Jersey
7 Commission on Higher Education which shall consist of 9
8 members: 8 public members, to be appointed by the Governor
9 without regard for political affiliation, and the chairperson of the
10 New Jersey Presidents' Council, ex officio. Notwithstanding the
11 above, for a period of four years from July 1, 1994 the
12 commission shall consist of 15 members, as follows: 14 public
13 members, six of whom shall have experience as a current member
14 of the governing board of an institution of higher education and
15 the chairperson of the New Jersey Presidents' Council, ex
16 officio;

17 b. Public members who are not experienced as governing board
18 members shall serve for a term of six years from the date of
19 their appointment and until their successors are appointed and
20 qualified; except that of the initial appointees who are not
21 serving on the governing board of an institution: one shall serve a
22 term of one year; one shall serve a term of two years; one shall
23 serve a term of three years; one shall serve a term of four years;
24 two shall serve a term of five years; and two shall serve a term
25 of six years. A public member who does not have experience as a
26 current member of a governing board shall serve until the
27 member's successor is appointed and qualified.

28 Any vacancy shall be filled in the same manner as the original
29 appointment but only for the balance of the unexpired term. The
30 Commission members shall serve without compensation but shall
31 be reimbursed for necessary expenses incurred in the
32 performance of their duties. No commission member shall be
33 appointed for more than two consecutive six year terms.

34 c. The Governor shall make the necessary appointments within
35 15 days of the effective date of this act and shall designate the
36 chairman of the commission, who shall serve at the pleasure of
37 the governor, from among those public members who are not
38 serving on the board of trustees of an institution. The
39 commission shall hold its first meeting within 30 days of the
40 effective date of this act.

41 d. The commission shall be established in the Executive Branch
42 of the State Government and for the purposes of complying with
43 the provisions of Article V, Section IV, paragraph 1 of the New
44 Jersey Constitution, the commission is allocated in but not of the
45 Department of State, but notwithstanding this allocation, the
46 commission shall be independent of any supervision or control by
47 the department or by any board or officer thereof. The
48 commission shall submit its budget request directly to the Office
49 of Management and Budget in the Department of the Treasury.

50 e. The commission shall appoint an executive director and such
51 other personnel as may be deemed necessary. The executive
52 director and professional staff shall serve at the commission's
53 pleasure and shall receive such compensation as provided by law.

54 f. The Attorney General shall provide legal representation to
55 the commission.

- 1 14. (New section) The commission shall be responsible for:
- 2 a. Statewide planning for higher education including research
- 3 on higher education issues and the development of a
- 4 comprehensive master plan, including, but not limited to, the
- 5 establishment of new institutions, closure of existing institutions,
- 6 and consolidation of institutions, which plan shall be long range in
- 7 nature and regularly revised and updated. The council may
- 8 request the commission to conduct a study of a particular issue.
- 9 The commission may require from institutions of higher education
- 10 such reports or other information as may be necessary to enable
- 11 the commission to perform its duties;
- 12 b. advocacy on behalf of higher education including informing
- 13 the public of the needs and accomplishments of higher education
- 14 in New Jersey;
- 15 c. making recommendations to the Governor and Legislature
- 16 on higher education initiatives and incentive programs of
- 17 statewide significance;
- 18 d. final administrative decisions over institutional licensure
- 19 and university status giving due consideration to the
- 20 accreditation status of the institution. The commission shall
- 21 furnish the Presidents' Council with any pertinent information
- 22 compiled on behalf of the subject institution and the council shall
- 23 then make recommendations to the commission concerning the
- 24 licensure of the institution or university status within sixty days
- 25 of receipt of the information;
- 26 e. adopting a code of ethics applicable to institutions of higher
- 27 education;
- 28 f. final administrative decisions over new academic programs
- 29 that go beyond the programmatic mission of the institution and
- 30 final administrative decisions over a change in the programmatic
- 31 mission of an institution;
- 32 g. reviewing requests for State support from the institutions in
- 33 relation to the mission of the institution and statewide goals and
- 34 proposing a coordinated budget policy statement to the Governor
- 35 and Legislature;
- 36 h. communicating with the State Board of Education and
- 37 Commissioner of Education to advance public education at all
- 38 levels including articulation between the public schools and
- 39 higher education community;
- 40 i. applying for and accepting grants from the federal
- 41 government, or any agency thereof, or grants, gifts or other
- 42 contributions from any foundation, corporation, association or
- 43 individual, and complying with the terms, conditions and
- 44 limitations thereof, for the purpose of advancing higher
- 45 education. Any money so received may be expended by the
- 46 commission upon warrant of the director of the Office of
- 47 Management and Budget in the Department of Treasury on
- 48 vouchers certified by the executive director of the commission;
- 49 j. acting as the lead agency of communication with the federal
- 50 government concerning higher education issues;
- 51 k. exercising all of the powers and duties previously exercised
- 52 by the Board of Higher Education, the Department of Higher
- 53 Education, and the Chancellor of Higher Education, under the
- 54 "New Jersey Higher Education and Building Construction Bond

1 Act of 1971," (P.L.1971, c.164), the "New Jersey Medical
2 Education Facilities Bond Act of 1977," (P.L.1977, c.235), the
3 "Jobs, Science and Technology Bond Act of 1984," (P.L.1984,
4 c.99) and the "Jobs, Education and Competitiveness Bond Act of
5 1988" (P.L.1988, c.78), the "Higher Education Equipment Leasing
6 Fund Act," (P.L.1992, c.136), the "Higher Education Facilities
7 Trust Fund Act," (P.L.1993,c.375) and the "N.J. CLASS Loan
8 Program," (P.L.1991, c.268); and

9 l. exercising any other power or responsibility necessary in
10 order to carry out the provisions of this act.

11 15. (New section) The commission shall adopt rules and
12 regulations, pursuant to the "Administrative Procedures Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the
14 provisions of this act. Regulations adopted by the State Board of
15 Higher Education pertaining to:

- 16 a. licensing of institutions and university status;
- 17 b. outside employment for employees of public institutions and
18 State agencies and Code of Ethics;
- 19 c. residency requirements for tuition purposes;
- 20 d. personnel policies which affect the terms and conditions of
21 employment including classification and compensation plans
22 adopted pursuant thereto;
- 23 e. tenure and multi-year contracts;
- 24 f. rights and procedures in a reduction in force;
- 25 g. student trustee policies; and
- 26 h. regulations concerning early retirement programs and
27 length of the academic year

28 shall continue with full force and effect under the authority of
29 the Commission for a period of one year from the effective date
30 of this act or until amended, continued or repealed by the
31 commission pursuant to law.

32 16. (New section) a. The commission shall report to the
33 Legislature and Governor within six months of the effective date
34 of this act on recommendations concerning the collective
35 bargaining process and the civil service classification of certain
36 institutional employees.

37 b. The commission shall make recommendation to the
38 Legislature and Governor regarding the following within one year
39 of the effective date of this act:

40 (1) articulation between higher education and elementary and
41 secondary education;

42 (2) the manner in which the administration of student
43 assistance programs may be modernized and made more efficient
44 including the privatization of student loan administration and the
45 merger of the Student Assistance Board and the New Jersey
46 Higher Education Assistance Authority;

47 (3) the manner in which higher education is funded including
48 mission-based funding, multi-year funding and tuition
49 establishment.

50 c. The commission may request assistance from any agency of
51 State government or may seek assistance from outside
52 consultants, foundations or other organization in order to conduct
53 any study that may be required under this section subject to
54 available appropriations.

1 17. (New section) a. The Office of Student Assistance; the
2 Office of Information Services; the Office of Operational
3 Integrity and the Office of Student Loan Accounting in the
4 Department of Higher Education, or their successors, together
5 with all their functions, powers and duties, except as herein
6 otherwise provided, are continued and transferred to and
7 constituted as the Office of Student Assistance in but not of the
8 Department of the Treasury. Notwithstanding this allocation, the
9 office shall not be subject to the supervision or control of the
10 Department of the Treasury or any of its officers or employees.
11 The Office of Student Assistance shall administer the student
12 assistance programs established under the Student Assistance
13 Board and the Higher Education Assistance Authority as well as
14 other student assistance programs as determined by law.

15 b. The Governor shall appoint an individual to serve as
16 Executive Director of Student Assistance Programs. The
17 executive director shall be located in the Office of Student
18 Assistance and shall serve at the pleasure of the Governor. The
19 executive director shall be the appointing authority and shall be
20 responsible for the general supervision of the Office of Student
21 Assistance and the Higher Education Assistance Authority
22 created pursuant to this section. The executive director shall
23 also be responsible for the administration of the student
24 assistance programs under the Student Assistance Board and the
25 Higher Education Assistance Authority. The executive director
26 shall regularly consult with the Commission on Higher Education
27 concerning student assistance matters.

28 c. Whenever, in any law, rule, regulation, order, contract,
29 document, judicial or administrative proceeding or otherwise,
30 reference is made to the Office of Student Assistance; the Office
31 of Information Services; Office of Operational Integrity, or
32 Office of Student Loan Accounting in the Department of Higher
33 Education, the same shall mean and refer to the Office of
34 Student Assistance in but not of the Department of the Treasury.

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

37 e. The Department of Treasury shall render administrative
38 assistance, including but not limited to personnel and fiscal
39 assistance, to the office upon the request of the Office of
40 Student Assistance. The cost and expense of any services
41 rendered shall be paid by the office.

42 f. The Executive Director of Student Assistance Programs
43 shall develop such rules and regulations in accordance with the
44 "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et
45 seq.) as are necessary to implement the provisions of this act.

46 g. Regulations adopted by the State Board of Higher Education
47 in order to implement or administer any student assistance
48 program shall continue with full force and effect under the
49 authority of the Executive Director of Student Assistance
50 Programs or the State Treasurer, as appropriate, until amended
51 or repealed pursuant to law.

52 18. (New section) a. All functions, powers and duties now
53 vested in the Student Assistance Board in the Department of
54 Higher Education are transferred to and assumed by the Student
55 Assistance Board in but not of the Department of Treasury.

1 b. Whenever, in any law, rule, regulation, order, contract,
2 document, judicial or administrative proceeding or otherwise,
3 reference is made to the Student Assistance Board in the
4 Department of Higher Education, the same shall mean and refer
5 to the Student Assistance Board in but not of the Department of
6 the Treasury.

7 c. Nothing in this act shall be construed to limit the power of
8 the Student Assistance Board or to alter the terms and conditions
9 of loans or grants made to students through the board.

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

12 e. The Department of Treasury shall render administrative
13 assistance, including but not limited to, personnel and fiscal
14 assistance, to the board upon the request of the board. The cost
15 and expense of any services rendered shall be paid by the board.

16 f. The present members of the board shall hold their office for
17 the duration of their respective terms.

18 19. (New section) a. All functions, powers and duties now
19 vested in the Educational Opportunity Fund or the board of
20 directors thereof in the Department of Higher Education are
21 transferred to and assumed by the Educational Opportunity Fund
22 and the board of directors thereof under the Commission on
23 Higher Education in but not of the Department of State.

24 b. Whenever, in any law, rule, regulation, order, contract,
25 document, judicial or administrative proceeding or otherwise,
26 reference is made to the Educational Opportunity Fund or the
27 board of directors thereof in the Department of Higher
28 Education, the same shall mean and refer to the Educational
29 Opportunity Fund or the board of directors thereof in the
30 Commission on Higher Education in but not of the Department of
31 State.

32 c. Nothing in this act shall be construed to limit the authority
33 of the Educational Opportunity Fund, or the board of directors
34 thereof, or to alter the terms and conditions of grants made to
35 students by the fund.

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

38 e. The present members of the board of directors, other than
39 the Chancellor of Higher Education, shall hold their office for the
40 duration of their respective terms.

41 20. (New section) a. All functions, powers and duties now
42 vested in the Higher Education Assistance Authority or the
43 officers thereof in the Department of Higher Education are
44 transferred to and assumed by the Higher Education Assistance
45 Authority and the officers thereof in but not of the Department
46 of Treasury.

47 b. Whenever, in any law, rule, regulation, order, contract,
48 document, judicial or administrative proceeding or otherwise,
49 reference is made to the Higher Education Assistance Authority
50 or the officers thereof in the Department of Higher Education,
51 the same shall mean and refer to the Higher Education Assistance
52 Authority or the officers thereof in but not of the Department of
53 the Treasury.

54 c. Nothing in this act shall be construed to limit the power of

1 the Higher Education Assistance Authority or to alter the terms
2 and conditions of loans made to students by the authority.
3 Nothing in this act shall be construed to alter the terms,
4 conditions, rights or remedies of any obligation issued by the
5 authority.

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

8 e. The Department of Treasury shall render administrative
9 assistance, including but not limited to, personnel and fiscal
10 assistance, to the authority upon the request of the authority.
11 The cost and expense of any services rendered shall be paid by
12 the authority.

13 f. The present members of the authority shall hold their office
14 for the duration of their respective terms.

15 21. (New section) a. All functions, powers and duties now
16 vested in the Educational Facilities Authority or the officers
17 thereof in the Department of Higher Education are transferred to
18 and assumed by the Educational Facilities Authority and the
19 officers thereof in but not of the Department of Treasury.

20 b. Whenever, in any law, rule, regulation, order, contract,
21 document, judicial or administrative proceeding or otherwise,
22 reference is made to the Educational Facilities Authority or the
23 board of directors thereof in the Department of Higher
24 Education, the same shall mean and refer to the Educational
25 Facilities Authority or the board of directors thereof in but not
26 of the Department of the Treasury.

27 c. Nothing in this act shall be construed to limit the power of
28 the Educational Facilities Authority or to alter the terms and
29 conditions of loans made by the authority. Nothing in this act
30 shall be construed to alter the terms, conditions, rights or
31 remedies of any obligation issued by the authority.

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

34 e. The Department of Treasury shall render administrative
35 assistance, including but not limited to personnel and fiscal
36 assistance, to the authority upon the request of the authority.
37 The cost and expense of any services rendered shall be paid by
38 the authority.

39 f. The present members of the authority shall hold their office
40 for the duration of their respective terms.

41 22. (New section) The functions, powers and duties of the
42 State Board of Higher Education, including the approval of
43 projects, under the "Jobs, Education and Competitiveness Bond
44 Act of 1988," (P.L.1988, c.78) shall, following July 1, 1994, be
45 exercised by the New Jersey Commission on Higher Education.

46 Any final action taken by the State Board of Higher Education
47 prior to July 1, 1994 including the approval of any project under
48 this bond act shall be unaffected by the provisions of P.L. , c.
49 (C.) (now pending before the legislature as this bill) and such
50 final action is hereby ratified and confirmed.

51 23. (New section) The functions, powers and duties of the
52 State Board of Higher Education, including the approval of the
53 equipment purchase and allocation of funds, under the "Higher
54 Education Equipment Leasing Fund Act," P.L.1993, c.136

1 (C.18A:72A-40 et seq.) shall, following July 1, 1994, be exercised
2 by the New Jersey Commission on Higher Education.

3 Any final action taken by the State Board of Higher Education
4 prior to July 1, 1994, including the approval of an equipment
5 purchase or allocation of funds, under this bond act shall be
6 unaffected by the provisions of P.L. , c. (C.) (now pending
7 before the legislature as this bill) and such final action is hereby
8 ratified and confirmed.

9 24. (New section) The functions, powers and duties of the
10 State Board of Higher Education, including the approval of the
11 equipment purchase and allocation of funds, under the "Higher
12 Education Facilities Trust Fund Act," P.L.1993, c.375
13 (C.18A:72A-49 et seq.) shall, following July 1, 1994, be exercised
14 by the New Jersey Commission on Higher Education.

15 Any final action taken by the State Board of Higher Education
16 prior to July 1, 1994, including the approval of grants or
17 allocation of funds, under this bond act shall be unaffected by the
18 provisions of P.L. , c. (C.) (now pending before the
19 legislature as this bill) and is hereby ratified and confirmed. The
20 membership of the "Higher Education Facilities Trust Fund
21 Board" shall include the chair and vice-chair of the New Jersey
22 Commission on Higher Education in the place of the members of
23 the State Board of Higher Education and the Chancellor of Higher
24 Education.

25 25. (New section) The functions, powers and duties of the
26 State Board of Higher Education under the "Jobs, Science and
27 Technology Bond Act," P.L.1984, c.99 shall, following July 1,
28 1994, be exercised by the New Jersey Commission on Higher
29 Education.

30 Any final action taken by the State Board of Higher Education
31 prior to July 1, 1994 under this bond act shall be unaffected by
32 the provisions of P.L. , c. (C.) (now pending before the
33 legislature as this bill) and is hereby ratified and confirmed.

34 Regulations of the State Board of Higher Education concerning
35 this bond act shall be continued under authority of the
36 Commission until amended or repealed by the Commission.

37 26. (New section) This act shall not be construed to impair any
38 vested rights, grants, charter rights, privileges, exemptions,
39 immunities, powers, prerogatives, franchises or advantages
40 continued, granted or obtained by Rutgers, the State University
41 under the "Rutgers, the State University Law," N.J.S.18A:65-1 et
42 seq., nor shall this act be construed to impose additional powers,
43 duties or responsibilities upon Rutgers, the State University not
44 contained within N.J.S.18A:65-1 et seq.

45 27. (New section) For the purposes of complying with the
46 provisions of Article V, Section IV, Paragraph 1 of the New
47 Jersey Constitution, any State institution of higher education
48 which was allocated to the Department of Higher Education or
49 other department of State government shall be allocated to the
50 Department of State upon the effective date of this act.
51 Notwithstanding this allocation, any such institution shall be
52 independent of any supervision or control of the Department of
53 State or any board, commission or officer thereof and the
54 allocation shall not in any way affect the principles of

- 1 institutional autonomy established in this act.
- 2 28. (New section) This act is a revision law and the provisions
3 hereof not inconsistent with prior laws shall be construed as a
4 continuation of such prior laws and its enactment shall not:
- 5 a. affect the tenure, compensation and pension rights, if any,
6 of the lawful holder thereof, in any position not specifically
7 abolished herein, upon the effective date of this act;
- 8 b. alter the term of any member of any board, commission or
9 public body, not specifically abolished herein, lawfully in office
10 as of the effective date of this act, or require the reappointment
11 thereof;
- 12 c. require the resubmission to the voters of any proposal
13 adopted by such voters prior to the effective date of this act.
- 14 29. (New section) All petitions, controversies and disputes
15 pending before the State Board of Higher Education or the
16 Chancellor of Higher Education and not disposed of as of the
17 effective date of this act shall be decided by the Commission
18 under the law under which the action arose as though this act had
19 not been enacted. The commission shall have all necessary
20 powers to render a final administrative decision in accordance
21 with the "Administrative Procedures Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.) in regard to these controversies and
23 disputes. This section shall not be construed to grant to the
24 Commission general authority to render final administrative
25 decisions on matters arising under the laws governing higher
26 education except as otherwise specifically provided herein.
- 27 30. (New section) The Department of Treasury in consultation
28 with the Department of Personnel shall be responsible for any
29 administrative, fiscal and personnel actions necessary to
30 implement the provisions of this act.
- 31 31. (New section) The council and commission established
32 under this act shall report to the Governor and Legislature on or
33 before July 1, 1996 with an assessment of the restructuring of
34 higher education embodied in this act and recommendations
35 concerning the modification of this structure.
- 36 32. (New section) The powers conferred in this act upon the
37 commission shall be exercised with due regard for the rights of
38 the holders of bonds of this State or any authority thereof, at any
39 time outstanding, and nothing in, or done pursuant to this act,
40 shall in any way limit, restrict, or alter the obligation or powers
41 of the State or its authorities to carry out and perform in every
42 detail each and every covenant, agreement or contract at any
43 time made or entered into by, or on behalf of the State or any
44 authority thereof with respect to its bonds or for the benefit,
45 protection or security of the holders thereof.
- 46 33. (New section) Notwithstanding the provisions of any law
47 to the contrary, any former employee of the Department of
48 Higher Education who was a participant in the alternate benefits
49 program, P.L.1969, c.242 (C.18A:66-168 et seq.), and who has
50 continued in uninterrupted service with the State may continue to
51 participate in the alternate benefits program on the same terms
52 as other eligible employees.
- 53 34. N.J.A.18A:1-1 is amended to read as follows:
54 18A:1-1. As used in this title, unless the context requires

1 another meaning, the following words and phrases shall have the
2 following meaning:

3 "Academic year" means the period between the time school
4 opens in any school district or under any board of education after
5 the general summer vacation until the next succeeding summer
6 vacation;

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

9 "Board" means the board of education;

10 ["Chancellor" means the chancellor of the department of
11 higher education;]

12 "Commissioner" means the commissioner of education;

13 "County superintendent" means the county superintendent of
14 schools;

15 "Department" means the state department of education;

16 "District" means a school district;

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

18 "Employment" includes employment in a position;

19 "Full membership" of any board or body means the number of
20 members of the board or body when all the members' seats are
21 filled and a "majority of the full membership" of any board or
22 body means a majority of such number;

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

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

28 "Local school district" means any school district comprising
29 within its territorial boundaries the territory comprised in one or
30 more municipalities, except a regional school district;

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

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

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

37 "Public school system" means the system of public schools of
38 the state;

39 "Residence" means domicile, unless a temporary residence is
40 indicated;

41 "School nurse" shall mean and include any school nurse, school
42 nurse supervisor, head school nurse, chief school nurse, school
43 nurse coordinator or any other nurse performing school nursing
44 services in the public schools;

45 "State board" means the state board of education;

46 "Teaching staff member" means a member of the professional
47 staff of any district or regional board of education, or any board
48 of education of a county vocational school, holding office,
49 position or employment of such character that the qualifications,
50 for such office, position or employment, require him to hold a
51 valid and effective standard, provisional or emergency
52 certificate, appropriate to his office, position or employment,
53 issued by the state board of examiners and includes a school
54 nurse.

55 (cf: N.J.S.18A:1-1)

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

3 1. The [Board of Higher Education] Office of Student
4 Assistance shall prepare on an annual basis a concise report which
5 lists all sources of financial assistance, including but not limited
6 to scholarships and loans, available to citizens of this State who
7 now attend or who plan to attend any institution of higher
8 education. The report shall supply the name and address of each
9 source, identify the form of the financial assistance, and indicate
10 that the source of funds is public or private.

11 (cf: P.L.1969, c.178, s.1)

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

14 3. A person shall not append to his name any letters in the
15 same form designated by the [Board of] Commission on Higher
16 Education as entitled to the protection accorded to an academic
17 degree unless the person has received from a duly authorized
18 institution of higher education the degree or certificate for which
19 the letters are registered. For the purposes of this section, a
20 duly authorized institution of higher education means an in-State
21 institution licensed by the [Board of] Commission on Higher
22 Education or an out-of-State institution licensed by the
23 appropriate state agency and regionally accredited or seeking
24 accreditation by the appropriate accrediting body recognized by
25 the Council on Postsecondary Education or the United States
26 Department of Education.

27 (cf: P.L.1986, c.87, s.3)

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

30 4. An in-State university, college, business, trade or vocational
31 school may not offer, advertise, or by agreement with an
32 out-of-State institution, offer or advertise any academic degree
33 from any out-of-State university, college, business, trade or
34 vocational school when three-quarters or more of the degree
35 requirements are obtained by course work completed at the
36 institution in New Jersey unless the degree program is consistent
37 with the programmatic mission of the institution or has been
38 approved by the [Board of] Commission on Higher Education or is
39 a degree-program at an institution specifically exempted from
40 the provisions of N.J.S.18A:68-6.

41 (cf: P.L.1986, c.87, s.4)

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

44 2. Every institution of higher education licensed or approved by
45 the [State Board of] Commission on Higher Education to award an
46 academic degree shall disclose the amount, terms, restrictions
47 and requirements attached to or made a part of any gift of value
48 in excess of \$100,000.00 made to the institution by a foreign
49 government, foreign legal entity or foreign person in any one
50 fiscal year. If the foreign government, foreign legal entity or
51 foreign person makes more than one gift to an institution, and the
52 total value of those gifts in any one fiscal year exceeds
53 \$100,000.00, the institution shall report all of the gifts received.

54 (cf: P.L.1987, c.53, s.2)

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

3 3. This information shall be forwarded to the Department of
4 [Higher Education] Treasury no later than 30 days after the last
5 day of the fiscal year. The information shall include:

6 a. The amount of the gift.

7 b. The date on which it was received.

8 c. Full details of any conditions, matching provisions, or
9 designation of the gift for a specific purpose.

10 d. The name of the foreign government in the case of a gift by
11 a foreign government; the name of the foreign entity in the case
12 of a gift by a foreign entity; and the name of the foreign country
13 in which a foreign person is located or resides in the case of a
14 gift by a foreign person.

15 e. The purpose or purposes for which the gift will be used.

16 (cf: P.L.1987, c.53, s.3)

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

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

31 (cf: P.L.1991,c.388,s.2)

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

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

39 (cf: P.L.1991,c.388,s.3)

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

42 3. a. There is established in, but not of, the Department of
43 [Higher Education] State the New Jersey Institute on Conflict
44 Resolution and Peace Studies, hereafter referred to as the
45 Institute.

46 b. The Institute shall be under the direct management and
47 supervision of the [Chancellor of Higher Education] Secretary of
48 State, who shall, by rules and regulations promulgated pursuant to
49 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
50 et seq.), provide for its organization and methods of proceeding,
51 so as to fulfill the purposes prescribed in section 4 of this act.

52 c. The [Chancellor] secretary may at any time, and from time
53 to time, enter into agreements with any public or private
54 institution of higher learning in this State, under which such

1 institution shall undertake to carry out any of the functions or
2 projects of the Institute, pursuant to section 4 of [this act]
3 P.L.1984, c.149 (C.18A:3A-4); and in consideration of such
4 undertaking the [Chancellor] secretary may authorize the
5 payment to such institution of funds appropriated or otherwise
6 made available to the Institute under this act or any other law, or
7 from any other lawful source, and which are determined by him
8 to be necessary or appropriate for the funding of the function or
9 project so undertaken.

10 (cf: P.L.1984, c.149, s.3)

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

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

25 (cf: P.L.1984, c.149, s.6)

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

27 18A:4-3. The State Board of Education shall consist of [the
28 Chancellor of Higher Education who shall be a member ex officio
29 without vote and the chairman of the Board of Higher Education
30 or his designee, who shall be a citizen member of the board of
31 higher education, and 12] 13 members who shall be citizens of the
32 State who have resided therein for not less than 5 years
33 immediately preceding their appointment, not less than three of
34 whom shall be women and not more than one of whom shall be
35 appointed from the residents of any one county.

36 (cf: P.L.1973, c.93, s.1)

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

39 2. a. -The New Jersey Commission on Holocaust Education is
40 created and established in the Executive Branch of the State
41 Government. For the purposes of complying with the provisions
42 of Article V, Section IV, paragraph 1 of the New Jersey
43 Constitution, the commission is allocated within the Department
44 of Education, but notwithstanding this allocation, the commission
45 shall be independent of any supervision or control by the
46 department or any board or officer thereof.

47 The commission shall consist of 21 members, including the
48 Commissioner of Education and the [Chancellor of Higher
49 Education] chair of the executive board of the Presidents's
50 Council, serving ex officio, and 19 public members.

51 Public members shall be appointed as follows: three public
52 members shall be appointed by the President of the Senate; three
53 public members shall be appointed by the Speaker of the General
54 Assembly; and 13 public members shall be appointed by the

1 Governor, no less than six of whom shall at the time of their
2 appointment be members of the New Jersey Advisory Council on
3 Holocaust Education, created pursuant to Executive Order No. 17
4 of 1982 and continued pursuant to Executive Order No. 87 of
5 1984, Executive Order No. 168 of 1987 and Executive Order No.
6 225 of 1990, and further continued pursuant to Executive Order
7 No. 14 of 1990. The public members shall be residents of this
8 State, chosen with due regard to broad geographic representation
9 and ethnic diversity, who have served prominently as
10 spokespersons for, or as leaders of organizations which serve
11 members of religious, ethnic, national heritage or social groups
12 which were subjected to genocide, torture, wrongful deprivation
13 of liberty or property, officially imposed or sanctioned violence,
14 and other forms of human rights violations and persecution at the
15 hands of the Nazis and their collaborators during the Nazi era, or
16 they shall be residents who are experienced in the field of
17 Holocaust education.

18 b. Each public member of the commission shall serve for a
19 term of three years, except that of the initial members so
20 appointed: one member appointed by the President of the Senate,
21 one member appointed by the Speaker of the General Assembly,
22 and four members appointed by the Governor shall serve for
23 terms of one year; one member appointed by the President of the
24 Senate, one member appointed by the Speaker of the General
25 Assembly, and four members appointed by the Governor shall
26 serve for terms of two years; and one member appointed by the
27 President of the Senate, one member appointed by the Speaker of
28 the General Assembly, and five members appointed by the
29 Governor shall serve for terms of three years. Public members
30 shall be eligible for reappointment. They shall serve until their
31 successors are appointed and qualified, and the term of the
32 successor of any incumbent shall be calculated from the
33 expiration of the term of that incumbent. A vacancy occurring
34 other than by expiration of term shall be filled in the same
35 manner as the original appointment but for the unexpired term
36 only.

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

40 d. The commission shall annually elect a chairman from among
41 its members. It shall meet upon the call of the chairman or of a
42 majority of the commission members. The presence of a majority
43 of the authorized membership of the commission shall be required
44 for the conduct of official business.

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

48 (cf: P.L.1991, c.193, s.2)

49 46. N.J.S.18A:6-3 is amended to read as follows:

50 18A:6-3. Regular courses of instruction in the constitution of
51 the United States shall be given in all public schools and in all
52 private schools, attendance at which is a sufficient compliance
53 with the compulsory educational requirements of this title in this
54 state, which instruction shall begin not later than the opening of

1 the seventh grade in public schools and of the equivalent grade in
2 private schools and shall continue in the high school course and in
3 courses of state colleges and universities and the educational
4 departments of the state and municipal institutions [to the extent
5 to be determined, by rule, by the commissioner or by the
6 chancellor, as the case may be].

7 (cf: N.J.S.18A:6-3)

8 47. N.J.S.18A:6-4 is amended to read as follows:

9 18A:6-4. The board, body or person in charge of each
10 educational institution, except an institution of higher education,
11 receiving support or aid from the state and of each private school
12 shall report, annually on or before August 1, to the commissioner,
13 in the manner and form required by him, and the board, body or
14 person in charge of each educational institution of higher learning
15 receiving support or aid from the state shall report in like manner
16 to the [chancellor] Commission on Higher Education, such
17 statistics relating to the conduct of such institution or school as
18 he may require but no private school shall be required to report
19 concerning its expenses or finances nor shall any such report
20 made by it be published or made public.

21 (cf: N.J.S.18A:6-4)

22 48. N.J.S.18A:6-18 is amended to read as follows:

23 18A:6-18. No professor, associate professor, assistant
24 professor, instructor, supervisor, registrar, teacher or other
25 persons employed in a teaching capacity, in any State college,
26 county college or industrial school who is under tenure during
27 good behavior and efficiency shall be dismissed or subject to
28 reduction of salary, except for inefficiency, incapacity, conduct
29 unbecoming a teacher or other just cause. Written charge of the
30 cause or causes preferred against an individual shall be signed by
31 the person or persons making the same and filed with the board of
32 trustees of said college or school. Upon determination that the
33 matter is a contested case, the board shall assign the matter for
34 hearing and initial decision either to a subcommittee of three of
35 its members or to the Office of Administrative Law. A final
36 decision shall be rendered by the full board of trustees. The
37 person charged may be represented by counsel at all times and
38 have compulsory process to compel the attendance of witnesses
39 to testify therein, as provided by law. [Appeals from a decision
40 of the board of trustees shall be made on the record to the
41 Chancellor of Higher Education]. Contested case hearing shall
42 be conducted under rules and regulations established pursuant to
43 "The Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.) and P.L.1978, c.67 (C.52:14F-1 et seq.).

45 (cf: P.L.1981, c.181, s.1)

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

47 18A:6-19. Any member of any board of education, governing
48 board or of any other board or any person, lawfully authorized to
49 hold a hearing, may administer oaths to witnesses in such hearing,
50 in any dispute or controversy under the school laws or the rules of
51 the commissioner or of the state board [or of the higher
52 education board or of the chancellor], of which they or he have
53 jurisdiction.

1 Any person who has been so sworn and who shall testify falsely
2 at such hearing shall be guilty of a misdemeanor.

3 (cf: N.J.S.18A:6-19)

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

5 18A:6-20. Any party to any dispute or controversy or charged
6 therein, may be represented by counsel at any hearing held in or
7 concerning the same and shall have the right to testify, and
8 produce witnesses to testify on his behalf and to cross-examine
9 witnesses produced against him, and to have compulsory process
10 by subpoena to compel the attendance of witnesses to testify and
11 to produce books and documents in such hearing when issued by
12 (a) the president of the board of education, if the hearing is to be
13 held before such board, or (b) the commissioner, if the hearing is
14 to be held before him or on his behalf, or (c) the president and
15 secretary of the state board, if the hearing is to be held before
16 such board or before one of its committees, or (d) the chairman
17 of the board of trustees of the state or county college or
18 industrial school, if the hearing is to be held before such board [,
19 or (e) the chairman and secretary of the higher education board,
20 if the hearing is to be held before such board or before one of its
21 committees or before the chancellor].

22 The subpoena shall be served in the same manner as subpoenas
23 issued out of the superior court are served.

24 (cf: N.J.S.18A:6-20)

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

26 18A:6-26. The state board and the commissioner with the
27 approval of the state board [and the board of higher education
28 and the chancellor with the approval of the board of higher
29 education] and any other board or body having jurisdiction over
30 the prosecution and hearing of controversies and disputes under
31 the school laws or any rules made thereunder shall have power to
32 make rules governing the prosecution and hearing of
33 controversies and disputes, under the school laws and the rules
34 governing the particular prosecution or dispute when exercising
35 original or appellate jurisdiction therein.

36 (cf: N.J.S.18A:6-26)

37 52. N.J.S.18A:6-27 is amended to read as follows:

38 18A:6-27. Any party aggrieved by any determination of the
39 commissioner may appeal from his determination to the state
40 board.

41 [Any party aggrieved by any determination of a board of
42 trustees of any state college, county college or industrial school
43 may appeal from such determination to the chancellor.

44 Any party aggrieved by any determination of the chancellor
45 may appeal from such determination to the board of higher
46 education.]

47 (cf: N.J.S.18A:6-27)

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

49 18A:6-28. An appeal to the state board [or the board of higher
50 education] shall be taken in the manner prescribed by rules of the
51 [respective] board, within 30 days after the decision appealed
52 from is filed, and [such] the board shall have power to hear and
53 determine any such appeal.

54 (cf: N.J.S.18A:6-28)

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

2 18A:6-29. The state board [or the board of higher education]
3 may refer the hearing of any appeal, taken to it in the manner
4 pursuant to law, to a committee of not less than three of its
5 members, which committee shall hear the same and report
6 thereon, recommending its conclusions, to the board and the
7 board shall thereupon decide the appeal by resolution in open
8 meeting.

9 (cf: N.J.S.18A:6-29)

10 55. Section 8 of P.L.1975, c.212 (C.18A:7A-8) is amended to
11 read as follows:

12 8. The State board after consultation with the commissioner
13 and review by the Joint Committee on the Public Schools shall,
14 from time to time, but at least once every 5 years, review and
15 update the State goals and standards established pursuant to this
16 act. In reviewing and updating these goals and standards, the
17 State board shall consult with, and be assisted by, (a) the
18 Commissioner of Labor [and Industry] who, in consultation with
19 employer and employee groups, shall report annually to the State
20 board projecting labor needs and describing employment
21 qualifications in New Jersey, (b) the [Chancellor of Higher
22 Education who] Presidents' Council, which, in consultation with
23 the institutions of higher education in the State, shall report
24 annually to the State board on entry requirements and anticipated
25 enrollment levels, (c) the Commissioner of Health who shall
26 report annually to the State board on the current and projected
27 health needs in New Jersey, (d) the Commissioner of Institutions
28 and Agencies who shall report annually to the State board on the
29 education of pupils under the jurisdiction of the department, and
30 (e) such other employees and officers of the State as may be able
31 to assist the State board in its activities pursuant to this section.

32 (cf: P.L.1975, c.212, s.8)

33 56. Section 12 of P.L.1979, c.207 (C.18A:7B-8) is amended to
34 read as follows:

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

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

46 The director shall establish primary, secondary, and vocational
47 programs which meet the educational needs of school age persons
48 for whom the department is responsible. Appropriate credit and
49 certification shall be given for the successful completion of such
50 programs.

51 Within any available appropriation, the program of education
52 shall include adult, post-secondary and college programs offered
53 by institutions licensed by the Department of Education or the
54 [Department of] Commission on Higher Education.

55 (cf: P.L.1979, c.207, s.12)

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

3 13. There is hereby created and established in the Department
4 of Human Services an Office of Education to be headed by a
5 Director of Educational Services who shall supervise the
6 educational programs in all the State facilities operated by or
7 under contract with that department and shall approve all
8 personnel hired by the State for such programs.

9 The director shall hold the appropriate certificate issued by the
10 State Board of Examiners and shall be qualified by training and
11 experience for his position and shall be appointed by the
12 Commissioner of Human Services. He shall serve at the pleasure
13 of the commissioner and shall receive such salary as shall be
14 fixed by the commissioner.

15 The director shall establish primary, secondary, and vocational
16 programs which meet the educational needs of school age persons
17 for whom the department is responsible. Appropriate credit and
18 certification shall be given for the successful completion of such
19 programs.

20 Within any available appropriation, the program of education
21 shall include adult, post-secondary and college programs offered
22 by institutions licensed by the Department of Education or the
23 [Department of] Commission on Higher Education.

24 (cf: P.L.1979, c.207, s.13)

25 58. Section 34 of P.L.1991, c.62 (C.18A:7D-28.3) is amended to
26 read as follows:

27 34. Notwithstanding any statute, rule or regulation
28 promulgated by the State Board of Education, special needs
29 districts may contract with New Jersey colleges and universities
30 to provide in school, after school and special academic programs
31 and services to assist the districts in providing a thorough and
32 efficient education. The [Chancellor of Higher Education]
33 Presidents' Council shall prepare on or before July 1 of each year
34 a report of programs and services available from New Jersey
35 colleges and universities to assist special needs districts. The
36 report shall be distributed to the commissioner and to the special
37 needs districts.

38 (cf: P.L.1991, c.62, s.34)

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

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

42 a. "Board of education" means and includes the board of
43 education of any local school district, consolidated school
44 district, regional school district, county vocational school and any
45 other board of education or other similar body other than the
46 State Board of Education [or the State Board of Higher
47 Education], the Commission on Higher Education or the
48 Presidents' Council, established and operating under the
49 provisions of Title 18A of the New Jersey Statutes and having
50 authority to make purchases and to enter into contracts,
51 agreements or leases for the performance of any work or the
52 furnishing or hiring of any materials, supplies, equipment or
53 services usually required, the cost or contract price is to be paid
54 with or out of board funds.

1 b. "Contracting agent" means the secretary, business
2 administrator or the business manager of the board of education
3 having the power to prepare advertisements, to advertise for and
4 receive bids and to make awards for the board of education in
5 connection with purchases, contracts or agreements as permitted
6 by this chapter, but if there be no secretary, business
7 administrator or business manager such officer, committees or
8 employees to whom such power has been delegated by the board
9 of education.

10 c. "Contracts" for the purpose of this chapter means contracts
11 or agreements for the performance of work or the furnishing or
12 hiring of services, materials, or supplies as distinguished from
13 contracts of employment.

14 d. "District" means and includes any local school district,
15 consolidated school district, regional school district, county
16 vocational school and any other board of education or other
17 similar body other than the State board, established under the
18 provisions of Title 18A of the New Jersey Statutes.

19 e. "Legal newspaper" means a newspaper circulating in the
20 district, printed and published in the English language at least
21 once a week for at least 1 year continuously.

22 f. "Materials" includes goods and property subject to article 2
23 of Title 12A of the New Jersey Statutes, apparatus, or any other
24 tangible thing, except real property or any interest therein.

25 g. "Extraordinary unspecifiable services" means services
26 which are specialized and qualitative in nature requiring
27 expertise, extensive training and proven reputation in the field of
28 endeavor.

29 h. "Professional services" means services rendered or
30 performed by a person authorized by law to practice a recognized
31 profession and whose practice is regulated by law and the
32 performance of which services requires knowledge of an advanced
33 type in a field of learning acquired by a prolonged formal course
34 of specialized instruction and study as distinguished from general
35 academic instruction or apprenticeship and training. Professional
36 services also means services rendered in the performance of work
37 that is original and creative in character in a recognized field of
38 artistic endeavor.

39 i. "Project" means any work, undertaking, construction or
40 alteration.

41 j. "Purchases" are transactions, for a valuable consideration,
42 creating or acquiring an interest in goods, services and property,
43 except real property or any interest therein.

44 k. "Work" includes services and any other activity of a
45 tangible or intangible nature performed or assumed pursuant to a
46 contract or agreement with a board of education.

47 (cf: P.L.1977. c.114, s.1)

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

50 1. Whenever an Educational Services Commission, a Jointure
51 Commission, the Commissioner of Education, the State Board of
52 Education, [the Chancellor, the State Board of Higher Education
53 or] the board of trustees of any State college, or any officer,
54 board or commission under his, its or their authority shall
55 undertake the operation of any school previously operated by a

1 school district in this State. all accumulated sick leave, tenure
2 and pension rights of all teaching staff members in said school
3 shall be recognized and preserved by the agency assuming
4 operational control of the school, and any periods of prior
5 employment in such school district shall count toward the
6 acquisition of tenure to the same extent as if all of such
7 employment had been under the Educational Services
8 Commission, Jointure Commission, the Commissioner of
9 Education, the State Board of Education, [the Chancellor, the
10 State Board of Higher Education] or the board of trustees of any
11 State college, as the case may be.

12 (cf: P.L.1973, c.267, s.1)

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

15 2. Whenever the local board of education of any school district
16 in this State shall undertake the operation of any school
17 previously operated by an Educational Services Commission, a
18 Jointure Commission, the Commissioner of Education, the State
19 Board of Education, [the Chancellor, the State Board of Higher
20 Education or] the board of trustees of any State college, or any
21 officer, board or commission under his, its or their authority, all
22 accumulated sick leave, tenure and pension rights of all teaching
23 staff members in said school, shall be recognized and preserved
24 by the board assuming operational control of the school, and any
25 periods of prior employment, by said Educational Services
26 Commission, Jointure Commission, Commissioner of Education,
27 State Board of Education or board of trustees of any State
28 college, or any officer, board or commission under his, its or their
29 authority, shall count toward the acquisition of tenure to the
30 same extent as if all of such employment had been in such school
31 district.

32 (cf: P.L.1973, c.267, s.2)

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

35 3. For the academic year following any transfer of
36 operational control under section 1 or section 2 of [this act]
37 P.L.1973, c.267 (C.18A:28-16 and 18A:28-17), both the local
38 school board and the Educational Services Commission, Jointure
39 Commission, Commissioner of Education, State Board of
40 Education, [Chancellor, State Board of Higher Education] or the
41 board of trustees of a State college, as the case may be, shall
42 comply with the notice requirements of P.L.1971, c.436
43 (C.18A:27-10 et seq.), to the same extent as if each had been the
44 employer of all teaching staff members of the school in question
45 during the academic year preceding the transfer of operational
46 control.

47 (cf: P.L.1973, c.267, s.3)

48 63. Section 9 of P.L.1974, c.197 (C.18A:35-23) is amended to
49 read as follows:

50 9. The Commissioner of Education [and the Chancellor of
51 Higher Education] shall, with the approval of [their respective
52 boards] the State Board of Education promulgate rules and
53 regulations, establish procedures, employ personnel, and take all
54 other necessary steps to insure the implementation of the
55 provisions of this act.

56 (cf: P.L.1974, c.197, s.9)

1 64. Section 10 of P.L.1974, c.197 (C.18A:35-24) is amended to
2 read as follows:

3 10. The State Board of Education [and the State Board of
4 Higher Education] shall [jointly] establish a State Advisory
5 Committee on Bilingual Education to assist the Department of
6 Education [and the Department of Higher Education] in the
7 formulation of policies and procedures relating to this act. The
8 State Advisory Committee on Bilingual Education shall include
9 representatives of the language communities served, institutions
10 of higher education, local school boards, school administrators,
11 teachers and laymen knowledgeable in the field of bilingual
12 education.

13 (cf: P.L.1974, c.197, s.10)

14 65. Section 11 of P.L.1974, c.197 (C.18A:35-25) is amended to
15 read as follows:

16 11. The [Board of] Commission on Higher Education with the
17 advice of the State Advisory Committee on Bilingual Education
18 shall [provide] recommend to the treasurer that financial support
19 be provided to institutions of higher education for career
20 development programs and the training of professionals serving
21 bilingual populations with emphasis on effective utilization of
22 existing facilities.

23 (cf: P.L.1974, c.197, s.11)

24 66. Section 12 of P.L.1974, c.197 (C.18A:35-26) is amended to
25 read as follows:

26 12. The State [board and the State Board of Higher] Board of
27 Education shall develop resources, programs, curriculum and
28 instructional materials and undertake such other activities as will
29 enable boards of education to provide programs pursuant to this
30 act [; the boards shall, where appropriate, jointly or cooperatively
31 undertake such activities].

32 (cf: P.L.1974, c.197, s.12)

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

34 N.J.S.18A:38-24. Any pupil may with the consent of the board
35 of education of the district in which he resides and of the
36 commissioner be admitted to any demonstration school
37 maintained in connection with any state college. The board of
38 education of the district and the board of trustees of the state
39 college [, with the approval of the board of higher education.]
40 shall determine the amount to be paid for the education of the
41 pupil, and the board of education of the district shall pay the
42 amount so determined to the treasurer of the college out of any
43 money available for the current expenses of the district. Pupils
44 attending such demonstration schools for whom tuition is paid by
45 the sending district shall be counted in the determination of state
46 aid for the school district in the same manner as pupils attending
47 schools in any school district other than the sending district.

48 (cf: N.J.S.18A:38-24)

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

51 3. The Legislature hereby finds and declares that there is a
52 need for new programs and institutions capable of reaching and
53 motivating the high-school dropout; that the experience gained
54 by the creation of neighborhood education centers in other States

1 indicates that those centers may be a partial answer to the
2 problem of the high-school dropout; that the Commissioners of
3 Education [, Higher Education] and Community Affairs should be
4 authorized to establish such neighborhood education centers; and
5 that the expenditure of public funds for those purposes is in the
6 public interest.

7 (cf: P.L.1968, c.182, s.3)

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

10 5. There is hereby created in but not of the Department of
11 Community Affairs the Governor's Council on Neighborhood
12 Education Centers, which shall consist of the Commissioner of
13 Community Affairs [,] and the Commissioner of Education [, and
14 the Chancellor of Higher Education, all of whom] who shall be
15 members of the council for such times as they shall hold their
16 respective offices. The commissioner shall serve as the
17 administrator and chief executive officer of the council, and shall
18 have primary responsibility for the activities of the council. The
19 Commissioner of Education shall serve as the chairman of the
20 council, which shall meet at the call of said chairman.

21 (cf: P.L.1968, c.182, s.5)

22 70. Section 7 of P.L.1968, c.182 (C.18A:54A-7) is amended to
23 read as follows:

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

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

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

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

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

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

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

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

48 (cf: P.L.1968, c.182, s.7)

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

50 18A:59-1. Whenever moneys are made available for school
51 purposes by any act of congress, except the act of congress
52 referred to in article 2 of this chapter, or any agency of the
53 federal government, or made available or deposited in any
54 manner in accordance with any law enacted by the congress of

1 the United States. such moneys shall be apportioned by the
2 commissioner under plans approved by the state board, if said
3 moneys are for use in the public school system, or by the
4 [chancellor, under plans approved by the board of higher
5 education] Commission on Higher Education, if said moneys are
6 for use in higher education. Such moneys shall be distributed as
7 aid to the several districts or in any other manner designated for
8 any educational purpose defined in the federal statutes or in the
9 regulations of federal agencies making allotments or in the laws
10 of this state.

11 (cf: N.J.S.18A:59-1)

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

13 18A:59-2. All moneys mentioned in [section] N.J.S.18A:59-1
14 shall be considered trust funds and shall be distributed by the
15 commissioner or by the [chancellor] Commission on Higher
16 Education, as the case may be, in conformity with said plans.

17 (cf: N.J.S.18A:59-2)

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

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

22 a. "Academic rank" means instructor, assistant professor,
23 associate professor and professor.

24 b. "Faculty member" means any full-time member of the
25 teaching staff appointed with academic rank. [Pursuant to rules
26 promulgated by the State Board of Higher Education, other]
27 Other full-time professional persons shall be considered faculty
28 members if they concurrently hold academic rank.

29 (cf: P.L.1973, c.163, s.2)

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

32 5. [Under guidelines established by the State Board of Higher
33 Education it] It shall be the responsibility of the board of trustees
34 and the president of each State and county college, in conjunction
35 with their faculty to establish a formal procedure for the career
36 development of all members of the professional staff including,
37 but not limited to, a systematic and regular evaluation for the
38 purpose of identifying any deficiencies, extending assistance for
39 their correction and improving instruction.

40 (cf: P.L.1973, c.163, s.5)

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

43 1. The Commissioner of Education [and the Chancellor of
44 Higher Education jointly], the Commission on Higher Education,
45 in consultation with the Presidents' Council, shall establish a
46 program to promote increased cooperation between the State's
47 high schools and institutions of higher education. The objective
48 of this program shall be to increase the access of our State's able
49 high school students to the educational resources available in our
50 institutions of higher education. This program shall supplement
51 the efforts of local school districts to provide appropriate
52 education to their students and shall not relieve a district of any
53 obligation established by statute or regulation.

54 The program shall increase the availability of college-level

1 instruction for high school students through courses offered by
2 institutions of higher education at their campuses and in high
3 schools. The program shall seek the involvement of all
4 institutions of higher education, two-year and four-year, public
5 and nonpublic, and all school districts, including those which are
6 not located in close proximity to an appropriate institution of
7 higher education.

8 (cf: P.L.1986, c.194, s.1)

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

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

16 (cf: P.L.1986, c.194, s.3)

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

19 1. The [Chancellor of the State Department of Higher
20 Education in cooperation with the] Commissioner of the
21 Department of Education, in consultation with the Commission on
22 Higher Education and the Presidents' Council, shall establish a
23 program to provide courses for college credit on public high
24 school campuses to high school pupils, through institutions of
25 higher education in this State.

26 (cf: P.L.1986, c.193, s.1)

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

29 4. The [chancellor] commissioner, in consultation with the
30 Commission on Higher Education and the Presidents' Council,
31 may limit courses taught under the program to courses which are
32 equivalent to those offered by the institution of higher education
33 to its regularly admitted students.

34 (cf: P.L.1986, c.193, s.4)

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

37 5. A public institution of higher education shall accept
38 [pursuant to standards established by the chancellor.] the course
39 credit of a student who successfully participates in the program.

40 (cf: P.L.1986, c.193, s.5)

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

43 6. The [chancellor, in consultation with the] commissioner, in
44 consultation with the Commission on Higher Education and the
45 Presidents' Council, and with the approval of the State Board of
46 [Higher] Education, shall adopt rules and regulations in
47 accordance with the "Administrative Procedure Act," P.L.1968,
48 c.410 (C.52:14B-1 et seq.) necessary for the operation of the
49 program.

50 (cf: P.L.1986, c.193, s.6)

51 81. Section 1 of P.L.1988, c.158 (C.18A:61D-1) is amended to
52 read as follows:

53 1. Every public and independent institution of higher education
54 in this State shall, as a condition of admission or continued

1 enrollment. require every graduate and undergraduate student
2 who is 30 years of age or less and is enrolled full-time or
3 part-time in a program or course of study leading to an academic
4 degree. to submit to the institution a valid immunization record
5 which documents the administration of all required
6 immunizations against vaccine-preventable disease. or evidence
7 of immunity from these diseases, in accordance with regulations
8 promulgated by the [State Board of Higher Education]
9 Department of Health. The institution shall keep the records on
10 file in such form and manner as prescribed by the [State board]
11 department.

12 (cf: P.L.1988, c.158, s.1)

13 82. Section 2 of P.L.1988, c.158 (C.18A:61D-2) is amended to
14 read as follows:

15 2. An institution may, in accordance with regulations
16 promulgated by the [State board] department, exempt from the
17 requirements of section 1 of [this act] P.L.1988, c.158
18 (C.18A:61D-1) any student who attended an elementary or
19 secondary school located in this State.

20 (cf: P.L.1988, c.158, s.2)

21 83. Section 4 of P.L.1988, c.158 (C.18A:61D-4) is amended to
22 read as follows:

23 4. A student who submits to the institution a written
24 statement that an immunization is medically contraindicated
25 shall submit a valid immunization record of other administered
26 immunizations in accordance with regulations promulgated by the
27 [State board] department.

28 (cf: P.L.1988, c.158, s.4)

29 84. Section 6 of P.L.1988, c.158 (C.18A:61D-6) is amended to
30 read as follows:

31 6. The [State Board of Higher Education, in consultation with
32 the Department] Commissioner of Health, shall, pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), promulgate rules and regulations necessary to effectuate
35 the provisions of this act.

36 (cf: P.L.1988, c.158, s.6)

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

39 1. Each public institution of higher education in New Jersey
40 may [, pursuant to such rules and regulations as shall be
41 promulgated by the State Board of Higher Education.] permit
42 persons of the age of 65 or more years to enroll without the
43 payment of any tuition charges in regularly scheduled courses:
44 provided that available classroom space permits and that tuition
45 paying students constitute the minimum number required for the
46 course. provided that nothing herein shall preclude public
47 institutions from requiring registration fees [, subject to approval
48 by the State Board.] for individuals attending courses pursuant to
49 waivers granted under this act.

50 (cf: P.L.1982, c.137, s.1)

51 86. Section 1 of P.L.1979, c.361 (C.18A:62-4) is amended to
52 read as follows:

53 1. Persons who have been resident within this State for a
54 period of 12 months prior to enrollment in a public institution of
55 higher education are presumed to be domiciled in this State for

1 tuition purposes. Persons who have been resident within this
2 State for less than 12 months prior to enrollment are presumed to
3 be nondomiciliaries for tuition purposes. Persons presumed to be
4 nondomiciled or persons who are presumed to be domiciled, but
5 whose domiciliary status is challenged by the institution, may
6 demonstrate domicile according to rules and regulations
7 established for that purpose by the [Board of] Commission on
8 Higher Education. Residence established solely for the purpose
9 of attending a particular educational institution is not domicile
10 for the purposes of this act.

11 (cf: P.L.1979, c.361, s.1)

12 87. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to
13 read as follows:

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

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

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

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

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

39 f. Nothing in this section shall be construed to permit a
40 hospital in this State to deny access to hospital care to a
41 full-time student whose health insurance coverage required by
42 this section lapses for any reason.

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

46 (cf: P.L.1991, c.187, s.77)

47 88. Section 6 of P.L.1992, c.49 (C.18A:62-21) is amended to
48 read as follows:

49 6. The [State Board of Higher Education] Presidents' Council
50 shall review the guidelines and procedures developed by the
51 institutions, in conjunction with the agencies or organizations
52 sponsoring literacy tutoring programs, to provide assistance in
53 making the guidelines and procedures the same for all
54 participating institutions.

55 (cf: P.L.1992, c.49, s.6)

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

2 18A:63-1. Summer schools and extension courses for the
3 purpose of training and educating persons, in the science of
4 education and in the art of teaching elementary agriculture,
5 manual training, household economics and such other subjects as
6 may be prescribed, shall be established and maintained in the
7 state colleges [and may be provided in such other places as shall
8 be designated by the board of higher education].

9 (cf: N.J.S.18A:63-1)

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

11 18A:63-2. The state colleges and state summer schools may
12 charge [such] tuition and incidental fees in extension courses and
13 summer school courses [as are approved by the board of higher
14 education].

15 (cf: N.J.S.18A:63-2)

16 91. Section 2 of P.L.1971, c.191 (C.18A:63A-2) is amended to
17 read as follows:

18 2. The State [Board of Higher Education] Treasurer is hereby
19 authorized to contract with any and all accredited schools of
20 veterinary medicine in the United States for the acceptance of
21 students who are residents of New Jersey for at least 12 months
22 and desire to study veterinary medicine, and beginning
23 September, 1971, to expend annually within the limits of
24 available appropriations such sums as are necessary to accomplish
25 the intent of this act.

26 (cf: P.L.1971, c.191, s.2)

27 92. Section 3 of P.L.1971, c.191 (C.18A:63A-3) is amended to
28 read as follows:

29 3. All such contracts shall only be entered into by the [New
30 Jersey State Board of Higher Education] Treasurer on behalf of
31 the State with the advice and consent of an advisory committee
32 consisting of the following: (1) Dean of the College of
33 Agriculture and Environmental Science or his designee; (2)
34 President of the New Jersey Veterinary Medical Association; (3)
35 Secretary of the New Jersey Veterinary Medical Examining Board
36 and (4) four New Jersey veterinarians appointed by the Governor
37 for terms of 4 years each. The first four appointees shall be
38 appointed one for 1 year, one for 2 years, one for 3 years and one
39 for 4 years, as designated by the Governor.

40 (cf: P.L.1971, c.191, s.3)

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

42 18A:64-1. The Legislature hereby finds that it is in the best
43 interest of the State that the State colleges shall be and continue
44 to be given a high degree of self-government and that the
45 government and conduct of the colleges shall be free of
46 partisanship. The Legislature finds further that a
47 decentralization of authority and decision-making to the boards
48 of trustees and administrators of the State colleges [in the areas
49 of personnel, budget execution, purchasing and contracting] will
50 enhance the idea of self-government. Such colleges shall be
51 maintained for the purpose of providing higher education in the
52 liberal arts and sciences and various professional areas, including
53 the science of education and the art of teaching, at such places

1 as may be provided by law. The names of the colleges shall be
2 designated by the board of trustees [with the approval of the
3 board of higher education] subject to regulations of the
4 commission on higher education concerning university status.

5 The name of each of the existing State colleges shall continue the
6 same unless a new name is so designated.

7 (cf: P.L. 1986, c.42, s.2)

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

9 18A:64-3. [Each such board of trustees shall consist of nine
10 citizens of the State, not more than three of whom shall reside in
11 any one county and of whom at least two shall be women, who
12 shall be appointed by the Board of Higher Education, subject to
13 the approval of the Governor. In addition to the citizen members,
14 the Chancellor of Higher Education, or the chancellor's designee,
15 shall serve on each board as an ex officio, nonvoting member.]
16 The composition and size of the board of trustees shall be
17 determined by the board; however, each board shall have not less
18 than seven nor more than 15 members. The members shall be
19 citizens of the State appointed by the Governor. Each board of
20 trustees shall recommend potential new members to the
21 Governor. The terms of office of appointed members shall be for
22 six years beginning on July 1 and ending on June 30 [, except that
23 of the members first appointed, two shall be appointed for terms
24 expiring June 30, 1967; two for terms expiring June 30, 1968; two
25 for terms expiring June 30, 1969; one for a term expiring June 30,
26 1970; one for a term expiring June 30, 1971; and one for a term
27 expiring June 30, 1972]. Each member shall serve until his
28 successor shall have been appointed and qualified and vacancies
29 shall be filled in the same manner as the original appointments
30 for the remainders of the unexpired terms. Any member of a
31 board of trustees may be removed by the Governor for cause upon
32 notice and opportunity to be heard.

33 (cf: P.L.1986, c.42, s.3)

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

36 1. The board of trustees of any State college established
37 pursuant to chapter 64 of Title 18A of the New Jersey Statutes
38 shall provide for the election of two student representatives as
39 provided herein, who shall be full-time, regularly matriculated
40 students in good academic standing, and who shall be 18 years of
41 age or older and citizens of the United States, to be elected by
42 the students in the manner provided herein to serve on the board
43 of trustees of that college for terms of two years commencing at
44 the next organization of the board.

45 a. In order to implement the provisions of this section, each
46 board of trustees shall schedule a public hearing on the question
47 of the student election. After the public hearing, the board, at
48 its regularly scheduled meeting in March following the effective
49 date of this act, shall determine whether the students are to be
50 elected by the student body at large or by the members of the
51 student government association. Except that, for Thomas A.
52 Edison State College, the method of the selection and the
53 designation of eligible academic status of the student
54 representatives shall be determined by the board of that college
55 [in consultation with the State Board of Higher Education].

1 b. For the first election held pursuant to this section, one
2 student shall be elected for a one year term as a full voting
3 member, and one student shall be elected for two years, but shall
4 serve as an alternate member during the first year and as a
5 voting member during the second year.

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

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

11 c. The standards for eligibility for student representatives on
12 the board of trustees shall be the same as those required for
13 other student government officers.

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

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

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

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

36 e. Upon assuming office, the students shall agree to adhere to
37 such standards of responsibility and confidentiality as are
38 established by the [State Board of Higher Education] board of
39 trustees.

40 (cf: P.L.1988, c.82, s.1).

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

42 18A:64-6. The board of trustees of a State college shall [,
43 subject to the general policies, guidelines, and procedures set by
44 the Board of Higher Education,] have general supervision over and
45 shall be vested with the conduct of the college. It shall [, subject
46 to the general policies, guidelines, and procedures set by the
47 Board of Higher Education,] have the power and duty to:

48 a. Adopt and use a corporate seal;

49 b. Determine the educational curriculum and program of the
50 college consistent with the programmatic mission of the
51 institution or approved by the Commission on Higher Education;

52 c. Determine policies for the organization, administration and
53 development of the college;

54 d. Study the educational and financial needs of the college.

1 annually acquaint the Governor and Legislature with the
2 condition of the college; and prepare [, and after concurrence by
3 and jointly with the Board of Higher Education,] and present the
4 annual budget to the Governor, the Division of Budget and
5 Accounting in the Department of Treasury and the Legislature in
6 accordance with law;

7 e. Disburse all moneys appropriated to the college by the
8 Legislature and all moneys received from tuition, fees, auxiliary
9 services and other sources;

10 f. Direct and control expenditures and transfers of funds
11 appropriated to the college and tuition received by the college, in
12 accordance with the provisions of the State budget and
13 appropriation acts of the Legislature, reporting changes and
14 additions thereto and transfers thereof to the Director of the
15 Division of Budget and Accounting in the State Department of
16 the Treasury [and to the Chancellor of Higher Education] and as
17 to funds received from other sources, direct and control
18 expenditures and transfers in accordance with the terms of any
19 applicable trusts, gifts, bequests, or other special provisions. All
20 accounts of the college shall be subject to audit by the State at
21 any time;

22 g. In accordance with the provisions of the State budget and
23 appropriation acts of the Legislature, appoint and fix the
24 compensation of a president of the college, who shall be the
25 executive officer of the college and an ex officio member of the
26 board of trustees, without vote, and shall serve at the pleasure of
27 the board of trustees;

28 h. Notwithstanding the provisions of Title 11, Civil Service, of
29 the Revised Statutes, upon nomination by the president appoint a
30 treasurer and such deans and other professional members of the
31 academic, administrative and teaching staffs as defined in
32 section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required
33 and fix their compensation and terms of employment in
34 accordance with salary ranges and policies [adopted by the Board
35 of Higher Education, and concurred in by the Governor.] which
36 [salary policies] shall prescribe qualifications for various
37 classifications and shall limit the percentage of the educational
38 staff that may be in any given classification;

39 i. Upon nomination by the president, appoint, remove, promote
40 and transfer such other officers, agents or employees as may be
41 required for carrying out the purposes of the college and assign
42 their duties, determine their salaries and prescribe qualifications
43 for all positions, all in accordance with the provisions of Title 11,
44 Civil Service, of the Revised Statutes;

45 j. Grant diplomas, certificates and degrees;

46 k. Pursuant to the provisions of the "State College Contracts
47 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts
48 and agreements for the purchase of lands, buildings, equipment,
49 materials, supplies and services; enter into contracts and
50 agreements with the State or any of its political subdivisions or
51 with the United States, or with any public body, department or
52 other agency of the State or the United States or with any
53 individual, firm, or corporation, which are deemed necessary or
54 advisable by the board for carrying out the purposes of the
55 college;

- 1 l. If necessary, take and condemn land and other property in
2 the manner provided by the "Eminent Domain Act of 1971."
3 P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to
4 purchase land or other property;
- 5 m. Adopt, after consultation with the president and faculty,
6 bylaws and make and promulgate such rules, regulations and
7 orders, not inconsistent with the provisions of this article, that
8 are necessary and proper for the administration and operation of
9 the college and the carrying out of its purposes;
- 10 n. Establish fees for room and board sufficient for the
11 operation, maintenance, and rental of student housing and food
12 service facilities;
- 13 o. Fix and determine [, within guidelines established by the
14 Board of Higher Education,] tuition rates and other fees to be
15 paid by students;
- 16 p. Accept from any government or governmental department,
17 agency or other public or private body or from any other source
18 grants or contributions of money or property, which the board
19 may use for or in aid of any of its purposes;
- 20 q. Acquire by gift, purchase, condemnation or otherwise, own,
21 lease, dispose of, use and operate property, whether real,
22 personal or mixed, or any interest therein, which is necessary or
23 desirable for college purposes;
- 24 r. Employ architects to plan buildings; secure bids for the
25 construction of buildings and for the equipment thereof; make
26 contracts for the construction of buildings and for equipment; and
27 supervise the construction of buildings. [All capital expenditures
28 in excess of \$500,000.00 shall be subject to the approval of the
29 Board of Higher Education];
- 30 s. Manage and maintain, and provide for the payment of all
31 charges and expenses in respect to all properties utilized by the
32 college;
- 33 t. Borrow money for the needs of the college, as deemed
34 requisite by the board, in such amounts, and for such time and
35 upon such terms as may be determined by the board, provided
36 that this borrowing shall not be deemed or construed to create or
37 constitute a debt, liability, or a loan or pledge of the credit, or be
38 payable out of property or funds, other than moneys appropriated
39 for that purpose, of the State;
- 40 u. Authorize any new program, educational department or
41 school [which will require, at the time of establishment or
42 thereafter, an additional expenditure of money, if the
43 establishment thereof is approved by the Board of Higher
44 Education and provision is made therefor by law] consistent with
45 the institution's programmatic mission or approved by the
46 commission;
- 47 v. [Formulate and submit to the Board of Higher Education a
48 institutional plan consistent with the rules and regulations of the
49 Board of Higher Education] deleted by amendment, P.L. . . c.
50 (C. . .) (now pending before the Legislature as this bill); and
- 51 w. Pursuant to the "State College Contracts Law," P.L.1986,
52 c.43 (C.18A:64-52 et seq.), award contracts and agreements for
53 the performance of any construction work or the furnishing of

1 any materials or supplies to the lowest responsible bidder whose
2 bid, conforming to the invitation for bids, will be most
3 advantageous to the State colleges.

4 (cf: P.L.1992, c.61, s.1)

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

6 18A:64-7. The board of trustees of a state college, in addition
7 to the other powers and duties provided herein [and within the
8 general policies and guidelines set by the board of higher
9 education], shall have and exercise the powers, rights and
10 privileges that are incident to the proper government, conduct
11 and management of the college, and the control of its properties
12 and funds and such powers granted to the college or the board or
13 reasonably implied, may be exercised without recourse or
14 reference to any department or agency of the state, except as
15 otherwise provided by this article or applicable law.

16 (cf: N.J.S.18A:64-7)

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

18 18A:64-11. The board of trustees of each state college is
19 authorized and empowered to conduct summer schools and
20 extension courses through the six state colleges for the purpose
21 of giving further training to the teachers in the public schools of
22 this state and to charge fees therefor [to be fixed by the board of
23 higher education and] to be collected by the treasurers of the
24 several state colleges.

25 (cf: N.J.S.18A:64-11)

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

27 18A:64-13. Students in each State college who are residents of
28 New Jersey shall be required to pay each year a minimum tuition
29 fee and nonresidents of the State shall pay an additional fee.
30 Such fees and any increase of the minimum tuition fee shall be
31 determined by each college board of trustees [pursuant to
32 guidelines set by the Board of Higher Education]. The board of
33 trustees may waive the payment of the college's anticipated
34 tuition revenues to accomplish mission-related or policy goals.

35 (cf: P.L.1986, c.42, s.5)

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

38 4. The [Board of Higher Education] Commissioner of Labor, in
39 consultation with the Presidents' Council, shall promulgate rules
40 and regulations necessary to effectuate the purposes of this act.
41 Regulations of the State Board of Higher Education implementing
42 this act shall remain in full force and effect until modified or
43 repealed by the Commissioner of Labor.

44 (cf: P.L.1983, c.469, s.4)

45 101. N.J.S.18A:64-18 is amended to read as follows:

46 18A:64-18. a. Moneys which are derived by the State colleges
47 as room and board revenues from student housing and food
48 service facilities and which are not pledged for the payment of
49 principal and interest on bonds of this State and which are in
50 excess of sums required for the operation, maintenance, and
51 rental of such facilities shall be retained in a separate account by
52 each college and may be expended by each college for the cost of
53 operation, maintenance and rental of such facilities in subsequent
54 years. The unexpended balance in any such account at the end of

1 any fiscal year shall not lapse into the General Treasury.

2 b. Moneys which are derived from student union building fees
3 collected at a State college, which are in excess of the sums
4 required for the operation, maintenance and rental of such a
5 facility, shall be retained in a separate account by each college
6 and may be expended by each college for the cost of operation,
7 maintenance and rental of such facilities in subsequent years.
8 The unexpended balance of any such account at the end of any
9 fiscal year shall not lapse into the General Treasury.

10 c. Moneys which are derived from the operation of parking
11 facilities, and any other facilities financed by student fees, which
12 are in excess of sums required for the operation and maintenance
13 of such facilities at a State college, shall be retained in a
14 separate account by each college and may be expended by each
15 college for the cost of operation, maintenance and rental of such
16 facilities in subsequent years. The unexpended balance of any
17 such account at the end of any fiscal year shall not lapse into the
18 General Treasury.

19 d. No revenues received pursuant to this section shall be
20 transferred from their respective accounts if contractual
21 obligations between the college [.] and the New Jersey
22 Educational Facilities Authority [and the Board of Higher
23 Education] prohibit these actions.

24 (cf: P.L.1986, c.42, s.7)

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

27 12. The Governor shall continue to function as the public
28 employer under the "New Jersey Employer-Employee Relations
29 Act." P.L.1941, c.100 (C.34:13A-1 et seq.) and through the Office
30 of Employee Relations act as the chief spokesperson on behalf of
31 the State colleges with respect to all matters under negotiation.
32 One representative of the State college sector shall be designated
33 by the Governor as a member of the negotiating team, upon
34 recommendation by the State colleges.

35 (cf: P.L.1986, c.42, s.12)

36 103. Section 4 of P.L.1982, c.16 (C.18A:64-29) is amended to
37 read as follows:

38 4. An auxiliary organization may engage only in such
39 operations and may serve only such functions as are allowed by
40 law and as shall be approved by the [Board of Higher Education]
41 board of trustees of the college. Such functions or operations
42 may include, but shall not be limited to:

- 43 a. operation of student centers;
- 44 b. operation of student pubs;
- 45 c. management of student dormitories;
- 46 d. operation of college bookstores.

47 (cf: P.L.1982, c.16, s.4)

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

50 9. An auxiliary organization shall maintain its own bank
51 accounts and shall make such purchases as are necessary to its
52 operation, without regard to the provisions of P.L.1954, c.48
53 (C.52:34-6 et seq.), pursuant to regulations promulgated by the
54 Board of [Higher Education] Trustees.

55 (cf: P.L.1982, c.16, s.9)

1 105. Section 11 of P.L.1982, s.16 (C.18A:64-36) is amended to
2 read as follows:

3 11. An auxiliary organization may accept any grant, contract,
4 bequest, trust or gift unless the Board of [Higher Education]
5 Trustees determines that acceptance would be contrary to
6 policies of the [Board of Higher Education] institution or
7 inconsistent with public policy.

8 (cf: P.L. 1982, c.16, s.11)

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

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

13 a. Institute with the approval of the Director of the Division
14 of Budget and Accounting a standard Statewide accounting and
15 reporting system for businesslike management of the operation of
16 auxiliary organizations.

17 b. Implement financial standards which will tend to assure the
18 fiscal viability of auxiliary organizations. These standards shall
19 include proper provisions for professional management, adequate
20 working capital, adequate reserve funds for current operations
21 and capital replacements, insurance, and adequate provisions for
22 new business requirements.

23 c. Institute procedures to assure that transactions of the
24 auxiliary organizations are within the educational purposes of the
25 college [and the Board of Higher Education].

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

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

33 [f. Promulgate regulations for the effective enforcement of
34 this act.]

35 (cf: P.L.1982, c.16, s.17)

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

38 18. A certified public accountant shall be selected by each
39 auxiliary organization. [Upon being notified of the certified
40 public accountant selected by an auxiliary organization, the
41 office of the chancellor shall forward the applicable auditing and
42 reporting procedures to the selected certified public accountant.
43 In accordance with procedures prescribed by the Board of Higher
44 Education the] The certified public accountant shall annually
45 audit the auxiliary organization's funds. Auxiliary organizations
46 shall contract for and receive such audit annually, and shall
47 submit the audit to the board of trustees of the college, and to
48 the [Board of Higher Education and the] Director of the Division
49 of Budget and Accounting.

50 (cf: P.L.1982, c.16, s.18)

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

53 2. The association shall consist of nine voting members to be
54 appointed as follows: one member from each of the State college

1 boards of trustees, appointed by the members thereof. In
2 addition [the Chancellor of Higher Education and] the presidents
3 of the State colleges shall serve as ex officio, nonvoting members.

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

6 (cf: P.L.1985, c.161, s.2)

7 109. Section 6 of P.L.1985, c.161 (C.18A:64-50) is amended to
8 read as follows:

9 6. The association shall encourage and aid all movements for
10 the improvement of State college education and shall, from time
11 to time, make recommendations to the [Board of Higher
12 Education] Governor, Legislature, Commission on Higher
13 Education and Presidents' Council regarding the coordination of
14 the State colleges on matters of mutual interest and concern.

15 (cf: P.L.1985, c.161, s.6)

16 110. Section 3 of P.L.1986, c.43 (C.18A:64-54) is amended to
17 read as follows:

18 3. a. Any purchase, contract or agreement for the
19 performance of any work or the furnishing or hiring of materials
20 or supplies, the cost or price of which, together with any sums
21 expended for the performance of any work or services in
22 connection with the same project or the furnishing of similar
23 materials or supplies during the same fiscal year, paid with or out
24 of college funds, does not exceed the total sum of \$7,500.00 or,
25 commencing January 1, 1985, the amount determined pursuant to
26 subsection b. of this section, in any fiscal year may be made,
27 negotiated and awarded by a contracting agent, when so
28 authorized by resolution of the board of trustees of the State
29 college without public advertising for bids and bidding therefor.

30 b. Commencing January 1, 1985 and every two years
31 thereafter, the Governor, in consultation with the Department of
32 the Treasury, shall adjust the threshold amount set forth in
33 subsection a. of this section in direct proportion to the rise or fall
34 of the Consumer Price Index for all urban consumers in the New
35 York and Northeastern New Jersey and the Philadelphia areas, as
36 reported by the United States Department of Labor. The
37 adjustment shall become effective on July 1 of the year in which
38 it is reported.

39 c. Any purchase, contract or agreement made pursuant to this
40 section may be awarded for a period of 12 consecutive months,
41 notwithstanding that the 12-month period does not coincide with
42 the fiscal year. [The Department of Higher Education shall adopt
43 and promulgate rules and regulations concerning the methods of
44 accounting for all contracts that do not coincide with the fiscal
45 year.]

46 (cf: P.L.1986, c.43, s.3)

47 111. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to
48 read as follows:

49 5. Any purchase, contract or agreement of the character
50 described in section 4 of [this article] P.L.1986, c.43
51 (C.18A:64-55) may be made, negotiated or awarded by the State
52 college by resolution at a public meeting of its board of trustees
53 without public advertising for bids or bidding therefor if:

54 a. The subject matter thereof consists of:

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

1 under the direct control of the college and expended by student
2 organizations; or

3 (18) Printing, including without limitation catalogs, yearbooks
4 and course announcements; or

5 (19) Data processing software programs, systems and service
6 and the rental or lease of data processing equipment; or

7 (20) Personnel recruitment and advertising, including without
8 limitation advertising seeking student enrollment; or

9 (21) Educational supplies, books, articles of clothing and other
10 miscellaneous articles purchased by a State college bookstore for
11 resale to college students and employees; or

12 (22) Purchase or rental of graduation caps and gowns and award
13 certificates or plaques.

14 b. It is to be made or entered into with the United States of
15 America, the State of New Jersey, a county or municipality or
16 any board, body, or officer, agency or authority or any other
17 state or subdivision thereof.

18 c. The State college has advertised for bids pursuant to section
19 4 of [this article] P.L.1986, c.43 (C.18A:64-55) on two occasions
20 and (i) has received no bids on both occasions in response to its
21 advertisement, or (ii) has rejected the bids on two occasions
22 because the State college has determined that they are not
23 reasonable as to price, on the basis of cost estimates prepared for
24 or by the State college prior to the advertising therefor, or have
25 not been independently arrived at in open competition, or (iii) on
26 one occasion no bids were received pursuant to (i) and on one
27 occasion all bids were rejected pursuant to (ii), in whatever
28 sequence; any contract or agreement may then be negotiated by a
29 two-thirds affirmative vote of the authorized membership of the
30 board of trustees authorizing the contract or agreement; provided
31 that:

32 (1) A reasonable effort is just made by the contracting agent
33 to determine that the same or equivalent materials or supplies at
34 a cost which is lower than the negotiated price are not available
35 from any agency or authority of the United States, the State of
36 New Jersey or of the county in which the State college is located,
37 or any municipality in close proximity to the State college;

38 (2) The terms, conditions, restrictions and specifications set
39 forth in the negotiated contract or agreement are not
40 substantially different from those which were the subject of
41 competitive bidding pursuant to section 4 of this article; and

42 (3) Any minor amendment or modification of any of the terms,
43 conditions, restrictions and specifications, which were the subject
44 of competitive bidding pursuant to section 4 of [this act]
45 P.L.1986, c.43 (C.18A:64-55), shall be stated in the resolution
46 awarding the contract or agreement; except that if on the second
47 occasion the bids received are rejected as unreasonable as to
48 price, the State college shall notify each responsible bidder
49 submitting bids on the second occasion of its intention to
50 negotiate and afford each bidder a reasonable opportunity to
51 negotiate, but the State college shall not award the contract or
52 agreement unless the negotiated price is lower than the lowest
53 rejected bid price submitted on the second occasion by a
54 responsible bidder, is the lowest negotiated price offered by any

1 reasonable vendor, and is a reasonable price for the work.
2 materials, supplies or services. Whenever a State college shall
3 determine that a bid was not arrived at independently in open
4 competition pursuant to subsection c. (ii) of [section 5 of] this
5 [article] section, it shall thereupon notify the Attorney General
6 of the facts upon which its determination is based and, when
7 appropriate, it may institute appropriate proceedings in any State
8 or federal court of competent jurisdiction for a violation of any
9 State or federal antitrust law or laws relating to the unlawful
10 restraint of trade.

11 (cf: P.L.1986, c.43, s.5)

12 112. Section 7 of P.L.1986, c.43 (C.18A:64-58) is amended to
13 read as follows:

14 7. No purchase, contract or agreement which is single in
15 character or which necessarily or by reason of the quantities
16 required to effectuate the purpose of the purchase, contract or
17 agreement includes the furnishing of additional services or
18 equipment or buying materials or supplies or the doing of
19 additional work, shall be subdivided so as to bring it or any of the
20 parts thereof under the maximum price or cost limitation set
21 forth in [this article or in a regulation of the Board of Higher
22 Education] P.L.1986, c.43 (C.18A:64-52 et seq.), thus dispensing
23 with the requirement of public advertising and bidding therefor.
24 Where the doing of any work is included in or incident to the
25 performance or completion of any project which is single in
26 character or inclusive of the furnishing of additional work,
27 materials or supplies or which requires the furnishing of more
28 than one article of materials or supplies, all of the work,
29 materials or supplies requisite for the completion of the project
30 shall be included in one purchase, contract or agreement.

31 (cf: P.L.1986, c.43, s.7)

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

34 10. The board of trustees of two or more State colleges may
35 provide jointly by agreement for the purchasing of work,
36 materials, or supplies for their respective colleges, and also may
37 [, pursuant to regulations of the Board of Higher Education.]
38 enter into a joint purchasing agreement with other units of State
39 or local government.

40 (cf: P.L.1986, c.43, s.10)

41 114. Section 12 of P.L.1986, c.43 (C.18A:64-63) is amended to
42 read as follows:

43 12. Joint purchases and all agreements pertaining thereto shall
44 be subject to all provisions of law [and the applicable rules and
45 regulations of the Board of Higher Education].

46 (cf: P.L.1986, c.43, s.12)

47 115. Section 14 of P.L.1986, c.43 (C.18A:64-65) is amended to
48 read as follows:

49 14. All advertisements for bids shall be published in a legal
50 newspaper sufficiently in advance of the date fixed for receiving
51 the bids to promote competitive bidding but in no event less than
52 [30 days prior to that date for construction projects requiring the
53 approval of the State Board of Higher Education and] 10 days
54 prior to that date for any construction projects or any other

1 contract or purchase. The advertisement shall designate the
2 manner of submitting and of receiving the bids and the time and
3 place at which the bids will be received. If the published
4 specifications provide for receipt of bids by mail, those bids
5 which are mailed to the State college shall be sealed and shall be
6 opened only at such time and place as all bids received are
7 unsealed and announced. At that time and place, the contracting
8 agent of the State college shall publicly receive the bids and
9 thereupon immediately proceed to unseal them and publicly
10 announce the contents, which announcement shall be made in the
11 presence of any parties bidding or their agents who are then and
12 there present. A proper record of the prices and terms shall be
13 made. No bids shall be received after the time designated in the
14 advertisement.

15 (cf: P.L.1993. c.60. s.1)

16 116. Section 24 of P.L.1986, c.43 (C.18A:64-75) is amended to
17 read as follows:

18 24. All plans and specifications for the erection, alteration,
19 improvement or repair of college buildings shall be drawn by or
20 under the supervision of an appropriate officer employed by the
21 college to whom these powers shall have been delegated by the
22 Board of Trustees. [All capital expenditures in excess of
23 \$500,000.00 shall be subject to the approval of the Board of
24 Higher Education.]

25 (cf: P.L.1986. c.43. s.24)

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

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

30 a. Supplying of

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

33 (2) Fuel or oil for use in automobiles, autobuses, motor
34 vehicles or equipment for any term not exceeding in the
35 aggregate three years; or

36 b. Plowing and removal of snow and ice for any term not
37 exceeding in the aggregate three years; or

38 c. Collection and disposal of garbage and refuse for any term
39 not exceeding in the aggregate three years; or

40 d. Data processing programs, systems and services or rental or
41 lease of data processing equipment for any term of not more than
42 five years; or

43 e. Insurance for any term of not more than three years; or

44 f. Leasing or service of automobiles, motor vehicles,
45 electronic communications equipment, machinery and equipment
46 of every nature and kind for any term not exceeding in the
47 aggregate five years [; however, these contracts shall be entered
48 into only subject to and in accordance with the rules and
49 regulations promulgated by the Board of Higher Education]; or

50 g. Supplying of any product or rendering of any service by a
51 telephone company which is subject to the jurisdiction of the
52 Board of Public Utilities, for a term not exceeding five years; or

53 h. Providing of food supplies and services, including food
54 supplies and management contracts for student centers, dining

- 1 rooms and cafeterias, for a term not exceeding three years; or
- 2 i. Performance of work or services or the furnishing of
3 materials or supplies for the purpose of conserving energy in
4 buildings owned by, or operations conducted by, the contracting
5 unit, the entire price of which is to be established as a
6 percentage of the resultant savings in energy costs, for a term
7 not exceeding 10 years; provided that a contract is entered into
8 only subject to and in accordance with rules and regulations
9 adopted by the Department of Energy establishing a methodology
10 for computing energy cost savings; or
- 11 j. Any single project for the construction, reconstruction or
12 rehabilitation of a public building, structure or facility, or a
13 public works project, including the retention of the services of an
14 architect or engineer in connection with the project, for the
15 length of time necessary for the completion of the actual
16 construction; or
- 17 k. The management and operation of bookstores for a term not
18 exceeding five years.

19 All multiyear leases and contracts entered into pursuant to this
20 section, except contracts for the leasing or servicing of
21 equipment supplied by a telephone company which is subject to
22 the jurisdiction of the Board of Public Utilities or contracts and
23 agreements for the provision of work or the supplying of
24 equipment to promote energy conservation and authorized
25 pursuant to subsection i. of this section, shall contain a clause
26 making them subject to the availability and appropriation
27 annually of sufficient funds to meet the extended obligation or
28 contain an annual cancellation clause.
29 (cf: P.L.1986, c.43, s.28)

30 118. Section 30 of P.L.1986, c.43 (C.18A:64-81) is amended to
31 read as follows:

32 30. No action for damages shall lie against the Board of Higher
33 Education, the Commission on Higher Education, the Presidents'
34 Council, any State official, any State college or its board of
35 trustees or any of its officers because of any action taken by
36 virtue of the provisions of this article.
37 (cf: P.L.1986, c.43, s.30)

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

39 18A:64A-1. As used in this chapter:

40 a. "Base year" means the fiscal year 2 years prior to that in
41 which the budget is to be implemented; provided, however, for
42 determining the level of State aid for fiscal 1982, the "base year"
43 shall be the fiscal year 3 years prior to that in which the budget
44 is to be implemented;

45 b. "Capital outlay expense" means those funds devoted to or
46 required for the acquisition, landscaping or improvement of land;
47 the acquisition, construction, reconstruction, improvement,
48 remodeling, alteration, addition or enlargement of buildings or
49 other structures; and the purchase of furniture, apparatus and
50 other equipment;

51 c. "County college" means an educational institution
52 established or to be established by one or more counties, offering
53 programs of instruction, extending not more than two years
54 beyond the high school, which may include but need not be

1 limited to specialized or comprehensive curriculums, including
2 college credit transfer courses, terminal courses in the liberal
3 arts and sciences, and technical institute type programs;

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

7 e. "Local bond law" means the local bond law, chapters 1 and
8 2 of Title 40A of the New Jersey Statutes (N.J.S.40A:1-1 et seq.);

9 f. "Operational expense" means those funds devoted to or
10 required for the regular or ordinary expenses of the college,
11 including administrative, maintenance, minor capital and salary
12 expenses but excluding capital outlay expenses;

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

18 (cf: P.L.1983, c.518, s.1)

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

20 18A:64A-2. When the board of chosen freeholders of one or
21 more counties, after study and investigation, shall deem it
22 advisable for such county or counties to establish a county
23 college, such board or boards of county freeholders may petition
24 the [board of] commission on higher education for permission to
25 establish and operate a county college. A report shall be attached
26 to such petition and shall include information on the higher
27 educational needs of the county or counties, a description of the
28 proposed county college, the proposed curriculum, an estimate of
29 the cost of establishing and maintaining such county college, and
30 any other information or data deemed pertinent.

31 [Upon receipt of such petition by the board of higher education,
32 it shall be referred to the chancellor who shall make an
33 independent study as to the higher educational needs of the
34 county or counties, the necessity or advisability of establishing
35 such county college, and whether the county or counties could,
36 with the state aid provided for in this chapter, financially support
37 such college. The chancellor shall submit a report containing his
38 conclusions to the board of higher education and to the
39 petitioning board or boards of chosen freeholders.]

40 The [board of higher education, after studying both the petition
41 of the board or boards of chosen freeholders and the report of the
42 chancellor.] commission shall determine whether there is a need
43 for such college and whether the county or counties have the
44 financial capacity to support such college. If the [board of higher
45 education] commission finds such a need to exist and further finds
46 that establishing and maintaining such college is financially
47 feasible, it shall approve the petition and shall so notify the board
48 or boards of chosen freeholders.

49 (cf: N.J.S.18A:64A-2)

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

51 18A:64A-3. Whenever the board or boards of chosen
52 freeholders receive notification that the [board of] commission on
53 higher education approves the establishment of a county college,
54 each participating board may provide by resolution for the

1 establishment of a county college in accordance with the
 2 provisions of this chapter [and the regulations of the board of
 3 higher education]. Prior to the final passage of said resolution,
 4 the board of chosen freeholders shall have published, in full, in a
 5 newspaper circulating in the county, the resolution together with
 6 the time and place of a public hearing to be had upon said
 7 resolution. Said publication shall be at least 10 days prior to the
 8 time fixed for the public hearing.

9 Within five days after passage, the resolution shall be published
 10 in full in a newspaper circulating in the county and a copy of said
 11 resolution shall be filed for public inspection with the clerk of the
 12 board of chosen freeholders and with the clerk of each
 13 municipality in said county. The resolution shall become
 14 effective in said county 45 days after passage unless there is filed
 15 with the county clerk within said 45 days, a petition requesting a
 16 referendum in said county signed by either five per cent or 10,000
 17 of the registered voters of said county, whichever is lesser, or
 18 such a petition authorized by the governing body of a
 19 municipality or municipalities representing in total at least 15%
 20 of the population of said county. If such petition is so filed, the
 21 proposal for the establishment of a county college shall be
 22 submitted to the registered voters of said county at the next
 23 general election.

24 Where a county college is to be established by more than one
 25 county, similar resolutions authorizing the establishment of such
 26 county college shall be passed by the board of chosen freeholders
 27 in each participating county. If a petition such as is described
 28 above is filed in one or more said participating counties, then the
 29 proposal for the establishment of a county college shall be
 30 submitted to the registered voters of the county or counties in
 31 which such petition or petitions are filed.

32 The county clerk of each participating county shall notify the
 33 [chancellor] commission and the board of chosen freeholders of
 34 each other participating county upon the elapse of 45 days after
 35 the passage of the resolution in said county whether the question
 36 of the establishment of a county college is to be submitted to the
 37 registered voters of said county at the next general election.

38 (cf: N.J.S.18A:64A-3)

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

40 18A:64A-4. If a proposal for the establishment of a county
 41 college is to be submitted to the registered voters of the county,
 42 the county clerk shall have published at least 10 days before said
 43 general election notice thereof in a newspaper circulating in the
 44 county and the county clerk shall have printed or cause to be
 45 printed on the official ballot to be used at such general election
 46 the following:

47 If you favor the proposition printed below, make a cross (X),
 48 plus (+) or check (✓) mark in the square opposite the word "Yes."
 49 If you are opposed thereto, make a cross (X), plus (+) or check (✓)
 50 mark in the square opposite the word "No."

51 Yes. Shall a county college be established in

52 No. pursuant to chapter 64A of Title 18A of the New Jersey
 53 Statutes?

54 If a county college is to be established in one county, the name

1 of the county, and if it is to be established in more than one
2 county, the names of the counties, should be inserted in the
3 question.

4 In any county in which voting machines are used the question
5 shall be placed upon the official ballots to be used upon the
6 voting machines without the foregoing instructions to the voters
7 and shall be voted upon by the use of such machines without
8 marking as aforesaid.

9 If the question of the establishment of a county college is
10 submitted to the people of the county, that county clerk shall
11 send notice of the results of said election to the [chancellor]
12 commission and the board of chosen freeholders of each of the
13 participating counties.

14 (cf: N.J.S.18A:64A-4)

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

16 18A:64A-5. If at said election the proposal for the
17 establishment of the county college is approved by a majority of
18 all the votes cast both for and against said question in the county,
19 then the board of chosen freeholders shall proceed to establish a
20 county college.

21 Where the county college is to be established by more than one
22 county, then the boards of chosen freeholders of the participating
23 counties shall not establish a county college until the [chancellor]
24 commission notifies said boards that a similar resolution of the
25 board of chosen freeholders in each participating county has
26 become effective upon the elapse of the 45-day period or the
27 proposal for the establishment of a county college has been
28 approved by a majority of the registered voters of said county at
29 a general election.

30 (cf: N.J.S.18A:64A-5)

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

32 18A:64A-6. If a majority of the votes in a county are cast
33 against a proposal for the establishment of a county college, the
34 board of chosen freeholders of such county may not establish a
35 county college unless thereafter the board:

36 a. Submits a petition to the [board of] commission on higher
37 education in accordance with the provisions of section
38 18A:64A-2, and

39 b. Submits a proposal for the establishment of a county college
40 at a general election and has it approved by a majority of the
41 votes of the county voting thereon.

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

46 (cf: N.J.S.18A:64A-6)

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

48 18A:64A-8. For each county college there shall be a board of
49 trustees, consisting of the county superintendent of schools and
50 10 persons, eight of whom shall be appointed by the appointing
51 authority of the county with the advice and consent of the board
52 of chosen freeholders, at least two of whom shall be women and
53 two of whom shall be appointed by the [State Board of Higher
54 Education, subject to the approval of the] Governor, according to

1 criteria and for such initial terms as shall be established.
2 However, no trustee shall be appointed after July 1, 1994 who is
3 an employee of a constituent county. The president of the
4 college shall serve as an ex officio member of the board of
5 trustees without vote. In addition, the student body of each
6 county college shall be entitled to elect from the graduating class
7 one representative to serve as a non-voting member on the board
8 of trustees for a term of 1 year commencing at the next
9 organization of the board following graduation of his class. [The
10 State Board of Higher Education shall by regulation prescribe the
11 rights and duties of the student representative.]

12 The appointing authority of the county shall establish a trustee
13 search committee of not less than five members who shall be
14 residents of the county. The members of the trustee search
15 committee shall not be elected public officials and shall not be
16 eligible for appointment to the board of trustees for a period of 6
17 months after their service on the trustee search committee. The
18 trustee search committee shall nominate individuals [according to
19 criteria promulgated by the Board of Higher Education] for
20 consideration by the appointing authority of the county for
21 appointment to the board of trustees.

22 When a county college is established by more than one county,
23 the board of trustees shall be increased by two members for each
24 additional participating county. The membership of the board of
25 trustees shall be apportioned by the [chancellor] commission
26 among the several counties as nearly as may be according to the
27 number of inhabitants in each county as shown by the last Federal
28 census, officially promulgated in this State. Each apportionment
29 shall continue in effect until a reapportionment shall become
30 necessary by reason of the official promulgation of the next
31 Federal census or the enlargement of the board by the admission
32 of one or more additional counties as provided for in section
33 18A:64A-24. Each county shall be entitled to have at least two
34 members and the county superintendent of the schools of said
35 county on the board of trustees.

36 (cf: P.L.1981, c.329, s.2)

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

38 18A:64A-9. Appointed members of the board of trustees shall
39 have been residents of the county for a period of 4 years prior to
40 said appointment, and no elected public official or employee of
41 the county college shall serve as a voting member of the board.
42 The term of office of appointed members, except for the first
43 appointments, shall be for 4 years. Each member shall serve until
44 his successor shall have been appointed and qualified.

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

52 A voting member of a board of trustees shall not be eligible to
53 accept employment as an employee of the college at which he has
54 served as a member of the board for a period of 2 years following

1 resignation or expiration of his term as a member.

2 In the case of a county college established by one county, the
3 terms of office of members initially appointed to the board of
4 trustees by the appointing authority of the county shall be as
5 follows:

6 two persons shall receive terms of 1 year; two, terms of 2 years;
7 two, terms of 3 years; and two, terms of 4 years.

8 In the case of a county college established by more than one
9 county, the [chancellor shall fix the] terms of the members
10 initially appointed to the board of trustees shall be fixed so that
11 as nearly as possible, one-quarter of the appointed members will
12 receive terms of 4 years, one-quarter terms of 3 years,
13 one-quarter terms of 2 years and the remainder terms of 1 year.
14 Such terms shall be allocated by the [chancellor] commission
15 among the participating counties, in accordance with the number
16 of members on the board of trustees apportioned to each county,
17 starting with the terms of 4 years, by allocating one of such
18 terms to each of the participating counties in alphabetical order
19 of the names of such counties, and continuing, still in such order,
20 with the terms of 3 years, the terms of 2 years and the terms of 1
21 year.

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

26 (cf: P.L.1981, c.329, s.3)

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

28 18A:64A-11. The board of trustees shall be a body corporate
29 and shall be known as the "board of trustees of " (here insert the
30 name of the county college).

31 The board of trustees [, in accordance with the rules and
32 regulations of the board of higher education.] shall have custody
33 of and be responsible for the property of the college and shall be
34 responsible for the management and control of said college. The
35 board shall make an annual report to the [chancellor in the
36 manner prescribed by the board of] commission on higher
37 education and to the board of chosen freeholders of each
38 participating county.

39 (cf: N.J.S.18A:64A-11)

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

41 18A:64A-12. For the effectuation of the purposes of this
42 chapter, the board of trustees of a county college in addition to
43 such other powers expressly granted to it [by this chapter and
44 subject to the rules and regulations of the Board of Higher
45 Education] by law, is hereby granted the following powers:

46 a. To adopt or change the name of the county college;

47 b. To adopt and use a corporate seal;

48 c. To sue and be sued;

49 d. To determine the educational curriculum and program of
50 the college consistent with the programmatic mission of the
51 institution or approved by the Commission on Higher Education;

52 e. To appoint and fix the compensation and term of office of a
53 president of the college who shall be the executive officer of the
54 college and an ex officio member of the board of trustees;

55 f. To appoint, upon nomination of the president, members of

1 the administrative and teaching staffs and fix their compensation
2 and terms of employment subject to the provisions of [section]
3 N.J.S. 18A:64A-13;

4 g. To appoint or employ such other officers, agents and
5 employees as may be required to carry out the provisions of this
6 chapter and to fix and determine their qualifications, duties,
7 compensation, terms of office and all other conditions and terms
8 of employment and retention;

9 h. To fix and determine tuition rates and other fees to be paid
10 by students;

11 i. To grant diplomas, certificates or degrees;

12 j. To enter into contracts and agreements with the State or
13 any of its political subdivisions or with the United States, or with
14 any public body, department or other agency of the State or the
15 United States or with any individual, firm or corporation which
16 are deemed necessary or advisable by the board for carrying out
17 the provisions of this chapter;

18 k. To accept from any government or governmental
19 department, agency or other public or private body or from any
20 other source grants or contributions of money or property which
21 the board may use for or in aid of any of its purposes;

22 l. To acquire (by gift, purchase, condemnation or otherwise),
23 own, lease, use and operate property, whether real, personal or
24 mixed, or any interest therein, which is necessary or desirable for
25 college purposes;

26 m. To determine that any property owned by the county
27 college is no longer necessary for college purposes and to sell the
28 same at such price and in such manner and upon such terms and
29 conditions as shall be established by the board [of higher
30 education];

31 n. To exercise the right of eminent domain, pursuant to the
32 provisions of Title 20, Eminent Domain, of the Revised Statutes,
33 to acquire any property or interest therein;

34 o. To make and promulgate such rules and regulations, not
35 inconsistent with the provisions of this chapter or with the rules
36 and regulations [of the board of higher education.] promulgated
37 hereunder that are necessary and proper for the administration
38 and operation of a county college and to implement the provisions
39 of this chapter; [and]

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

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

48 (cf: P.L.1981. c.329. s.4)

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

50 18A:64A-14. Counties, municipalities, school districts or
51 special schools may sell, give or lease any of their property,
52 including county or municipal funds, to the board of trustees of a
53 county college [pursuant to the rules and regulations of the board
54 of higher education].

55 (cf: N.J.S.18A:64A-14)

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

2 18A:64A-17. On or before February 1 in each year, the board
3 of trustees of the county college shall prepare and deliver to each
4 member of the board of school estimate an itemized statement of
5 the amount of money estimated to be necessary for the operation
6 and capital outlay expenses for the ensuing year. Said board of
7 trustees shall, at the same time, fix a date, place and time for
8 the holding of a public hearing by the board of school estimate
9 with respect to said itemized statement of the amount of money
10 estimated to be necessary for the operation and capital outlay
11 expenses for the ensuing year and with respect to the various
12 items and purposes for which said money is to be appropriated,
13 which date shall be between February 1 and February 15 and
14 which date shall be not less than seven days after the publication
15 of said itemized statement as herein provided and shall cause
16 notice of such public hearing and said statement to be published
17 at least once in at least one newspaper published in the county
18 not less than seven days prior to the date fixed for such public
19 hearing, and said notice shall also set forth that said itemized
20 statement will be on file and open to examination of the public,
21 between reasonable hours to be fixed therein, and, at a place to
22 be named therein, from the date of said publication until the date
23 of the holding of said public hearing and said board of trustees
24 shall cause said itemized statement to be on file and open to the
25 examination of the public accordingly and to be produced at said
26 public hearing for the information of those attending the same.

27 On the date and at the time and place so fixed by the board of
28 trustees for such public hearing, the board of school estimate
29 shall at a public hearing grant the taxpayers and other interested
30 persons an opportunity to present objections and to be heard with
31 respect to said itemized statement of the amount of money
32 estimated to be necessary for the operation and capital outlay
33 expenses for the ensuing year and with respect to the various
34 items and purposes for which said money is to be appropriated
35 and at or after said public hearing but not later than February 15
36 of each year, the board of school estimate shall fix and
37 determine, by official action taken at a public meeting of the
38 board, the amount of money necessary for the operation and
39 capital outlay expenses of the college for the ensuing year,
40 exclusive of the amount to be received from the state and from
41 other sources.

42 The board of school estimate shall, on or before February 15 of
43 each year, make a certificate of such amount signed by at least a
44 majority of its members. Copies thereof shall be delivered [to
45 the chancellor,] to the board of trustees of the college and to
46 each participating board of chosen freeholders.

47 In the case of a county college established by more than one
48 county, the amount to be raised for the annual operation and
49 capital outlay expenses shall be apportioned among the
50 participating counties upon the basis of appropriation valuations,
51 as defined in [section] R.S.54:4-49 [of the Revised Statutes]. In
52 such case, the certificate of the board of school estimate shall
53 certify the proportioned part of the total to be raised by each
54 participating county.

55 (cf: N.J.S.18A:64A-17)

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

2 18A:64A-19. (1) Whenever the board of trustees of a county
3 college shall decide that it is necessary to raise money for the
4 purpose of acquiring or improving lands or buildings for use by the
5 college or erecting, enlarging, improving, altering,
6 reconstructing, furnishing or equipping buildings or other
7 structures for use by the college, it may, in lieu of proceeding in
8 accordance with [sections] N.J.S.18A:64A-16 and 18A:64A-17, at
9 any time prepare and deliver to each member of the board of
10 school estimate a statement of the estimated cost of such
11 purpose and of the amount of money estimated by the board of
12 trustees to be then needed for such purpose. If the amount of
13 money so estimated shall include any funds expected to be
14 received for said purpose as state or federal aid, such statement
15 shall specify the amount and source of said funds and may include
16 an agreement by the board of trustees to repay the county, out of
17 the said funds when received, for any amounts appropriated by
18 any county for the county college in anticipation of said funds.
19 After receipt of such statement, the board of school estimate
20 shall fix and determine the sum of money then needed for the
21 purpose specified in said statement and the amount thereof to be
22 raised by the participating county or counties which shall, if
23 there be two or more such counties, be apportioned among them
24 upon the basis of apportionment valuations as defined in [section]
25 R.S.54:4-49 [of the Revised Statutes] and which may include
26 amounts expected to be repaid as aforesaid by the board of
27 trustees. The board of school estimate shall thereupon make a
28 certificate of such sum and amount or amounts signed by at least
29 a majority of its members, and copies thereof and of the
30 statement received from the board of trustees shall be delivered
31 [to the chancellor.] to the board of trustees and to the board of
32 chosen freeholders of each participating county.

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

39 (a) By the method provided for in [section] N.J.S.18A:64-18; or
40 (b) By a bond ordinance authorizing the issuance of bonds or
41 notes of the county to finance such appropriation and purpose
42 adopted in accordance with the limitations and any exceptions
43 thereto, and in the manner or mode of procedure, prescribed by
44 the local bond law, and the sale and issuance of said bonds or
45 notes pursuant to the local bond law; provided, however, that no
46 down payment shall be required and the provisions of [section]
47 N.J.S.40A:2-11 of the local bond law shall not be applicable to
48 such bond ordinance and that the purpose for which the bonds or
49 notes are to be issued may be stated and identified as and shall be
50 the purpose specified in said certificate notwithstanding that the
51 appropriation therefor may be sufficient only for planning or
52 other preliminary or initial expenses in connection therewith or
53 may be made in anticipation of state or federal aid expected to
54 be received for said purpose and applied to repayment to the
55 county.

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

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

21 (cf: N.J.S.18A:64A-19)

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

23 18A:64A-20. If the board of trustees shall determine that it is
24 necessary in any school year to raise money in addition to the
25 amount in its annual budget for such year for:

26 (1) current expenses for the operation and maintenance of the
27 college when the amount necessary therefor was underestimated
28 in the budget;

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

31 (3) meeting emergencies arising since the preparation of such
32 budget;

33 the board shall prepare and deliver to each member of the
34 board of school estimate a statement of the amount of money
35 determined to be necessary therefor.

36 The board of school estimate shall meet within a reasonable
37 time after the delivery of the statement and fix and determine
38 the amount necessary for such purpose or purposes. In the case
39 of a county college established by more than one county, the
40 board shall apportion upon the basis of the apportionment
41 valuations as defined in [section] R.S.54:4-49 of the Revised
42 Statutes, such amount among the participating counties. The
43 board shall then certify the amount so determined and
44 apportioned to [chancellor,] the board of trustees of the college
45 and to each participating board of chosen freeholders.

46 The board of chosen freeholders, upon receipt of such
47 certificate, shall appropriate the amount certified therein and
48 shall raise such amount in the manner provided for by [sections]
49 N.J.S.18A:64A-18 and 18A:64A-19.

50 (cf: N.J.S.18A:64A-20)

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

52 18A:64A-21. Notwithstanding the time limitations specified in
53 [section] N.J.S.18A:64A-17, during the calendar year in which the
54 board or boards of chosen freeholders first establish a county

1 college. the board of trustees of the county college may prepare
2 and deliver to the board of school estimate of the college an
3 estimate of the amount necessary to finance the county college
4 until the first regular budget is adopted and available.

5 The board of school estimate shall meet within a reasonable
6 time after the delivery of said estimate and shall fix and
7 determine the amount necessary to so finance the county college
8 and, if more than one county participated in establishing the
9 county college, shall apportion said amount upon the basis of
10 apportionment valuations as defined in [section] R.S.54:4-49 [of
11 the Revised Statutes]. The board shall then certify the amount so
12 determined to [the chancellor.] the board of trustees of the
13 college and to the board of chosen freeholders of each
14 participating county.

15 The board of chosen freeholders shall, upon receipt of the
16 certification, appropriate its share of said amount in the manner
17 provided for by [sections] N.J.S.18A:64A-18 and 18A:64A-19.
18 (cf: N.J.S.18A:64A-21)

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

20 18A:64A-22. [The Board of Higher Education shall formulate]
21 Notwithstanding any other law to the contrary, the Council of
22 County Colleges may submit to the State Treasurer annual budget
23 requests for State support of county colleges. Within the limits
24 of funds appropriated [to the Board of Higher Education] for such
25 purposes [and in accordance with rules and regulations prescribed
26 by the Board of Higher Education], the board of trustees of a
27 county college may based upon the itemized statement fixed and
28 determined pursuant to N.J.S.18A:64A-17 apply to the [Board of
29 Higher Education] State Treasurer and receive State support:

30 a. For capital projects [approved by the Board of Higher
31 Education] in amounts not to exceed one-half of the cost of said
32 capital projects, and

33 b. For operational costs to the extent of 43% but not to
34 exceed 50% of the educational and general costs of the county
35 colleges in the base year; provided, however, that for the
36 purposes of determining State aid, only credit courses and
37 noncredit remedial, developmental, general education
38 development and adult basic education courses shall be included
39 in calculating such costs. This sum shall be distributed to the
40 county colleges by the [Board of Higher Education] treasurer in
41 consultation with the Council of County Colleges according to a
42 formula that includes categorical support and differential funding
43 based on program costs.

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

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

51 State support for the operational expenses of county colleges
52 shall be made within limits of State appropriation [and only after
53 an annual review and approval by the Board of Higher Education
54 of the financial program for operation of each county college.

1 including the charges to be made for student tuition and fees and
2 the establishment of the county share of said costs].

3 (cf: P.L.1981. c.329. s.5)

4 135. Section 1 of P.L.1971, c.12 (C:18A:64A-22.1) is amended
5 to read as follows:

6 1. Whenever the funds appropriated [to the board of higher
7 education] are insufficient to satisfy the State's share of capital
8 projects for county colleges pursuant to N.J.S.18A:64A-22,
9 additional State support for such projects shall be made available
10 to counties in which county colleges are located for the payment
11 of interest and principal on bonds entitled to the benefits of this
12 act and interest on notes issued in anticipation thereof, provided
13 that the total principal amount of such bonds shall not exceed
14 \$80,000,000.00.

15 (cf: P.L.1985. c.136, s.1)

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

18 2. Whenever the [board of higher education] State Treasurer
19 shall determine that it is unable to provide State support for a
20 capital project of a county college pursuant to N.J.S.18A:64A-22
21 within the limit of available State appropriations, the [chancellor
22 shall certify to the] State Treasurer [the amount of State support
23 recommended for such project and the amount available for such
24 project within the limit of State appropriations. Upon receipt of
25 any such certification, the State Treasurer] shall determine the
26 amount of bonds entitled to the benefits of this act and not
27 theretofore allocated to another capital project. The State
28 Treasurer shall [examine such certification and] determine the
29 necessity or advisability of making available additional State
30 support for the capital project [referred to in such certification].
31 To the extent he determines additional support is necessary or
32 advisable, he shall certify to the board of chosen freeholders of
33 the county in which said capital project is located the amount of
34 bonds which shall be entitled to the benefits of this act, which
35 amount shall not exceed the amount of bonds entitled to the
36 benefit of this act and not theretofore allocated to another
37 capital project. A copy of such certification shall be filed by the
38 State Treasurer [with the chancellor and] with the Director of the
39 Division of Local Finance.

40 (cf: P.L.1971, c.12. s.2)

41 137. N.J.S.18A:64A-23 is amended to read as follows:

42 18A:64A-23. a. Each county college shall, to the extent its
43 facilities will permit [and subject to regulations of the Board of
44 Higher Education.] accept students who are residents of any other
45 county in the State.

46 b. Any person desiring to enroll in a county college as a
47 nonresident student shall apply to the chief fiscal officer of his
48 county of residence for a certificate of residence showing that
49 said person is a resident of said county. The chief fiscal officer
50 of each county shall, upon application and submission to him of
51 satisfactory evidence of such residence, issue said certificate
52 provided that (1) the county does not sponsor a county college or
53 contribute to the support of a county assisted college, or (2) the
54 local county or county assisted college certifies that it does not
55 offer the particular course or program of study desired by the

1 applicant, or (3) the local county or county assisted college
2 certifies that it cannot admit the applicant into a particular
3 course or the desired program of study, pursuant to criteria
4 established by the [Board of] Commission on Higher Education. If
5 the chief fiscal officer of a county refuses to issue such a
6 certificate, the applicant may appeal to the board of chosen
7 freeholders of the county within 10 days of the receipt of notice
8 of such refusal. The board of chosen freeholders shall make a
9 determination after a hearing, upon 10 days' notice to such chief
10 fiscal officer and the applicant, and such determination shall be
11 final and binding on the county.

12 Upon his registration for each college year, the nonresident
13 student shall file with the college such a certificate of residence
14 issued not earlier than 2 months prior thereto and such
15 certificate of residence shall be valid for the current or next
16 academic year succeeding the date of issuance, as the case may
17 be.

18 c. Any county college so admitting nonresident students shall
19 charge to and collect from each county within the State which
20 has issued a certificate or certificates of residence pursuant to
21 subsection (b) and on the basis of which such nonresident students
22 are attending such college, the sending county's share of the
23 operating expenses of such county college, as certified by the
24 board of school estimate and as paid by the receiving county for
25 resident students, computed on a per full-time equated (FTE)
26 student basis and multiplied by cost ratios as determined by the
27 [Board of Higher Education] State Treasurer pursuant to
28 N.J.S.18A:64A-22 for various instructional categories. Any
29 county college shall additionally charge and collect the sum of
30 \$1.00 per credit hour for each student so enrolled to compensate
31 for minor capital costs of the college [which moneys shall be
32 expended according to regulations promulgated by the Board of
33 Higher Education].

34 d. Within 10 days after the commencement of each college
35 term, the county college shall charge the county's per FTE
36 student share of operating expenses of such college for that term
37 as aforesaid to each county which has issued a certificate or
38 certificates of residence pursuant to subsection (b), on the basis
39 of which nonresident students are attending such county college.
40 The amount so charged to the county issuing the certificate or
41 certificates shall be paid within 30 days of the date of the billing.
42 (cf: P.L.1981, c.329, s.6)

43 138. Section 4 of P.L.1983, c.470 (C.18A:64A-23.4) is amended
44 to read as follows:

45 4. The [Board of Higher Education] Commissioner of Labor
46 shall promulgate rules and regulations necessary to effectuate
47 the purposes of this act. Regulations of the State Board of Higher
48 Education implementing this act shall remain in full force and
49 effect until modified or repealed by the Commissioner of Labor.
50 (cf: P.L.1983, c.470, s.4)

51 139. N.J.S.18A:64A-24 is amended to read as follows:

52 18A: 64A-24. If the board of trustees of a county college shall
53 determine that it is in the best interest of the college to allow
54 one or more additional counties to join in the operation of said

1 county college and the board or boards of chosen freeholders of
2 the county or counties then operating the county college shall
3 approve. said board of trustees [and the chancellor, pursuant to
4 the rules and regulations of the board of higher education,] shall
5 fix the terms and conditions under which said additional county or
6 counties may participate in the operation of the county college.

7 (cf: N.J.S.18A:64A-24)

8 140. Section 2 of P.L.1982, c.189 (C.18A:64A-25.2) is amended
9 to read as follows:

10 2. As used in this article, unless the context otherwise
11 indicates:

12 a. "Board of trustees" means the board of trustees of a county
13 college and the community college commission of a community
14 college agency;

15 b. "County college" means any body corporate known as

16 (1) the board of trustees of a county college established
17 pursuant to chapter 64A of Title 18A of the New Jersey Statutes,
18 or

19 (2) the community college commission of a community college
20 agency established pursuant P.L.1974, c.89 (C.18A:64A-30 et
21 seq.)[. or

22 (3) the coordinating agency for higher education of a county
23 established pursuant to P.L.1968, c.180 (C.18A:64B-5 et seq.);

24 c. "Contracting agent" means the business officer of the
25 county college having the power to prepare advertisements to
26 advertise for and receive bids and to make awards for the county
27 college in connection with the purchases, contracts or
28 agreements permitted by this article, or such officer, committee
29 or employee to whom such power has been delegated by the
30 county college;

31 d. "Contracts" mean contracts or agreements for the
32 performance of work or the furnishing or hiring of services,
33 materials or supplies as distinguished from contracts of
34 employment;

35 e. "Legal newspaper" means a newspaper circulating in the
36 county or counties in which the county college has been
37 established, printed and published in the English language at least
38 once a week for at least 1 year continuously;

39 f. "Materials" include goods and property subject to chapter 2
40 of Title 12A of the New Jersey Statutes, apparatus or any other
41 tangible thing except real property or any interest therein;

42 g. "Extraordinary unspecifiable services" mean services or
43 products which cannot be reasonably described by written
44 specifications;

45 h. "Professional services" mean services rendered or
46 performed by a person authorized by law to practice a recognized
47 profession and whose practice is regulated by law and the
48 performance of which services requires knowledge of an advanced
49 type in a field of learning acquired by a prolonged formal course
50 of specialized instruction and study as distinguished from general
51 academic instruction or apprenticeship and training. Professional
52 services also mean services rendered in the performance of work
53 that is original and creative in character in a recognized field of
54 artistic endeavor;

1 i. "Project" means any work, undertaking, construction or
2 alteration:

3 j. "Purchases" are transactions, for a valuable consideration,
4 creating or acquiring an interest in goods, services and property,
5 except real property or any interest therein;

6 k. "Work" includes services and any other activity of a
7 tangible or intangible nature performed or assumed pursuant to a
8 contract or agreement with a county college.

9 (cf: P.L.1982, c.189, s.2)

10 141. Section 3 of P.L.1982, c.189 (C.18A:64A-25.3) is amended
11 to read as follows:

12 3. a. Any purchase, contract or agreement for the
13 performance of any work or the furnishing or hiring of materials
14 or supplies, the cost or price of which, together with any sums
15 expended for the performance of any work or services in
16 connection with the same project or the furnishing of similar
17 materials or supplies during the same fiscal year, paid with or out
18 of college funds, does not exceed the total sum of \$7,500.00 or,
19 commencing January 1, 1985, the amount determined pursuant to
20 subsection b. of this section in any fiscal year may be made,
21 negotiated and awarded by a contracting agent, when so
22 authorized by resolution of the board of trustees of the county
23 college, without public advertising for bids and bidding therefor.

24 b. Commencing January 1, 1985 and every two years
25 thereafter, the Governor, in consultation with the Department of
26 the Treasury, shall adjust the threshold amount set forth in
27 subsection a. of this section in direct proportion to the rise or fall
28 of the Consumer Price Index for all urban consumers in the New
29 York and Northeastern New Jersey and the Philadelphia areas as
30 reported by the United States Department of Labor. The
31 adjustment shall become effective on July 1 of the year in which
32 it is reported.

33 c. Any purchase, contract or agreement made pursuant to this
34 section may be awarded for a period of 12 consecutive months,
35 notwithstanding that such 12-month period does not coincide with
36 the fiscal year. [The Department of Higher Education shall adopt
37 and promulgate rules and regulations concerning the methods of
38 accounting for all contracts that do not coincide with the fiscal
39 year.]

40 (cf: P.L.1984, c.241, s.1)

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

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

47 a. The subject matter thereof consists of:

48 (1) Professional services; or

49 (2) Extraordinary unspecifiable services and products which
50 cannot reasonably be described by written specifications, subject
51 however, to [the rules and regulations of the Board of Higher
52 Education] procedures consistent with open public bidding
53 whenever possible; or

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

1 (20) Personnel recruitment and advertising, including without
2 limitation advertising seeking student enrollment; or

3 (21) Educational supplies, books, articles of clothing and other
4 miscellaneous articles purchased by a county college bookstore,
5 or by a service or management company under contract with a
6 county college to operate a county college book store for resale
7 to college students and employees; or

8 (22) Purchase or rental of graduation caps and gowns and award
9 certificates or plaques.

10 b. It is to be made or entered into with the United States of
11 America, the State of New Jersey, a county or municipality or
12 any board, body, or officer, agency or authority or any other
13 state or subdivision thereof.

14 c. The county college has advertised for bids pursuant to
15 section 4 of P.L.1982, c.189 (C.18A:64A-25.4) on two occasions
16 and (i) has received no bids on both occasions in response to its
17 advertisement, or (ii) has rejected such bids on two occasions
18 because the county college has determined that they are not
19 reasonable as to price, on the basis of cost estimates prepared for
20 or by the county college prior to the advertising therefor, or have
21 not been independently arrived at in open competition, or (iii) on
22 one occasion no bids were received pursuant to (i) and on one
23 occasion all bids were rejected pursuant to (ii), in whatever
24 sequence: any such contract or agreement may then be
25 negotiated by a two-thirds affirmative vote of the authorized
26 membership of the board of trustees authorizing such contract or
27 agreement; provided, however, that:

28 (1) A reasonable effort is just made by the contracting agent to
29 determine that the same or equivalent materials or supplies at a
30 cost which is lower than the negotiated price are not available
31 from any agency or authority of the United States, the State of
32 New Jersey or of the county in which the county college is
33 located, or any municipality in close proximity to the county
34 college;

35 (2) The terms, conditions, restrictions and specifications set
36 forth in the negotiated contract or agreement are not
37 substantially different from those which were the subject of
38 competitive bidding pursuant to section 4 of P.L.1982, c.189
39 (C.18A:64A-25.4); and

40 (3) Any minor amendment or modification of any of the terms,
41 conditions, restrictions and specifications, which were the subject
42 of competitive bidding pursuant to section 4 of [this act]
43 P.L.1982, c.189 (C.18A:64A-25.4), shall be stated in the
44 resolution awarding such contract or agreement; provided,
45 further, however, that if on the second occasion the bids received
46 are rejected as unreasonable as to price, the county college shall
47 notify each responsible bidder submitting bids on the second
48 occasion of its intention to negotiate and afford each such bidder
49 a reasonable opportunity to negotiate, but the county college
50 shall not award such contract or agreement unless the negotiated
51 price is lower than the lowest rejected bid price submitted on the
52 second occasion by a responsible bidder is the lowest negotiated
53 price offered by any responsible vendor, and is a reasonable price
54 for such work, materials, supplies or services.

1 Whenever a county college shall determine that a bid was not
2 arrived at independently in open competition pursuant to
3 subsection c. (ii) of this section [5], it shall thereupon notify the
4 county prosecutor of the county in which the county college is
5 located and the Attorney General of the facts upon which its
6 determination is based and, when appropriate, it may institute
7 appropriate proceedings in any State or federal court of
8 competent jurisdiction for a violation of any State or federal
9 antitrust law or laws relating to the unlawful restraint of trade.
10 (cf: P.L.1984, c.241, s.3)

11 143. Section 7 of P.L.1982, c.189 (C.18A:64A-25.7) is amended
12 to read as follows:

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

31 144. Section 28 of P.L.1982, c.189 (C.18A:64A-25.28) is
32 amended to read as follows:

33 28. Duration of certain contracts. A county college may only
34 enter into a contract exceeding 12 consecutive months for the:

35 a. Supplying of:

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

38 (2) Fuel or oil for use in automobiles, autobuses, motor
39 vehicles or equipment for any term not exceeding in the
40 aggregate three years; or

41 b. Plowing and removal of snow and ice for any term not
42 exceeding in the aggregate three years; or

43 c. Collection and disposal of garbage and refuse for any term
44 not exceeding in the aggregate three years; or

45 d. Data processing programs, systems and services or rental or
46 lease of data processing equipment for any term of not more than
47 five years; or

48 e. Insurance, including the purchase of insurance coverages,
49 insurance consultant or administrative services, and including
50 participation in a joint self-insurance fund, risk management
51 programs or related services provided by a county college
52 insurance group, or participation in an insurance fund established
53 by a county pursuant to N.J.S.40A:10-6, for any term of not more
54 than three years; or

1 f. Leasing or service of automobiles, motor vehicles,
2 electronic communications equipment, machinery and equipment
3 of every nature and kind for any term not exceeding in the
4 aggregate five years [; provided, however, such contracts shall be
5 entered into only subject to and in accordance with the rules and
6 regulations promulgated by the Board of Higher Education]; or

7 g. Supplying of any product or rendering of any service by a
8 telephone company which is subject to the jurisdiction of the
9 Board of Public Utilities, for a term not exceeding five years; or

10 h. The providing of food supplies and services, including food
11 supplies and management contracts for student centers, dining
12 rooms and cafeterias, for a term not exceeding three years; or

13 i. The performance of work or services or the furnishing of
14 materials or supplies for the purpose of conserving energy in
15 buildings owned by, or operations conducted by, the contracting
16 unit, the entire price of which is to be established as a
17 percentage of the resultant savings in energy costs, for a term
18 not exceeding 10 years; provided that a contract is entered into
19 only subject to and in accordance with rules and regulations
20 adopted by the Department of Commerce, Energy and Economic
21 Development establishing a methodology for computing energy
22 cost savings; or

23 j. Any single project for the construction, reconstruction or
24 rehabilitation of a public building, structure or facility, or a
25 public works project including the retention of the services of an
26 architect or engineer in connection with the project, for the
27 length of time necessary for the completion of the actual
28 construction; or

29 k. The management and operation of bookstores for a term not
30 exceeding five years; or

31 l. Custodial or janitorial services for any term not exceeding
32 in the aggregate three years.

33 All multi-year leases and contracts entered into pursuant to
34 this section, except contracts for the leasing or servicing of
35 equipment supplied by a telephone company which is subject to
36 the jurisdiction of the Board of Public Utilities, or contracts and
37 agreements for the provision of work or the supplying of
38 equipment to promote energy conservation and authorized
39 pursuant to subsection i. of this section, and except contracts for
40 insurance coverages, insurance consultant or administrative
41 services, participation or membership in a joint self-insurance
42 fund, risk management programs or related services of a county
43 college insurance group, and participation in an insurance fund
44 established by a county pursuant to N.J.S.40A:10-6 or a joint
45 insurance fund established pursuant to P.L.1983, c.372
46 (C.40A:10-36 et seq.), shall contain a clause making them subject
47 to the availability and appropriation annually of sufficient funds
48 to meet the extended obligation or contain an annual cancellation
49 clause.

50 (cf: P.L.1988, c.144, s.4)

51 145. Section 30 of P.L.1982, c.189 (C.18A:64A-25.30) is
52 amended to read as follows:

53 30. No action for damages shall lie against the Board of Higher
54 Education, the Commission on Higher Education, the Presidents'

1 Council, any State official, any county college or its board of
2 trustees or any of its officers because of any action taken by
3 virtue of the provisions of this article.

4 (cf: P.L.1982, c.189, s.30)

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

6 18A:64A-27. The council shall consist of the presidents and
7 chairmen of the boards of trustees of the several county
8 community colleges and of the county college commissions. A
9 trustee board chairman may designate another member of the
10 board as an alternate to attend and to vote at council meetings in
11 the chairman's absence. [The Chancellor shall ex officio be an
12 additional member without vote.]

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

15 (cf: P.L.1989, c.141, s.4)

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

17 18A:64A-28. The council shall organize annually [during the
18 month of December] by the election of a chairman, vice chairman
19 and such other officers as the council shall determine. Such
20 officers shall serve until the following [December] annual
21 organizational meeting and until their successors are elected and
22 qualified. Vacancies in such offices shall be filled in the same
23 manner for the unexpired terms only. The council may also meet
24 at such other times and at such places within the State as it shall
25 deem necessary.

26 (cf: P.L.1985, c.173, s.3)

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

29 8. The council shall encourage and aid movements which it
30 deems necessary for the improvement of county college
31 education and shall, from time to time, make recommendations
32 to the [Board of Higher Education] Governor, Legislature and
33 Commission on Higher Education regarding the coordination of
34 the county colleges on matters of mutual interest and concern.

35 (cf: P.L.1989, c.141, s.8)

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

37 18A:64A-29. [Under the guidance of the board of higher
38 education and with assistance from its staff, the] The council will
39 seek to ensure acceptable and effective lines of development in
40 admissions policy, academic standards, programs, financing, and
41 community relations in the several county colleges.

42 The council will serve as a means of communication between
43 the county colleges, and [staff from the board of higher education
44 will constitute for the council and for the individual county
45 colleges] act as a resource center to aid them in planning, act as
46 a clearing house of information, and provide continuing field
47 services.

48 The council will act as an advisory body to the [board of higher
49 education] Governor, Legislature, Commission on Higher
50 Education and Presidents Council in the carrying out of [its]
51 their respective duties and responsibilities deriving from this
52 chapter.

53 (cf: N.J.S.18A:64A-29)

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

3 1. The board of chosen freeholders of any county which has not
4 established a county college may, with the consent of the [Board
5 of] Commission on Higher Education, establish a community
6 college agency.
7 (cf: P.L.1974, c.89, s.1)

8 151. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to
9 read as follows:

10 3. The community college commission shall consist of the
11 county superintendent of schools and nine public members who
12 are residents of the county and have resided therein for a period
13 of 4 years prior to their appointment having no official
14 connection with educational institutions contracting with the
15 commission. No elected public official shall serve as a voting
16 member of the commission. The president of the commission
17 shall be an ex officio member of the commission without vote.

18 Seven of the public members shall be appointed by the
19 appointing authority of the county, with the advice and consent
20 of the board of chosen freeholders, and two of the members shall
21 be appointed by the [State Board of Higher Education, subject to
22 the approval of the] Governor, for such initial terms as shall be
23 established by the board. Members shall be appointed for terms
24 of 4 years each, except that the initial appointments shall be
25 made in four classes as nearly equal as possible in number, one
26 class to serve for one year, one class to serve for two years, one
27 class to serve for three years, and one class to serve for four
28 years. The term of all members of the commission shall begin on
29 July 1. Members initially appointed to the commission may serve
30 from the time of their respective appointments, but the term of
31 such office shall be deemed to commence as of July 1 of the year
32 in which the appointment was made. Each member shall serve
33 until his successor shall have been appointed and qualified.
34 Vacancies shall be filled in the same manner as the original
35 appointments and for the remainder of the unexpired terms. Any
36 appointed member may be removed by the appointing authority of
37 the county for cause upon notice and opportunity to be heard.
38 The members of the commission shall serve without compensation
39 for their services, but shall be entitled to receive reimbursement
40 for all reasonable and necessary expenses incurred by virtue of
41 services as a member of the commission.

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

46 The appointing authority of the county shall establish a trustee
47 search committee of not less than five members who shall be
48 residents of the county. The members of the trustee search
49 committee shall not be elected public officials and shall not be
50 eligible for appointment to the board of trustees for a period of
51 six months after their service on the trustee search committee.
52 The trustee search committee shall nominate persons [according
53 to criteria promulgated by the Board of Higher Education] for
54 consideration by the appointing authority of the county for

1 appointment to the board of trustees.

2 (cf: P.L.1983. c.518. s.2)

3 152. Section 7 of P.L.1974. c.89 (C.18A:64A-36) is amended to
4 read as follows:

5 7. The commission shall make an annual report on academic
6 and fiscal affairs to the board of chosen freeholders [and to the
7 Board of Higher Education], and annually recommend the funds
8 necessary to be included in the county budget pursuant to
9 N.J.S.18A:64A-15 through 20 for the purpose of public higher
10 education in accordance with the needs for support and facilities
11 as determined by the commission. The first year's estimate of
12 expenses shall be prepared and delivered pursuant to
13 N.J.S.18A:64A-21.

14 (cf: P.L.1974. c.89. s.7)

15 153. Section 8 of P.L.1974. c.89 (C.18A:64A-37) is amended to
16 read as follows:

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

26 (cf: P.L.1974. c.89. s.8)

27 154. Section 1 of P.L.1982. c.42 (C.18A:64A-50) is amended to
28 read as follows:

29 1. Notwithstanding any provisions of chapter 64A of Title 18A
30 of the New Jersey Statutes to the contrary, any private
31 institution of higher education and any post-secondary institute
32 of a county board of vocational education may, prior to July 1,
33 1994, combine to form a county college [upon petition to and
34 approval by the State Board of Higher Education and] without the
35 need of a referendum.

36 (cf: P.L.1982. c.42. s.1)

37 155. Section 6 of P.L.1982. c.42 (C.18A:64A-55) is amended to
38 read as follows:

39 6. The board of trustees shall include seven public trustees,
40 consisting of the county superintendent of schools, four members
41 appointed by the board of chosen freeholders, and two citizens of
42 the county appointed by the [State Board of Higher Education]
43 Governor, and four trustees appointed by the board of governors
44 from among its members. However, no trustee shall be appointed
45 after July 1, 1994 who is an employee of a constituent county. In
46 addition, the student body shall be entitled to elect from the
47 graduating class one representative to serve as a nonvoting
48 member of the board of trustees for a term of 1 year
49 commencing at the next organization of the board following
50 graduation of his class. [The State Board of Higher Education
51 shall by regulation prescribe the rights and duties of the student
52 representative.]

53 All appointive members shall be residents of the county for a
54 period of 4 years prior to appointment and no elected public

1 official or employee of the county college shall serve as a voting
2 member of the board. The terms of office of the appointive
3 members shall be 4 years, except for the first appointment.
4 Terms of those initially appointed by the chairman of the board
5 of chosen freeholders shall expire, respectively, 1, 2, 3 and 4
6 years after appointment. Of those appointed by the [State Board
7 of Higher Education] Governor, one person shall be appointed for
8 a term of 2 years and one for a term of 4 years. Of the members
9 appointed by the board of governors, one person shall be
10 appointed for a term of 1 year, one for a term of 2 years, one for
11 a term of 3 years, and one for a term of 4 years.

12 Each member shall serve until his successor is appointed and
13 qualified.

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

20 (cf: P.L.1982, c.42, s.6)

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

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

- 27 a. Adopt and use a corporate seal;
- 28 b. Sue or be sued;
- 29 c. Determine the educational curriculum and program of the
30 college;
- 31 d. With the advice and consent of the board of governors, upon
32 expiration of the term of the current president of the private
33 institution, appoint and fix the compensation and term of office
34 of a president of the college, who shall be the executive officer
35 of the college;
- 36 e. Appoint, upon nomination of the president, members of the
37 administrative and teaching staff and fix their compensation and
38 terms of employment, subject to the provisions of general law;
- 39 f. Employ other officers, agents and employees, as may be
40 required to carry out the provisions of this act and fix and
41 determine their qualifications, duties, compensation, terms of
42 office and all other conditions and terms of employment;
- 43 g. Fix and determine tuition rates and other fees to be paid by
44 students;
- 45 h. Grant diplomas, certificates or degrees;
- 46 i. Enter into contracts and agreements with the State or any
47 of its political subdivisions or with the United States, or with any
48 public body, department or other agency of the county, State or
49 United States, or with any individual firm or corporation, which is
50 deemed necessary or advisable by the board for carrying out the
51 provisions of this act;
- 52 j. Accept from any government or governmental department,
53 agency or other public or private body or from any other source
54 grants or contributions of money or property, which the board of
55 trustees may use for its purposes;

1 k. Disburse all moneys appropriated to the college by the
2 county and State, moneys received from tuition, fees, auxiliary
3 services and other sources, and from or by the direction of the
4 board of governors:

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

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

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

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

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

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

32 (cf: P.L.1982, c.42, s.8)

33 157. Section 10 of P.L.1982, c.42 (C.18A:64A-59) is amended
34 to read as follows:

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

40 a. If the property and funds controlled by the current trustees
41 and its successor board of governors is not properly applied in
42 accordance with the provisions of section 8 of this act for the
43 purposes of higher education and in accordance with the terms of
44 any applicable testament or trust or other special provisions; or

45 b. if the county shall not make provisions sufficient to enable the
46 current board of trustees and its successors to discharge its trust
47 to apply the trust assets as described in section 9 of this act for
48 public higher education through the conduct of a college with
49 high educational standards, then the board of governors, after
50 consideration and on not less than 60 days' prior written notice
51 to the board of trustees and to the [State Board of Higher
52 Education or its successor] Governor, shall have and may exercise
53 the right to withhold or withdraw the use of the properties and
54 funds described in section 9 of this act or any part thereof.

1 subject to adjudication by the courts of the State and subject to
2 their proper application for the purposes of public higher
3 education and in accordance with the terms of any applicable
4 testamentary trust or other special provision.

5 (cf: P.L.1982, c.42, s.10)

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

8 12. In accordance with law, the board of trustees shall make
9 an annual report [to the Chancellor of Higher Education in the
10 manner prescribed by the Board of Higher Education and] to the
11 board of chosen freeholders of the county.

12 (cf: P.L.1982, c.42, s.12)

13 159. Section 27 of P.L.1982, c.42 (C.18A:64A-76 is amended to
14 read as follows:

15 27. This act shall not abrogate the powers of the Governor [or
16 the State Board of Higher Education] to supervise and control the
17 college in accordance with existing law.

18 (cf: P.L.1982, c.42, s.27)

19 160. N.J.S.18A:64E-5 is amended to read as follows:

20 18A:64E-5. The board of trustees shall have control of the
21 buildings and grounds owned and used by such schools, the
22 application of the funds for the support thereof, the regulation of
23 the tuition fees, the appointment and removal of teachers, the
24 power to prescribe the studies and exercise of the school, and
25 rules for its management, to grant certificates of graduation, to
26 appoint some suitable person treasurer of the board, and to frame
27 and modify at pleasure such rules as it may deem necessary for
28 its own government. It shall report annually to the [board of]
29 commission on higher education and to the board of education of
30 the municipality its own doings and the progress and condition of
31 the schools.

32 (cf: N.J.S.18A:64E-5)

33 161. N.J.S.18A:64F-1 is amended to read as follows:

34 18A:64F-1. As used in this chapter:

35 (a) "Student" means any full-time student who is a resident of
36 this State and who enters a school of professional nursing to begin
37 a program of nursing instruction or any part-time student who is
38 a resident of this State who enters an upper division program of
39 nursing instruction [, as defined by the chancellor.] in a school of
40 professional nursing;

41 (b) "Operational expense" means those funds devoted to or
42 required for the regular or ordinary expense of the school of
43 professional nursing, including administration, maintenance and
44 salary expenses;

45 (c) "School of professional nursing" means a school in New
46 Jersey offering a program of nursing instruction not exceeding 4
47 years beyond high school, which is affiliated with a hospital and
48 holds a certificate of accreditation issued by the New Jersey
49 Board of Nursing, provided that said school is not eligible to
50 receive State aid for its nursing program under any other law.

51 (cf: P.L.1983, c.512, s.1)

52 162. N.J.S.18A:64F-2 is amended to read as follows:

53 18A:64F-2. A school of professional nursing may apply for and
54 receive state aid towards the operational expense of said school.

1 The application shall be upon forms prepared and provided by the
2 [chancellor] State Treasurer and shall contain such information as
3 the [chancellor] treasurer shall require. Each application shall be
4 first submitted to the New Jersey board of nursing [who] which
5 shall certify thereon whether said school is accredited and
6 whether or not said accreditation has been suspended or revoked.

7 (cf: N.J.S.18A:64F-2)

8 163. N.J.S.18A:64F-3 is amended to read as follows:

9 18A:64F-3. [The chancellor shall formulate annual budget
10 requests for funds for State aid for qualified schools of
11 professional nursing.] Within the limits of funds appropriated [to
12 the Department of Higher Education] for said purpose, any school
13 of professional nursing whose application has been approved by
14 the [chancellor] State Treasurer shall be entitled to receive State
15 aid for the operational expense of the school to the extent of
16 one-half thereof or \$600.00 per full-time student, whichever is
17 the lesser amount and a pro rata amount for part-time students.

18 (cf: P.L.1983, c.512, s.2)

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

21 2. The Legislature and Governor of the State of New Jersey
22 hereby find that the establishment and operation of programs of
23 medical, dental, nursing, health related professions and health
24 sciences education is in the best interest of the State to provide
25 greater numbers of trained medical personnel to assist in the
26 staffing of the hospitals and public institutions and agencies of
27 the State and to prepare greater numbers of students for the
28 general practice of medicine, dentistry, nursing and the health
29 related professions, and find, declare and affirm, as a matter of
30 public policy of the State, that it is the responsibility of the State
31 to provide funds necessary to establish and operate such programs
32 of education, in the most economical and efficient manner, and
33 that, in furtherance of such policy, the school of medicine
34 heretofore established by Rutgers, The State University,
35 (hereinafter called the "Rutgers Medical School") and the New
36 Jersey College of Medicine and Dentistry shall be combined into
37 a single entity to be known as the University of Medicine and
38 Dentistry of New Jersey.

39 The university shall be comprised of the Graduate School of
40 Biomedical Sciences, the School of Health Related Professions,
41 the New Jersey Dental School, the School of Osteopathic
42 Medicine, the New Jersey Medical School and the Robert Wood
43 Johnson Medical School, and all other departments or schools
44 established by the university in accordance with [the review and
45 approval procedures of the State Board of Higher Education] law.

46 The Legislature and Governor further find and declare that the
47 continuing development of the university as a premier academic
48 health center, able to provide state of the art education, research
49 and patient care services and able to fully participate in today's
50 health-care environment, is in the best interest of the State.
51 Because of the importance of each element of the health-care
52 delivery system, it is the university's obligation to monitor, to
53 identify and to coordinate with the appropriate State agencies
54 and boards to meet the health-care manpower needs of New

1 Jersey as they arise. A key element necessary to the
2 achievement of many of these goals is the structural flexibility to
3 form productive and varied relationships with other health-care
4 organizations, research institutions and private individuals, firms
5 and corporations.

6 The Legislature and Governor further find that such
7 public-private relationships should be encouraged since these
8 cooperative efforts will enable the university to supplement the
9 resources available from the State and thereby provide the
10 university with an economic and efficient means to develop and
11 offer an appropriate range of health-care services.

12 (cf: P.L.1992, c.84, s.2)

13 165. Section 3 of P.L.1970, c.102 (C.18A:64G-3) is amended to
14 read as follows:

15 3. There is hereby established [in the Department of Higher
16 Education] a body corporate and politic to be known as the
17 "University of Medicine and Dentistry of New Jersey." The
18 exercise by the university of the powers conferred by this act in
19 the presentation and operation of programs of medical, dental,
20 nursing and health related professions and health sciences
21 education shall be deemed to be public and essential
22 governmental functions necessary for the welfare of the State
23 and the people of New Jersey.

24 (cf: P.L.1992, c.84, s.3)

25 166. Section 22 of P.L.1981, c.325 (C.18A:64G-3.6) is amended
26 to read as follows:

27 22. The general powers of supervision and control of the [State
28 Board of Higher Education] Governor over the University of
29 Medicine and Dentistry of New Jersey include the power to visit
30 the university to examine into its manner of conducting its
31 affairs and to enforce an observance of its laws and regulations
32 and the laws of the State.

33 (cf: P.L.1981, c.325, s.22)

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

36 7. a. Except in the case of existing university programs, the
37 university shall award associate degrees only in new programs
38 jointly proposed and implemented with institutions fully
39 authorized and accredited to award degrees at that level.

40 b. For the awarding of the baccalaureate degree, the
41 university shall develop and maintain joint degree programs for
42 health related professions and new nursing education programs
43 with fully authorized and accredited institutions and shall be
44 limited to offering upper division courses. Exceptions may be
45 made [in accordance] with [duly adopted regulations] the approval
46 of the [Board of] Commission on Higher Education, except as
47 provided in this act. In instances where the university has been
48 authorized to offer a baccalaureate degree program jointly with
49 another institution, it may independently award a second
50 baccalaureate degree for that program for students who enter the
51 program already possessing a baccalaureate degree from a
52 regionally accredited college or university.

53 (cf: P.L.1992, c.84, s.7)

54 168. Section 4 of P.L.1970, c.102 (C.18A:64G-4) is amended to
55 read as follows:

1 4. a. The government, control, conduct, management and
2 administration of the university shall be vested in the board of
3 trustees of the university. The membership of the board of
4 trustees shall consist of [the Chancellor of the Department of
5 Higher Education and] the Commissioner of Health, who shall
6 serve ex officio, without vote, and 11 voting members, each of
7 whom shall be appointed by the Governor, with the advice and
8 consent of the Senate, for a term of five years and shall serve
9 until his successor is appointed and has qualified. Any vacancies
10 in the voting membership of the board occurring other than by
11 expiration of term shall be filled in the same manner as the
12 original appointment but for the unexpired term only. Each voting
13 member of the board of trustees before entering upon his duties
14 shall take and subscribe an oath to perform the duties of his
15 office faithfully, impartially and justly to the best of his ability.
16 A record of such oath shall be filed in the office of the Secretary
17 of State. Each voting member of the board may be removed from
18 office by the Governor, for cause, after a public hearing.

19 b. The members of the board of trustees shall meet at the call
20 of the Governor for purposes of organizing. The board shall
21 thereafter meet at such times and places as it shall designate.

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

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

31 (cf: P.L. 1992, c.84, s.4)

32 169. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to
33 read as follows:

34 6. The board of trustees of the university [within the general
35 policies and guidelines set by the Board of Higher Education.]
36 shall have the general supervision over and be vested with the
37 conduct of the university, including its health care facilities
38 regardless of the source of funding. It shall have the power and
39 duty to:

40 (a) Adopt and use a corporate seal;

41 (b) Determine the educational curriculum and program of the
42 university;

43 (c) Determine policies for the organization, administration,
44 and development of the university;

45 (d) Study the educational and financial needs of the university,
46 annually acquaint the Governor and Legislature with the
47 condition of the university, and prepare and submit an annual
48 request for appropriation to the [State Board of Higher
49 Education] Division of Budget and Accounting in the Department
50 of Treasury in accordance with law;

51 (e) Disburse all moneys appropriated to the university by the
52 Legislature and all moneys received from tuition, fees, auxiliary
53 services and other sources;

54 (f) Direct and control expenditures and transfers of funds
55 appropriated to the university in accordance with the provisions

1 of the State budget and appropriation acts of the Legislature.
2 and, as to funds received from other sources, direct and control
3 expenditures and transfers in accordance with the terms of any
4 applicable trusts, gifts, bequests, or other special provisions,
5 reporting changes and additions thereto and transfers thereof to
6 the Director of the Division of Budget and Accounting in the
7 Department of the Treasury [and to the Chancellor of Higher
8 Education]. All accounts of the university shall be subject to
9 audit by the State at any time;

10 (g) In accordance with the provisions of the State budget and
11 appropriation acts of the Legislature, appoint and fix the
12 compensation and term of office of a president of the university
13 who shall be the executive officer of the university;

14 (h) In accordance with the provisions of the State budget and
15 appropriation acts of the Legislature, appoint, upon nomination of
16 the president, such deans and other members of the academic,
17 administrative and teaching staffs as shall be required and fix
18 their compensation and terms of employment;

19 (i) In accordance with the provisions of the State budget and
20 appropriation acts of the Legislature, appoint, remove, promote
21 and transfer such other officers, agents, or employees as may be
22 required to carry out the provisions of this act and assign their
23 duties, determine their salaries, and prescribe qualifications for
24 all positions and in accordance with the salary schedules of the
25 Civil Service Commission wherever possible;

26 (j) Fix and determine [, after consultation with the Board of
27 Higher Education.] tuition rates, and other fees to be paid by
28 students;

29 (k) Grant diplomas, certificates or degrees;

30 (l) Enter into contracts and agreements with the State or any
31 of its political subdivisions or with the United States, or with any
32 public body, department or other agency of the State or the
33 United States or with any individual, firm or corporation which
34 are deemed necessary or advisable by the board for carrying out
35 the provisions of this act. A contract or agreement pursuant to
36 this subsection may require a municipality to undertake
37 obligations and duties to be performed subsequent to the
38 expiration of the term of office of the elected governing body of
39 such municipality which initially entered into or approved said
40 contract or agreement, and the obligations and duties so incurred
41 by such municipality shall be binding and of full force and effect,
42 notwithstanding that the term of office of the elected governing
43 body of such municipality which initially entered into or approved
44 said contract or agreement, shall have expired;

45 (m) Accept from any government or governmental department,
46 agency or other public or private body or from any other source
47 grants or contributions of money or property which the board may
48 use for or in aid of any of its purposes;

49 (n) (1) Acquire (by gift, purchase, condemnation or otherwise).
50 own, lease, dispose of, use and operate property, whether real,
51 personal or mixed, or any interest therein, which is necessary or
52 desirable for university purposes;

53 (2) Adopt standing operating rules and procedures for the

1 purchase of all equipment, materials, supplies and services;
2 however, no contract on behalf of the university shall be entered
3 into for the purchase of services, materials, equipment and
4 supplies, for doing of any work, or for the hiring of equipment or
5 vehicles, where the sum to be expended exceeds \$12,500.00 or the
6 amount determined by the Governor as provided herein, unless
7 the university shall first publicly advertise for bids and shall
8 award the contract to that responsible bidder whose bid,
9 conforming to the invitation for bids, will be most advantageous
10 to the university, price and other factors considered. Such
11 advertising shall not be required in those exceptions created by
12 the board of trustees of the university, which shall be in
13 substance those exceptions contained in sections 4 and 5 of
14 P.L.1954, c.48 (C.52:34-9 and 10) or for the supplying of any
15 product or the rendering of any service by a public utility subject
16 to the jurisdiction of the Board of Public Utilities of this State
17 and tariffs and schedules of the charges, made, charged, or
18 exacted by the public utility for any such products to be supplied
19 or services to be rendered are filed with the said board.
20 Commencing January 1, 1985 and every two years thereafter, the
21 Governor, in consultation with the Department of the Treasury,
22 shall adjust the threshold amount set forth in this paragraph in
23 direct proportion to the rise or fall of the consumer price index
24 for all urban consumers in the New York City and the
25 Philadelphia areas as reported by the United States Department
26 of Labor. The Governor shall notify the university of the
27 adjustment. The adjustment shall become effective on July 1 of
28 the year in which it is reported.

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

42 (3) Employ architects to plan buildings; secure bids for the
43 construction of buildings and for the equipment thereof; make
44 contracts for the construction of buildings and for equipment; and
45 supervise the construction of buildings [. All capital expenditures
46 in excess of \$2,000,000 shall be subject to the approval of the
47 Board of Higher Education except that commencing January 1,
48 1993 and every two years thereafter, the Governor, in
49 consultation with the Department of the Treasury, shall adjust
50 the threshold amount set forth in this paragraph in direct
51 proportion to the rise or fall of the consumer price index for all
52 urban consumers in the New York City and the Philadelphia areas
53 as reported by the United States Department of Labor. The
54 Governor shall notify the university of the adjustment. The

1 adjustment shall become effective on July 1 of the year in which
2 it is reported];

3 (4) Manage and maintain, and provide for the payment of all
4 charges on and expenses in respect of, all properties utilized by
5 the university; and

6 (5) Invest certain monies in such obligations, securities and
7 other investments as the board shall deem prudent in accordance
8 with State and federal law, as follows:

9 In not for profit corporations utilizing income realized from
10 the sale or licensing of intellectual property, as well as the
11 reinvestment of earnings on intellectual property; income
12 realized from the operation of faculty practice plans of the
13 university; and income from overhead grant fund recovery as
14 permitted by federal law;

15 In for profit corporations utilizing income realized from the
16 sale or licensing of intellectual property, as well as the
17 reinvestment of earnings on intellectual property.

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

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

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

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

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

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

49 (u) [Notwithstanding the provisions of section 7 of P.L.1970,
50 c.102 (C.18A:64G-7), retain independent counsel to represent a
51 joint venture, subsidiary corporation, partnership or such other
52 jural entity entered into or owned wholly or in part by the
53 university when the enterprise involves development,
54 manufacture, or marketing of products, technology, or scientific

1 information, and retain independent counsel to represent any
2 separate corporation created by the university pursuant to
3 paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102
4 (C.18A:64G-6); however, the Attorney General shall represent
5 the university as a venturer, partner, or in the case of a
6 corporation, in its shareholder capacity during the incorporation
7 phase and thereafter] Retain independent counsel including
8 representation by the Attorney General in accordance with
9 subsection h. of section 6 of P.L. , c. (C.) (now pending before
10 the Legislature as this bill.);

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

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

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

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

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

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

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

54 (8) Income realized by the university as a result of

1 participation in the development, manufacture or marketing of
2 products, technology, or scientific information may be invested
3 or reinvested pursuant to paragraph (5) of subsection (n) of
4 section 6 of P.L.1970, c.102 (C.18A:64G-6) or retained by the
5 board for use in furtherance of any of the purposes of this act;

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

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

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

47 (x) Create auxiliary organizations subject to the provisions of
48 P.L.1982, c.16 (C.18A:64-26 et seq.).
49 (cf: P.L.1992, c.84, s.5)

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

52 7. The board of trustees, in addition to the other powers and
53 duties provided herein, shall have and exercise the powers, rights

1 and privileges that are incident to the proper government,
2 conduct and management of the university and the control of its
3 properties and funds and such powers granted to the university or
4 the board or reasonably implied, may be exercised without
5 recourse or reference to any department or agency of the State,
6 except as otherwise provided by this act. [In addition, the board
7 may retain independent counsel with the approval of the Attorney
8 General.]

9 (cf: P.L.1981, c.325, s.8)

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

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

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

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

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

30 d. Annually reviewing the educational programs provided by
31 participating hospitals;

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

35 (cf: P.L.1977, c. 390, s.2)

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

38 3. As used in this act:

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

41 b. ["Chancellor" means the Chancellor of Higher Education]
42 deleted by amendment, P.L. , c. (C.) (now pending before
43 the legislature as this bill).

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

49 d. "Medical" and "physician" refer to doctors of medicine and
50 doctors of osteopathy.

51 (cf: P.L.1977, c.390, s.3)

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

54 4. The council shall consist of [15] 14 members, 11 voting

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

31 a. The council may appoint advisory committees
32 representative of the medical and health care professions,
33 educators, and students, representatives of medical and health
34 care facilities and consumers. The advisory committees shall
35 provide advice and assistance to the council for the council's
36 performance of its designated functions.

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

44 (cf: P.L.1977, c.390, s.4)

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

47 5. The [Board of] Commission on Higher Education, upon the
48 advice of the Advisory Council, with the concurrence of the
49 Commissioner of Health, shall:

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

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

54 c. Establish standards for the use and expenditures of funds

1 appropriated pursuant to this act:

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

5 (cf: P.L.1977, c.390, s.5)

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

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

11 (cf: P.L.1977, c.390, s.8)

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

14 3. The [State Board of Higher Education] Board of Trustees of
15 Montclair State University shall include in its annual request for
16 appropriations [submitted to the Governor pursuant to
17 N.J.S.18A:3-14.] a request for such sums as may be necessary to
18 maintain the New Jersey School of Conservation. Such funding
19 shall be separate from and in addition to the regular formula
20 support provided to Montclair State [College] University and shall
21 not limit the funding provided to higher education as a sector.

22 (cf: P.L.1981, c.148, s.3)

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

24 18A:65-14. The membership of the board of governors shall be
25 classified as follows and consist of:

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

28 i. the chancellor, and

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

31 b. 11 voting members,

32 i. six of whom shall be appointed by the governor of the state,
33 with the advice and consent of the senate, and

34 ii. five of whom shall be appointed by the board of trustees.
35 from among their members elected and serving under the
36 provisions of subsection l.c. or l.d. of 18A:65-15.

37 All members shall serve for terms of six years, except that the
38 terms of those initially appointed by the governor which began on
39 September 1, 1956, shall expire respectively (as designated by
40 him) one, two, three, four, five and six years after June 30, 1956,
41 and terms of those initially appointed by the board of trustees
42 which began on September 1, 1956, shall expire respectively (as
43 designated by the board) two, three, four, five and six years after
44 June 30, 1956; all of whose respective successors shall be
45 appointed to serve six-year terms. Governors may succeed
46 themselves for not more than one additional term after having
47 served one full six-year term (including an initial term beginning
48 on September 1, 1956, and expiring on June 30, 1962).

49 (cf: N.J.S.18A:65-14)

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

51 18A:65-15. I. The membership of the board of trustees shall
52 be classified as follows and consist of:

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

1 i. the chancellor, and
2 ii.] the president of the corporation, serving as an ex officio
3 non-voting member;

4 b. 11 public trustees, appointed and to be appointed by the
5 governor of the state, with the advice and consent of the senate,
6 viz.,

7 i. five public trustees, serving under section 4 of chapter 49 of
8 the Laws of 1945 for five-year terms expiring respectively, one,
9 two, three, four, and five years after June 30, 1956, whose
10 respective successors shall be appointed upon the expiration of
11 such terms and annually thereafter to serve five-year terms; and

12 ii. six public trustees appointed governors under subsection
13 b.1. of section 18A:65-14 and serving by virtue thereof for and
14 during their respective initial and subsequent terms as governors;

15 c. not less than 12 nor more than 20 trustees who shall be
16 alumni or alumnae of Rutgers, the state university, as may be
17 determined from time to time by the board of trustees, elected
18 by the board in accordance with such rules, regulations and
19 schedules, and modifications thereof, as may be prepared and
20 adopted from time to time by the board, the terms of such alumni
21 trustees or alumnae trustees to be six years for full terms, with
22 power in the board to provide for shorter or interim terms when
23 deemed by it to be advisable.

24 d. Charter trustees:

25 i. in the number of trustees serving as such on August 31, 1956
26 without definite term, who shall continue to serve indefinitely;
27 provided, that upon the occurrence of any vacancy among such
28 charter trustees, no successor shall be elected to fill such
29 vacancy until such time as the number of such trustees has been
30 reduced below 25, and thereafter vacancies within that number
31 shall be filled by the board subject to the following paragraph II:

32 ii. two women elected by the board of trustees serving six-year
33 terms expiring respectively on June 30, 1963 and 1965 and one
34 woman elected by the board of trustees serving a five-year term
35 expiring June 30, 1961, whose respective successors shall be
36 elected by the board upon the expiration of such terms and
37 thereafter to serve six-year terms.

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

45 III. The ex officio members of the board of trustees as
46 constituted on August 31, 1956, pursuant to the charter, statutes,
47 or resolutions of the board from time to time adopted, ceased to
48 be such members on August 31, 1956, with the exception of the
49 president of the corporation who continued as ex officio trustee
50 and ex officio governor, without voting power as hereinabove
51 provided and the commissioner of education who so continued
52 until July 1, 1967.

53 (cf: N.J.S.18A:65-15)

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

2 18A:65-16. (a) The terms of all governors and trustees which
3 are limited shall, unless otherwise expressly provided herein,
4 commence on July 1 in the first year, and end on June 30 in the
5 last year, of such term.

6 (b) In case a governor or a trustee is elected president [or
7 appointed chancellor] and he thereby becomes a nonvoting
8 governor or trustee ex officio, a vacancy in his prior office as
9 governor or trustee shall thereby occur.

10 (c) In case a trustee is appointed a governor by the governor of
11 the state, and he thereby becomes a trustee during his term as
12 governor, a vacancy in his prior office as trustee shall thereby
13 occur.

14 (d) Any vacancy occurring during the term of any governor or
15 trustee (other than by the expiration of his term) shall be filled
16 for the unexpired term only, in the same manner and subject to
17 the same provisions, as in the case of his appointment or election;
18 subject, however, to the provisions of subsection I.d. of section
19 18A:65-15.

20 (cf: N.J.S.18A:65-16)

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

22 18A:65-17. No person, other than [the chancellor or] the
23 president, shall be eligible to membership on the board of
24 governors, if he is a salaried official of the state of New Jersey,
25 or shall be eligible to membership on either the board of
26 governors or the board of trustees, if he is receiving
27 remuneration for services from the corporation or the university.
28 If any member of either board shall become ineligible by reason
29 of the foregoing, a vacancy in his prior office as governor or
30 trustee, as the case may be, shall thereby occur.

31 (cf: N.J.S.18A:65-17)

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

33 18A:65-25. The board of governors shall have general
34 supervision over and be vested with the conduct of the
35 university. It shall have the authority and responsibility to:

36 a. Determine policies for the organization, administration and
37 development of the university;

38 b. Study the educational and financial needs of the university,
39 annually acquaint the Governor and Legislature with the
40 condition of the university, and prepare and [jointly with the
41 Board of Higher Education,] present the annual budget to the
42 Governor, the Division of Budget and Accounting in the
43 Department of Treasury and the Legislature, in accordance with
44 law;

45 c. Disburse all moneys appropriated to the university by the
46 Legislature, moneys received from tuition, fees, auxiliary
47 services and other sources, and from or by direction of the board
48 of trustees;

49 d. Direct and control expenditure and transfer of funds
50 appropriated to the corporation and the university by the State in
51 accordance with the provisions of the State budget and
52 appropriation acts of the Legislature; and, as to funds received
53 from the trustees and other sources, direct and control
54 expenditures and transfers in accordance with the terms of any

1 applicable trusts, gifts, bequests, or other special provisions.
2 reporting changes and additions thereto and transfers thereof to
3 the Director of the Division of Budget and Accounting in the
4 State Department of the Treasury. All accounts of the university
5 shall be subject to audit by the State at any time.

6 e. Borrow money for the needs of the corporation and the
7 university, as deemed requisite by the board, in such amounts and
8 for such time and upon such terms as may be determined by the
9 board, with the consent and advice of the board of trustees;
10 provided, that no such borrowing shall be deemed or construed to
11 create or constitute a debt, liability, or a loan or pledge of the
12 credit, or be payable out of property or funds (other than moneys
13 appropriated for that purpose) of the State:

14 f. 1. Purchase all lands, buildings, equipment, materials and
15 supplies; and

16 2. Employ architects to plan buildings; secure bids for the
17 construction of buildings and for the equipment thereof; make
18 contracts for the construction of buildings and for equipment; and
19 supervise the construction of buildings;

20 g. Manage and maintain, and provide for the payment of all
21 charges on and expenses in respect of, all properties utilized by
22 the university;

23 h. In accordance with the provisions of the budget, have the
24 sole power (subject to the provisions of section 18A:65-31) to
25 elect, appoint, remove, promote or transfer all corporate,
26 official, educational and civil administrative personnel, and fix
27 and determine their salaries in accordance with salary schedules
28 adopted by the board of governors [and approved by the Board of
29 Higher Education]. Such salary schedules shall prescribe
30 qualifications for the various classifications and shall limit the
31 percentage of the educational staff that may be appointed or
32 promoted to any given classification:

33 i. In accordance with the provisions of the budget, appoint,
34 remove, promote and transfer all other officers, agents, or
35 employees, assign their duties, determine their salaries, and
36 prescribe qualifications for all positions, and in accordance with
37 the salary schedules of the State Civil Service Commission
38 wherever possible; and

39 j. Authorize any new educational department or school [which
40 will require, at the time of establishment, or which may
41 thereafter require, an additional expenditure of money beyond
42 that appropriated, if the establishment thereof is approved by the
43 Board of Higher Education and provision is made therefor in the
44 annual or a supplemental appropriation act or a special act of the
45 Legislature or otherwise] consistent with the institution's
46 programmatic mission or approved by the Commission on Higher
47 Education .

48 (cf: P.L.1970, c.174, s.1)

49 182. N.J.S.18A:65-27 is amended to read as follows:

50 18A:65-27. I. It is hereby declared to be the public policy of
51 the state of New Jersey that:

52 a. the corporation and the university shall be and continue to
53 be given a high degree of self-government and that the
54 government and conduct of the corporation and the university

1 shall be free of partisanship; and

2 b. resources be and continue to be provided and funds be and
3 continue to be appropriated by the state adequate for the conduct
4 of a state university with high educational standards and to meet
5 the cost of increasing enrollment and the need for proper
6 facilities.

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

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

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

19 (1) the university is not continued to be designated and
20 maintained as the state university of New Jersey, or

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

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

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

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

46 (cf: N.J.S.18A:65-27)

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

48 18A:65-33.1. The corporation shall have the care, custody and
49 control of such property as the state now has or shall hereafter
50 acquire at the university, subject to the visitorial powers of the
51 [board of higher education] Governor.

52 (cf: N.J.S.18A:65-33.1)

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

54 18A:65-34. The visitorial general powers of supervision and

1 control of the [board of higher education] Governor over Rutgers.
2 the state university. are continued and are defined as the powers
3 to visit the university to examine into its manner of conducting
4 its affairs and to enforce an observance of its laws and
5 regulations and the laws of the state.

6 (cf: N.J.S.18A:65-34)

7 185. N.J.S.18A:65-35 is amended to read as follows:

8 18A:65-35. The board of governors shall advise [with the board
9 of higher education], in consultation with the Commission on
10 Higher Education and the Presidents' Council, to the end that the
11 facilities and services of the university may be so utilized as to
12 increase the efficiency of the public school system and provide
13 higher education for the people of the state, and [the board of
14 higher education shall investigate and, jointly with] the board of
15 governors [,] shall make recommendations to the governor and the
16 legislature, respecting the needs for the facilities and services, of
17 the university, as an instrumentality of the state for said
18 purposes.

19 (cf: N.J.S.18A:65-35)

20 186. N.J.S.18A:65-61 is amended to read as follows:

21 18A:65-61. The care, custody and control of any building used
22 jointly by any state college and the corporation shall be vested in
23 the board of trustees of the state college or in the corporation, as
24 the case may be. The care, custody and control of any building of
25 a state college wholly utilized by the corporation shall be
26 exercised by the corporation subject to the visitorial power [of
27 the board of higher education] granted herein and the care,
28 custody and control of any building of the corporation wholly
29 utilized for any state college shall be exercised by the board of
30 trustees of the state college.

31 (cf: N.J.S.18A:65-61)

32 187. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to
33 read as follows:

34 3. As used in this act:

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

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

53 c. "Base annual salary" means the base salary upon which
54 contributions by the member and his employer to the alternate

1 benefit program were based during the last year of creditable
2 service.

3 d. ["Board of Higher Education" means the board described in
4 article 2 of chapter 3 of Title 18A of the New Jersey Statutes
5 and the agency responsible for the establishment of the alternate
6 benefits program of the State and County Colleges.] deleted by
7 amendment (P.L. . c. (C.) (now pending before the
8 Legislature as this bill)

9 e. "University of Medicine and Dentistry" means the
10 University of Medicine and Dentistry of New Jersey established
11 pursuant to the terms of section 3 of P.L.1970, c.102
12 (C.18A:64G-3).

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

15 g. "Division of Pensions and Benefits" means the division
16 established in the Department of the Treasury pursuant to section
17 1 of P.L.1955, c.70 (C.52:18A-95) and is the agency responsible
18 for the administration of the alternate benefit program of [the
19 Department of Higher Education.] the State and county colleges
20 and for the administration of the group life and disability
21 insurances of all alternate benefit programs established in the
22 State for public employees.

23 h. "Full-time officers" and "full-time members of the
24 faculty" shall include the president, vice president, secretary and
25 treasurer of the respective school. [Also included are employees
26 of the Department of Higher Education whose positions are so
27 designated by the Board of Higher Education. All other
28 employees of the Department of Higher Education shall, if
29 otherwise eligible, be enrolled in the Public Employees'
30 Retirement System or transferred from the Teachers' Pension
31 and Annuity Fund to said system.] "Full-time" shall also include
32 eligible full-time officers and full-time members of the faculty
33 who are granted sabbaticals or leaves of absence with pay where
34 the compensation paid is 50% or more of the base salary at the
35 time the leave commences and the period of eligibility
36 terminates with the end of the school year following the year in
37 which the sabbatical began. "Part-time" shall be defined as an
38 appointment where the employee receives a salary or wages for a
39 period of less than 50% of the normal work week. These
40 definitions shall apply to teaching or administrative staff
41 members or to employees serving in a dual capacity where the
42 appointment includes teaching as well as administrative duties.

43 i. "Group Annuity Plan" refers to the Group Annuity Contract
44 R-134 between the Board of Trustees of the New Jersey Institute
45 of Technology and the Prudential Insurance Company of America.

46 j. "Member" or "participant" means a full-time officer or a
47 full-time member of the faculty participating in the alternate
48 benefit program.

49 k. "New Jersey Institute of Technology" means the Newark
50 College of Engineering.

51 l. "Pension reserve" means those moneys as defined in
52 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

53 m. "Rutgers, The State University" means the institution of
54 higher education described in chapter 65 of Title 18A of the New
55 Jersey Statutes.

1 n. "State Colleges" means the colleges so described in chapter
2 64 of Title 18A of the New Jersey Statutes.

3 o. "Mutual fund company" means an investment company or
4 trust regulated by the federal "Investment Company Act of
5 1940," 15 U.S.C. §§80a-1 et seq.
6 (cf: P.L.1993, c.385, s.2)

7 188. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended
8 to read as follows:

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

35 Any person participating in the alternate benefit program shall
36 be ineligible for membership in the Teachers' Pension and
37 Annuity Fund, the Public Employees' Retirement System, the
38 Police and Firemen's Retirement System or the Group Annuity
39 Plan and any person electing to participate in the alternate
40 benefit program shall thereby waive all rights and benefits
41 provided by the Teachers' Pension and Annuity Fund, the Public
42 Employees' Retirement System, the Police and Firemen's
43 Retirement System or the Group Annuity Plan as a member of
44 said fund, system or plan, except as herein and otherwise
45 provided by law or under terms of the Group Annuity Plan.

46 Any person required to participate in the alternate benefit
47 program by reason of employment, who at the time of such
48 employment is a member of the Teachers' Pension and Annuity
49 Fund, shall be permitted to transfer his membership in said fund
50 to the Public Employees' Retirement System, by waiving all
51 rights and benefits which would otherwise be provided by the
52 alternate benefit program. Any such new employee who is a
53 member of the Public Employees' Retirement System will be
54 permitted to continue his membership in that system, by waiving

1 all rights and benefits which would otherwise be provided by the
2 alternate benefit program. Such waivers shall be accomplished
3 by filing forms satisfactory to the Division of Pensions within 30
4 days of the beginning date of employment.

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

9 No person eligible for participation in the alternate benefit
10 program shall be eligible for, or receive, benefits under chapters
11 4 and 8B of Title 43 of the Revised Statutes.

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

15 (cf: P.L.1984, c.200, s.1)

16 189. Section 6 of P.L.1969, c.242 (C.18A:66-172) is amended
17 to read as follows:

18 6. Participants in the alternate benefit program shall be
19 allowed to allocate portions of their own contributions and the
20 contributions of their employer, including amounts used by the
21 employer to purchase an annuity pursuant to a salary reduction
22 agreement under section 24 of P.L.1969, c.242 (C.18A:66-190), to
23 accounts with two or more insurers or mutual fund companies
24 designated pursuant to the provisions of section 3 of P.L.1993,
25 c.385 (C.18A:66-172.1) as companies from which alternate
26 benefit contracts may be purchased, and shall, subject to such
27 rules and regulations as the Division of Pensions and Benefits may
28 adopt, be permitted to direct the withdrawal of such
29 contributions from their account with one such company for
30 deposit in an account with another such company. Since the
31 establishment of the alternate benefit programs for the several
32 public institutions of higher education in New Jersey is designed
33 to provide mobility of pension credit from within the academic
34 community in and outside the State, and since it is imperative
35 that eligibility for participation in this program be of uniform
36 application in the several schools, it shall be the responsibility of
37 the [Board of Higher Education] Director of the Division of
38 Pensions to establish regulations which shall provide for such
39 uniformity.

40 (cf: P.L.1993, c.385, s.4)

41 190. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended
42 to read as follows:

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

52 The Division of Pensions [and Benefits] shall provide for
53 reductions from the compensation of each participant in the
54 alternate benefit program employed by [the Department of

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

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

10 (b) Based on a certification to the Division of Pensions [and
11 Benefits] by the University of Medicine and Dentistry of New
12 Jersey, Rutgers, The State University and the New Jersey
13 Institute of Technology of the number and base salary of
14 participants, the division shall authorize the State to make
15 payment of the employer contributions to the alternate benefit
16 program at a rate equal to 8% of the employee's base salary,
17 which moneys shall be paid to the designated insurers or mutual
18 fund companies for the benefit of each participant.

19 Based on a certification by the Division of Pensions [and
20 Benefits] of the number and base salary of participants employed
21 by [the Department of Higher Education,] the State and county
22 colleges, the State shall make payment of the employer
23 contributions to the alternate benefit program at a rate equal to
24 8% of the employee's base salary, which moneys shall be paid to
25 the designated insurers or mutual fund companies for the benefit
26 of each participant.

27 (c) For the member of the Public Employees' Retirement
28 System employed by the county colleges, who is defined in the
29 regulations of the [Board of Higher Education] Division of
30 Pensions as a full-time faculty member and who is permitted to
31 transfer his membership and does so, the State shall pay the
32 employer contribution to the alternate benefit program at a rate
33 equal to 8% of the member's base salary. If the member
34 continues membership in the Public Employees' Retirement
35 System, the State shall pay the employer contribution to the
36 retirement system on his behalf and such employer contribution
37 shall be at a rate equal to the normal contribution made by the
38 State on behalf of nonveteran members of the Public Employees'
39 Retirement System.

40 (d) For any nonacademic employee of a county college, as
41 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is
42 eligible for the program according to the regulations of the
43 [Board of Higher Education] Director of the Division of Pensions,
44 the county college shall pay the employer contribution to the
45 retirement system on the employee's behalf in the same manner
46 as the State, pursuant to this section.

47 (cf: P.L. 1993, c.385, s.6)

48 191. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended
49 to read as follows:

50 24. The Board of Trustees of the New Jersey College of
51 Medicine and Dentistry, the Board of Governors of Rutgers, The
52 State University, the Board of Trustees of the New Jersey
53 Institute of Technology and [the Board of Higher Education on
54 behalf of the Department of Higher Education.] the boards of

1 trustees of State and county colleges, are hereby authorized to
2 enter into agreement with each employee participating in the
3 alternate benefit program whereby the employee agrees to take a
4 reduction in salary with respect to amounts earned after the
5 effective date of such agreement in return for the agreement of
6 the respective institution to use a corresponding amount to
7 purchase an annuity for such employee so as to obtain the
8 benefits afforded under section 403(b) of the Federal Internal
9 Revenue Code, as amended. Any such agreement shall specify
10 the amount of such reduction, the effective date thereof, and
11 shall be legally binding and irrevocable with respect to amounts
12 earned while the agreement is in effect; provided, however, that
13 such agreement may be terminated after it has been in effect for
14 a period of not less than 1 year upon notice in writing by either
15 party, and provided further that not more than one such
16 agreement shall be entered into during any taxable year of the
17 employee. For the purposes of this section, any annuity or other
18 contract which meets the requirements of section 403(b) of the
19 Federal Internal Revenue Code, as amended, may be utilized.
20 The amount of the reduction in salary under any agreement
21 entered into between the institutions and any employee pursuant
22 to this section shall not exceed the limitations set forth in
23 P.L.93-406 (Employment Retirement Income Security Act of
24 1974) and Section 415(c) of the Internal Revenue Code of 1954 as
25 amended for such year.

26 (cf: P.L.1981, c.39, s.1)

27 192. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended
28 to read as follows:

29 25. No retirement, death or other benefit shall be payable by
30 the State, the University of Medicine and Dentistry, Rutgers, The
31 State University, the New Jersey Institute of Technology [the
32 Board or the Department of Higher Education] or the Division of
33 Pensions and Benefits under the alternate benefit program.
34 Benefits shall be payable to participating employees and their
35 beneficiaries only by the designated insurers or mutual fund
36 companies under the terms of the contracts.

37 (cf: P.L.1993, c.385, s.11)

38 193. Section 3 of P.L.1993, c.385 (C.18A:66-172.1) is amended
39 to read as follows:

40 3. There is established in but not of the Division of Pensions
41 and Benefits in the Department of the Treasury the Pension
42 Provider Selection Board, which shall consist of the Director of
43 the Division of Pensions and Benefits or a representative of that
44 director; the Director of the Division of Investment or a
45 representative of that director; the Commissioner of the
46 Department of Insurance or a representative of that
47 commissioner; the Director of the Division of Purchase and
48 Property or a representative of that director; [the Chancellor of
49 Higher Education:] and a person appointed by the [Chancellor of
50 Higher Education] Director of the Division of Pensions who is an
51 active participant or receiving a benefit from the alternate
52 benefit program.

53 The Pension Provider Selection Board shall select through a
54 competitive bidding process at least three unrelated insurance or

1 mutual fund companies licensed or otherwise authorized to
2 transact business in New Jersey from which alternate benefit
3 contracts will be purchased. These new insurers or mutual fund
4 companies shall be selected by competitive bidding in accordance
5 with all applicable State laws and regulations not later than the
6 270th day following the effective date of P.L.1993, c.385
7 (C.18A:66-172.1 et al.). The selected carriers shall be authorized
8 to receive contributions within 60 days of their selection. Each
9 contract shall be awarded for a period not to exceed six years
10 with a renewal option for a period not to exceed three years. All
11 carriers shall be subject to a performance review by the Pension
12 Provider Selection Board every seven years and must meet such
13 standards as the Pension Provider Selection Board shall establish
14 by regulation in order to be renewed for another term of seven
15 years as carriers. Removal of a carrier for cause during a
16 seven-year term is not waived. In establishing by regulation the
17 criteria for the initial selection and any performance review of a
18 carrier, the Pension Provider Selection Board shall consider,
19 among other things, the following:

20 a. the portability of the contracts offered or to be offered by
21 the company, based on the number of states in which the
22 company provides contracts under similar plans;

23 b. the efficacy of the contracts in the recruitment and
24 retention of employees for the various State public institutions of
25 higher education;

26 c. the nature and extent of the rights and benefits to be
27 provided by the contracts for participating employees and their
28 beneficiaries;

29 d. the relation of the rights and benefits to the amount of
30 contributions to be made pursuant to the provisions of this article;

31 e. the suitability of the rights and benefits to the needs and
32 interests of participating employees and the various State public
33 institutions of higher education;

34 f. the ability of the company to provide the rights and benefits
35 under such contracts;

36 g. the financial soundness of the company, the extent of the
37 company's financial commitment to the contracts, and whether
38 the company meets the minimum financial criteria established by
39 the Division of Pensions and Benefits [and the Board of Higher
40 Education];

41 h. the company's overall quality of service, its investment
42 performance considering return on investments and risk, the
43 administrative fee to be charged to participating employees, and
44 the offering of a balanced array of investment opportunities; and

45 i. the nature of the informational or promotional materials to
46 be provided to prospective participants.

47 The Pension Provider Selection Board may not designate a
48 company which serves as a disbursement system for other
49 providers or which charges third party administrative fees.

50 A company that has been designated as of January 1, 1993 by
51 the Division of Pensions and Benefits as a designated provider
52 shall continue to be so designated until its status as a designated
53 provider is terminated for cause by the division or by the Pension
54 Provider Selection Board.

55 (cf: P.L.1993, c.385, s.3)

1 194. N.J.S.18A:67-2 is amended to read as follows:

2 18A:67-2. No institution which proposes to offer courses of
3 study above high school grade, which courses satisfy in whole or
4 in part the requirements for a college or university degree, shall
5 adopt or use any title or name commonly accepted as descriptive
6 of collegiate or university institutions without the approval of the
7 [board of] commission on higher education made under rules
8 relating to names and titles of institutions adopted by [said board]
9 the commission.

10 (cf: N.J.S.18A:67-2)

11 195. N.J.S.18A:68-3 is amended to read as follows:

12 18A:68-3. No corporation shall furnish instruction or learning
13 in the arts, sciences, or professions for the purposes of admitting
14 any person to the grade of a degree, or shall confer or participate
15 in conferring a degree, giving to any person a diploma of
16 graduation or of proficiency in a course of study, in learning, or
17 in scientific arts or methods, within this state, until it shall have
18 filed a certified copy of its certificate of incorporation with the
19 [board of] commission on higher education and obtained from
20 [such board] the commission a license to carry on the business
21 under such rules as the [board of higher education] commission
22 may prescribe.

23 (cf: N.J.S.18A:68-3)

24 196. N.J.S.18A:68-4 is amended to read as follows:

25 18A:68-4. Any license issued under this article may be revoked
26 by the [board of] commission on higher education.

27 (cf: N.J.S.18A:68-4)

28 197. N.J.S.18A:68-5 is amended to read as follows:

29 18A:68-5. When it shall appear that any corporation is
30 carrying on the business of such instruction or teaching, or
31 conferring any such degree, or giving any such diploma without
32 such license, the [board of] commission on higher education,
33 represented by the attorney general, may institute a civil action
34 in the superior court to restrain the corporation from the
35 transaction of any such business or the exercise of any such
36 franchise within this state until it shall have obtained such
37 license or the approval of [said board] the commission. The court
38 may proceed in the action in a summary manner or otherwise.
39 The costs in any such action, to be fixed by the court, shall be
40 paid by the corporation before the dissolution of any injunctive
41 order or judgment.

42 (cf: N.J.S.18A:68-5)

43 198. N.J.S.18A:68-6 is amended to read as follows:

44 18A:68-6. No school, corporation, association or institution of
45 learning conducted within this state and licensed by the
46 Commission on Higher Education, nor any officer or member
47 thereof, in recognition of the attainment or proficiency of any
48 person in pursuing or graduating from any course or courses of
49 study, arts, or learning conducted by it or another such school
50 corporation, association or institution, shall admit any such
51 person to the grade of a degree by conferring, or participating in
52 conferring, any degree upon any person [without first submitting
53 the basis or conditions thereof to the board of higher education,
54 and obtaining its approval thereof, and of the practice of

1 conferring and bestowing such degrees] unless that degree
2 program is consistent with the programmatic mission of the
3 institution or is approved by the commission.

4 Nothing contained in this section shall apply to any school,
5 corporation, association or institution of learning, or officer or
6 member thereof, which was established and conducted within this
7 state on April 1, 1887, and was then in the course of admitting
8 persons to the grade of a degree by conferring the same upon
9 them in recognition of their attainments or proficiencies, nor to
10 any school conducted under the public school system.

11 (cf: N.J.S.18A:68-6)

12 199. N.J.S.18A:68-7 is amended to read as follows:

13 18A:68-7. The approval given by the [board of] commission on
14 higher education of the basis or conditions for the admission to
15 the grade of a degree may be revoked for proper cause by [said
16 board] the commission after hearing upon 20 days' notice of the
17 time and place of such hearing given to any such school,
18 corporation, association or institution of learning by service upon
19 any officer or member thereof, and proof made at such hearing to
20 the satisfaction of the [board of higher education] commission,
21 that the standards presented for admission to such grade of a
22 degree or for the conferring of such degree are not being
23 satisfactorily complied with by such school, corporation,
24 association or institution of learning, or by the officers or
25 members thereof.

26 The [board of higher education] commission shall keep a record
27 of such approvals and revocations in a book to be provided and
28 used solely for that purpose, which book shall be kept at its office
29 in Trenton and may be inspected by any person upon request.

30 (cf: N.J.S.18A:68-7)

31 200. N.J.S.18A:68-9 is amended to read as follows:

32 18A:68-9. An officer or member of a school, corporation,
33 association or institution of learning who by vote or in any other
34 manner or capacity, or a school, corporation, association or
35 institution of learning which shall admit or participate in
36 admitting a scholar, student, or subscriber to any grade of a
37 degree by conferring or participating in conferring any degree
38 upon him, contrary to the provisions of this chapter, or who shall
39 sign any certificate or diploma as evidence of the conferring of
40 such degree shall be liable to a penalty of not more than \$300.00
41 for each offense, to be enforced and collected by and in the name
42 of the [board of] commission on higher education in a summary
43 proceeding in accordance with chapter 58 of Title 2A of the New
44 Jersey Statutes, the penalty enforcement law. Process shall be
45 either in the nature of a summons or warrant.

46 (cf: N.J.S.18A:68-9)

47 201. N.J.S.18A:68-11 is amended to read as follows:

48 18A:68-11. All moneys recovered under the provisions of this
49 article shall be payable [by the board of higher education] to the
50 state treasurer.

51 (cf: N.J.S.18A:68-11)

52 202. Section 2 of P.L.1977, c.123 (C.18A:68-11.2) is amended
53 to read as follows:

54 2. As used in this act:

55 a. "Institution of higher education" means an institution of

1 collegiate grade in New Jersey [approved or] licensed by the
2 [State Board of] Commission on Higher Education or otherwise
3 authorized under N.J.S.18A:68-6 and accredited by the Middle
4 States Association of Colleges and Secondary Schools.

5 b. "Educational loan" means either (1) a loan which is made
6 for the purpose of defraying the cost of attendance by one or
7 more students at the institution of higher education making such
8 loan or (2) a loan to an employee of an institution of higher
9 education for the purpose of defraying the costs of
10 post-secondary school education of the employee or of the spouse
11 or child of the employee.

12 (cf: P.L.1977, c.123, s.2)

13 203. Section 1 of P.L.1977.c.330 (C.18A:71-15.1) is amended to
14 read as follows:

15 1. There is hereby created the Student Assistance Board
16 [which is responsible to the Board of Higher Education and which]
17 in but not of the Department of Treasury. Notwithstanding this
18 allocation, the board shall be independent of any supervision or
19 control by the department or any officer thereof. The board shall
20 consist of the [Chancellor] chairman of the [Department of]
21 Commission on Higher Education and the State Treasurer or [his
22 designee] their designees and 12 other members to be appointed
23 by the Governor as follows:

24 Four public members who shall be residents of the State;
25 One representative of Rutgers, The State University;
26 One representative of the State-supported county colleges;
27 One representative of the State Colleges;
28 One representative of the nontax supported institutions of
29 higher education in the State;
30 One representative of the New Jersey Institute of Technology;
31 One member of the Educational Opportunity Fund Board;

32 Two New Jersey residents currently enrolled as students in an
33 undergraduate degree program, one of whom shall attend a public
34 institution of higher education of this State and one of whom
35 shall attend a nontax supported institution of higher education in
36 this State. These student members shall be selected from
37 candidates recommended by the Student Advisory Committee.
38 The term of office of the appointed student members shall not
39 exceed two years.

40 The term of office of the other appointed members, except for
41 the initial appointments, shall be for 4 years.

42 The terms of the initial appointed members shall be fixed by
43 the Governor in such manner as two shall serve 1-year terms, two
44 shall serve 2-year terms, three shall serve 3-year terms and
45 three shall serve 4-year terms. Each member shall serve until his
46 successor has been appointed and is qualified. Any vacancy in the
47 board shall be filled by the Governor by the appointment of a
48 person who shall hold office for the balance of the unexpired
49 terms. The Student Assistance Board shall annually elect a
50 chairperson and vice-chairperson from among its public
51 members. The members of the Student Assistance Board shall
52 serve without compensation, but shall be reimbursed for their
53 actual expenses necessarily incurred in the performance of their
54 duties.

55 (cf: P.L.1991, c.500, s.1)

1 204. Section 3 of P.L.1977, c.330 (C.18A:71-15.3) is amended
2 to read as follows:

3 3. The Student Assistance Board shall coordinate and
4 administer such undergraduate scholarship and tuition aid
5 programs as provided by law and shall provide an annual report on
6 these programs to the [Board of Higher Education] Governor and
7 to the Legislature.

8 (cf: P.L.1977, c.330, s.3)

9 205. Section 3 of P.L.1977, c.345 (C.18A:71-26.3) is amended
10 to read as follows:

11 3. It shall be the duty of the Student Assistance Board in but
12 not of the State Department of [Higher Education] Treasury to
13 administer the provisions of this act.

14 (cf: P.L.1977, c.345, s.3)

15 206. Section 4 of P.L.1977, c.345 (C.18A:71-26.4) is amended
16 to read as follows:

17 4. Garden State Scholarships shall be awarded by institutions
18 of higher education in New Jersey pursuant to criteria and
19 guidelines established by the Student Assistance Board and
20 approved by the [Board of] Commission on Higher Education. The
21 criteria and guidelines established for the fiscal year 1978-79
22 shall be submitted to the Legislature, together with appropriate
23 supporting information, and such criteria and guidelines shall be
24 deemed approved by the Legislature at the end of 30 calendar
25 days after the date on which they are transmitted to the
26 Legislature, or if the Legislature is not in session on the thirtieth
27 day, then on the next succeeding day on which it shall be
28 meeting, unless between the date of transmittal and the end of
29 the 30-day period the Legislature passes a concurrent resolution
30 rejecting the criteria and guidelines in which case the criteria
31 and guidelines then in effect shall continue in effect.

32 Any subsequent revisions of said criteria and guidelines shall be
33 submitted to the Legislature, together with appropriate
34 supporting information, and such criteria and guidelines shall be
35 deemed approved by the Legislature at the end of 60 calendar
36 days after the date on which they are transmitted to the
37 Legislature, or if the Legislature is not in session on the sixtieth
38 day, then on the next succeeding day on which it shall be
39 meeting, unless between the date of transmittal and the end of
40 the 60-day period the Legislature passes a concurrent resolution
41 rejecting the criteria and guidelines in which case the criteria
42 and guidelines then in effect shall continue in effect.

43 (cf: P.L.1977, c.345, s.4)

44 207. Section 5 of P.L.1977, c.345 (C.18A:71-26.5) is amended
45 to read as follows:

46 5. A Garden State Scholarship shall be awarded annually to
47 each eligible New Jersey resident enrolled as a full-time
48 undergraduate or graduate student in a curriculum leading to a
49 degree or certificate in an institution of collegiate grade in New
50 Jersey, [approved or] licensed by the [State Board of] Commission
51 on Higher Education and accredited by a regional accrediting
52 association recognized by the Council on Postsecondary
53 Accreditation.

54 (cf: P.L.1977, c.345, s.5)

1 208. Section 8 of P.L.1977, c.345 (C.18A:71-26.8) is amended
2 to read as follows:

3 8. The Student Assistance Board shall adopt rules and
4 regulations subject to the approval of the [Board of] Commission
5 on Higher Education and proscribe and provide appropriate forms
6 for application as necessary to implement this act. The
7 [Department of] Commission on Higher Education shall on behalf
8 of the Student Assistance Board employ such persons, contract
9 for services, and make such additional expenditures as may be
10 necessary or appropriate for effectuating the provisions of this
11 act.

12 (cf: P.L.1977, c.345, s.8)

13 209. Section 10 of P.L.1977, c.345 (C.18A:71-26.10) is
14 amended to read as follows:

15 10. Each Garden State Scholarship shall entitle the eligible
16 undergraduate and graduate recipients to an award in an amount
17 established by the Student Assistance Board and approved by the
18 [Board of] Commission on Higher Education pursuant to section 4
19 of P.L.1977, c.345 (C.18A:71-26.4). Payments under this act
20 shall be made by the State Treasurer on the order of the
21 [Chancellor of Higher Education] executive director in
22 accordance with the rules regulating the same adopted by the
23 board.

24 (cf: P.L.1984, c.94, s.1)

25 210. Section 3 of P.L.1984, c.94 (C.18A:71-26.13) is amended
26 to read as follows:

27 3. Fiscal resources for the Garden State Scholarship program
28 may come from State appropriations, reserve funds designated by
29 the New Jersey Higher Education Assistance Authority, or such
30 other sources as are recommended by the State [Board of Higher
31 Education] Treasurer.

32 (cf: P.L.1984, c.94, s.3)

33 211. Section 4 of P.L.1989, c.288 (C.18A:71-26.17) is amended
34 to read as follows:

35 4. Annually, at a regularly scheduled public meeting of the
36 [State Board of Higher Education] Student Assistance Board,
37 seven individuals selected by the Student Assistance Board shall
38 be presented with the award and with materials commemorating
39 the lives and the achievements of the seven astronauts for whom
40 they are named.

41 (cf: P.L.1989, c.288, s.4)

42 212. Section 3 of P.L.1968, c.142 (C.18A:71-30) is amended to
43 read as follows:

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

46 (a) The term "board" shall mean the Board of Directors of the
47 New Jersey Educational Opportunity Fund created by section 4 of
48 [this act] P.L.1968, c.142 (C.18A:71-31).

49 (b) [The term "chancellor" shall mean the Chancellor of Higher
50 Education.] deleted by amendment, P.L. c. (C.) (now
51 pending before the Legislature as this bill)

52 (c) The term "department" shall mean the Department of
53 [Higher Education] State.

54 (d) The term "fund" shall mean the New Jersey Educational

1 Opportunity Fund created by section 4 of [this act] P.L.1968,
2 c.142 (C.18A:71-31).

3 (e) The term "higher education" shall mean that education
4 which is provided by any or all of the public institutions of higher
5 education as herein defined or any or all equivalent private
6 institutions.

7 (f) The term "public institutions of higher education" shall
8 mean and include Rutgers, The State University, [Newark College
9 of Engineering] the New Jersey Institute of Technology, the [New
10 Jersey College] University of Medicine and Dentistry of New
11 Jersey, the [6] nine State colleges, [the College of Aeronautical
12 and Air-space Science established in Atlantic county pursuant to
13 chapter 285 of the laws of 1964,] the county colleges, [the public
14 junior colleges, the industrial schools,] and any other public
15 universities, colleges [,] or county colleges [or junior colleges]
16 now or hereafter established or authorized by law.

17 (cf: P.L.1968, c.142, s.3)

18 213. Section 4 of P.L.1968, c.142 (C.18A:71-31) is amended to
19 read as follows:

20 4. (a) There is hereby created and established [in] under the
21 [department] Commission on Higher Education an educational
22 opportunity fund which shall be known as the "New Jersey
23 Educational Opportunity Fund." Notwithstanding this allocation,
24 the fund shall be independent of any supervision or control by the
25 department or by any officer thereof. The fund shall identify,
26 recruit and provide financial assistance to needy students who are
27 residents of this State in order that they may be able to attend
28 institutions of higher education.

29 (b) The business and operations of the fund shall be
30 administered by the [chancellor and the] board of directors
31 created pursuant to section 5 of [this act] P.L.1968, c.142
32 (C.18A:71-32) subject to the general supervision of the
33 Commission on Higher Education.

34 (c) The [chancellor] commission in consultation with the board
35 shall designate an individual to serve as the chief executive
36 officer of the fund and shall organize the work of the fund in such
37 manner as [he] the chief executive officer deems necessary to
38 carry out the provisions of this act. The [chancellor] commission
39 may employ such persons, contract for such services, make such
40 expenditures and adopt such rules and regulations as may be
41 necessary or appropriate to carry out the provisions of this act.

42 (cf: P.L.1968, c.142, s.4)

43 214. Section 5 of P.L.1968, c.142 (C.18A:71-32) is amended to
44 read as follows:

45 5. (a) The board of directors of the fund shall consist of the
46 [chancellor] chairman of the Commission on Higher Education or
47 the [chancellor's] chairman's designee and eight citizens of this
48 State appointed by the [State Board of Higher Education with the
49 approval of the] Governor. Citizen members of the board shall be
50 selected without regard to political affiliation and, as far as may
51 be practicable, on the basis of their knowledge of, or interest in,
52 the problems of needy students and higher education. The board
53 shall organize annually as established by rule of the board to
54 elect a chairman, vice chairman and other officers as the board

1 shall determine from among its members. The officers shall
2 serve for a one-year term and until their successors are elected
3 and qualified. Vacancies in the offices shall be filled in the same
4 manner for the unexpired term only.

5 (b) Each citizen member of the board shall serve for a term of
6 four years and until his successor shall have been appointed and
7 qualified; provided, that in the case of the first appointments to
8 the board, two members shall be appointed for terms expiring
9 June 30, 1969; two members shall be appointed for terms expiring
10 June 30, 1970; two members shall be appointed for terms expiring
11 June 30, 1971; and two members shall be appointed for terms
12 expiring June 30, 1972. Any vacancy in the membership of the
13 board shall be filled in the same manner as the original
14 appointment for the remainder of the unexpired term.

15 (c) The board shall develop and maintain a Statewide system
16 for the identification of potential college students from needy
17 families; devise methods for recruiting such students; advise the
18 [chancellor] commission on the organization, coordination and
19 support, in cooperation with public and private institutions of
20 higher education of the State, of programs of remedial education
21 for such students; and provide financial assistance as required by
22 such students.

23 (d) Members of the board shall serve without compensation but
24 shall be entitled to be reimbursed for all reasonable and
25 necessary expenses incurred in the discharge of their duties.

26 (cf: P.L.1988. c.101, s.1)

27 215. Section 6 of P.L.1968, c.142 (C.18A:71-33) is amended to
28 read as follows:

29 6. The board shall:

30 (a) Administer all funds appropriated by the Legislature for the
31 purpose of carrying out the provisions of this act.

32 (b) Be an agency of communication with departments and
33 agencies of the United States on the availability of grants or
34 loans to this State for purposes related or similar to those set
35 forth in this act.

36 (c) Develop, establish and publicize criteria for the
37 determination of eligibility for financial assistance from the fund
38 based on need and potential for success in college.

39 (d) Established procedures for determining the amount of each
40 award according to the total financial need of each student.

41 (e) Through the [chancellor] Commission on Higher Education,
42 be responsible and report periodically in writing to the [Board of
43 Higher Education] Governor and the Legislature on the
44 performance of its duties in accordance with the provisions of
45 this act.

46 (f) Adopt by-laws, and make, enforce, alter and repeal rules for
47 its own operation and for carrying out the provisions of this act.

48 (g) Receive and disburse such contributions to the fund as may
49 be forthcoming from private and public sources.

50 (cf: P.L.1968. c.142. s.6)

51 216. Section 7 of P.L.1968, c.142 (C.18A:71-34) is amended to
52 read as follows:

53 7. (a) The board is hereby authorized to award "opportunity
54 grants" from the fund to needy students for undergraduate study

1 leading to a baccalaureate degree, associate degree, or other
2 approved certificate and for graduate and professional study
3 leading to approved master's and doctor's degrees at institutions
4 of higher education, public and private, located in New Jersey;
5 provided, that the board shall allow not more than 10% of the
6 needy students to be awarded opportunity grants in any year to
7 use their opportunity grants at institutions of higher education
8 located outside this State; and, provided further, that no more
9 than 10% of the funds appropriated and available for the purposes
10 of this act shall be awarded to students for use in graduate study.

11 (b) Opportunity grants may be awarded annually, upon proper
12 application to the fund, to any needy student who qualifies under
13 the standards to be developed and promulgated by the board and
14 who is or will be attending an institution of collegiate grade
15 located in New Jersey and approved for this purpose by the
16 [Board of] Commission on Higher Education, except that in cases
17 where the student will be or is attending an institution in another
18 State, the accreditation procedures of that State shall be
19 accepted, subject to the approval of the board.

20 (c) The board may utilize the services of the Office of Student
21 Assistance to administer the provisions of this section.

22 (cf: P.L.1968, c.142, s.7)

23 217. Section 12 of P.L.1968, c.142 (C.18A:71-39) is amended
24 to read as follows:

25 12. The [chancellor] board of directors shall develop, establish
26 and maintain programs of remedial and supplementary education
27 for the students who will receive educational opportunity
28 assistance under this act. Such programs may be administered
29 directly by the [Department of Higher Education] fund or may be
30 co-operative ventures undertaken with any or all of the public
31 and private institutions of higher education in the State.

32 (cf: P.L.1968, c.142, s.12)

33 218. Section 3 of P.L.1968, c.429 (C.18A:71-43) is amended to
34 read as follows:

35 3. It shall be the duty of the Student Assistance Board in but
36 not of the State Department of [Higher Education] Treasury
37 to administer the provisions of this act.

38 (cf: P.L.1977, c.344, s.1)

39 219. Section 4 of P.L.1977, c.344 (C.18A:71-44) is amended to
40 read as follows:

41 4. State tuition aid grants shall be awarded by the Student
42 Assistance Board to all eligible applicants without any limitation
43 on the number to be awarded in any year other than the amount
44 of appropriations available therefor. In the event that the
45 amount appropriated is insufficient for full awards to all eligible
46 applicants, the Student Assistance Board shall reduce awards
47 equitably among eligible students according to such procedures
48 and guidelines as it may find appropriate which procedures and
49 guidelines shall be approved by the [State Board of] Commission
50 on Higher Education and by the subcommittee on transfers of the
51 Joint Appropriations Committee. Annually, on or before March 1
52 of the pre-budget year, the criteria and guidelines which shall be
53 used to distribute available funds should the amount appropriated
54 be insufficient for full awards to all eligible applicants shall be

1 submitted by the [Chancellor of Higher Education] Executive
2 Director of Student Assistance Programs to the Joint
3 Appropriations Committee of the Legislature, together with
4 appropriate supporting information. Such criteria and guidelines
5 may be approved or disapproved by the subcommittee on
6 transfers of said committee at any time; provided however that if
7 at the end of 60 calendar days after the date on which they are
8 transmitted to the committee the subcommittee on transfers has
9 taken no action, the proposed criteria and guidelines shall be
10 deemed to be approved by said subcommittee.

11 (cf: P.L.1977, c.344, s.2)

12 220. Section 7 of P.L.1968, c.429 (C.18A:71-47) is amended to
13 read as follows:

14 7. A college tuition aid grant shall be awarded annually to
15 each eligible, qualified full-time undergraduate student enrolled
16 in a curriculum leading to a degree or certificate in an institution
17 of collegiate grade in New Jersey [approved or] licensed by the
18 [State Board of] Commission on Higher Education, or in an
19 institution of collegiate grade in another state, provided that
20 such state permits its residents to utilize its state student
21 financial assistance grants in New Jersey institutions of higher
22 education through reciprocity agreements approved by the
23 Student Assistance Board and the [Board of Higher Education]
24 commission. In no event shall a New Jersey tuition aid grant be
25 utilized at an out-of-State institution which is not licensed by
26 that state and accredited by a regional accrediting association
27 recognized by the Council on Postsecondary Accreditation.

28 (a) Eligibility. To each New Jersey resident enrolled as a
29 full-time student after July 1, 1978 for the academic year
30 beginning in September of 1978 the State shall grant an amount
31 as provided in paragraph (b) of this section. No student shall be
32 eligible for a grant unless he has certified in a form satisfactory
33 to the Student Assistance Board that the grant is essential to his
34 carrying out his plans for attending college. No student shall be
35 eligible for grants in more than four and one-half academic
36 years, unless the recipient is enrolled in an undergraduate
37 program regularly requiring five academic years for completion,
38 in which case the Student Assistance Board shall permit five and
39 one-half years of eligibility. Notwithstanding the foregoing
40 provisions, a student receiving aid under the provisions of
41 P.L.1968, c.142 (C.18A:71-28 et seq.) shall be entitled to a sixth
42 year of eligibility. Notwithstanding the foregoing provisions, a
43 county college student who transfers to a four year institution, or
44 any student who is required to pursue 18 or more credit hours in a
45 remedial or developmental curriculum, as defined by regulations
46 adopted by the [Board of Higher Education] Student Assistance
47 Board, is entitled to an additional half year of eligibility. For the
48 purpose of this amendatory act, a remedial curriculum shall
49 include only noncredit courses in which a student is directed to
50 enroll [as a result of his score on the New Jersey College Basic
51 Skills Placement Test or its equivalent at independent colleges or
52 universities] by the institution. Eligibility for tuition aid grants
53 may be extended to part-time students through regulations

1 developed by the Student Assistance Board and approved by the
2 [Board of Higher Education] commission if the level of
3 appropriated funds allows such an extension, subject to prior
4 approval by the Director of the Division of Budget and
5 Accounting in the Department of the Treasury and Joint
6 Appropriation Committee's Subcommittee on Transfers or its
7 successor. No student shall be eligible for grants unless he
8 maintains such minimum standards of academic performance as
9 are required by the institution in which he is enrolled. No student
10 shall be eligible for a tuition aid grant who is enrolled in a course
11 leading to a degree in theology or divinity.

12 In the event a student for any reason ceases to continue to be
13 enrolled or otherwise becomes ineligible during the course of an
14 academic year, he shall cease to be eligible for tuition aid. Both
15 the student and the institution shall have the responsibility to
16 notify the Student Assistance Board when a student ceases to be
17 eligible to receive student assistance because of withdrawal for
18 any reason or a change in status from a full to part-time student.

19 (b) Amount of grant. The amount of a tuition aid grant under
20 this act to any student attending an institution of higher
21 education in New Jersey shall be established by the Student
22 Assistance Board but shall not exceed the maximum amount of
23 tuition normally charged at a public institution of higher
24 education for students attending that institution or 50% of the
25 average tuition normally charged at the independent colleges and
26 universities for students attending those institutions. The amount
27 of a New Jersey Tuition Assistance Grant under this act to any
28 student attending an institution of higher education in any state
29 other than New Jersey pursuant to this section shall not exceed
30 \$500.00 in an academic year. The amount of grant to be paid for
31 each semester or equivalent shall be based on the financial need
32 for such a grant, as determined by standards and procedures
33 established by the Student Assistance Board and approved by the
34 [State Board of Higher Education] commission. The standards and
35 procedures which shall be established by the Student Assistance
36 Board for the fiscal year 1978-79 shall be submitted to the
37 Legislature, together with appropriate supporting information,
38 and such standards and procedures shall be deemed approved by
39 the Legislature at the end of 30 calendar days after the date on
40 which they are transmitted to the Legislature, or if the
41 Legislature is not in session on the 30th day, then on the next
42 succeeding day on which it shall be meeting, unless between the
43 date of transmittal and the end of the 30-day period the
44 Legislature passes a concurrent resolution rejecting the standards
45 and procedures, in which case the standards and procedures then
46 in effect shall continue in effect.

47 Any subsequent revisions of said standards and procedures shall
48 be submitted to the Legislature, together with appropriate
49 supporting information, and such standards and procedures shall
50 be deemed approved by the Legislature at the end of 60 calendar
51 days after the date on which they are transmitted to the
52 Legislature, or if the Legislature is not in session on the 60th day,
53 then on the next succeeding day on which it shall be meeting.

1 unless between the date of transmittal and the end of the 60-day
2 period the Legislature passes a concurrent resolution rejecting
3 the standards and procedures, in which case the standards and
4 procedures then in effect shall continue in effect.

5 (c) Appropriations for each program category of tuition aid
6 grants shall be separately made by line item.

7 (cf: P.L.1986, c.155, s.1)

8 221. Section 2 of P.L.1979, c.229 (C.18A:71-78) is amended to
9 read as follows:

10 2. There shall be appropriated to the Department of [Higher
11 Education] Treasury in any general or supplemental appropriation
12 act such sums as shall be necessary to carry out the purposes of
13 this act.

14 (cf: P.L.1979, c.229, s.2)

15 222. Section 5 of P.L.1991, c.272 (C.18A:71-91) is amended to
16 read as follows:

17 5. a. The Treasurer, in consultation with the [Board of]
18 Commission on Higher Education, shall also provide for additional
19 financial incentives to be provided to holders of Garden State
20 Savings Bonds to encourage the enrollment of students at
21 institutions of higher education located in the State of New
22 Jersey. These financial incentives shall be in such forms as
23 determined by the Treasurer in consultation with issuing officials
24 at the time of the authorization of the Garden State Savings
25 Bonds and shall at a minimum provide that each participating
26 institution shall guarantee that the value of Garden State Savings
27 Bonds redeemed for the purposes of the payment of tuition, fees,
28 and other educational costs at the institution, shall, at the time
29 of matriculation of the student, be increased by not less than six
30 percent of the face value of the bonds at the time of redemption.
31 Two percent of the incentive amount shall be paid by the State,
32 and four percent by participating institutions.

33 b. Every public institution of higher education in New Jersey
34 shall participate in the financial incentive program. Independent
35 institutions of higher education in New Jersey may elect to
36 participate in the program. Each independent institution which
37 elects to participate shall enter into a contract with the [State
38 Board of Higher Education] Department of Treasury which shall,
39 at a minimum, define the terms of participation and establish
40 conditions under which an institution may withdraw from the
41 program. Any independent institution that withdraws from the
42 program shall guarantee to provide the financial incentives in
43 effect for all bonds purchased during the period in which the
44 institution was a participant in the program.

45 c. The original purchaser and any member of the immediate
46 family of the original purchaser of a Garden State Savings Bond
47 shall be eligible for the financial incentive program established
48 pursuant to this section.

49 (cf: P.L.1991.c.272.s.5)

50 223. Section 7 of P.L.1991, c.272 (C.18A:71-93) is amended to
51 read as follows:

52 7. The Treasurer or the issuing authority or agency shall
53 submit a report after each bond issuance to the [Board of]
54 Commission on Higher Education detailing the results of each

1 separate sale of Garden State Savings Bonds.
2 (cf: P.L.1991. c.272. s.7)

3 224. Section 8 of P.L.1991, c.272 (C.18A:71-94) is amended to
4 read as follows:

5 8. The Treasurer shall, in consultation with the [concurrence
6 of the Board of] Commission on Higher Education, approve the
7 following:

- 8 a. Additional financial incentives as provided in this act;
9 b. Limits that may be imposed on the amount of Garden State
10 Savings Bonds that may be purchased by individual households;
11 c. Minimum denominations to market the Garden State Savings
12 Bonds so that they are affordable by individuals; however, each
13 issue shall be offered with sufficient bonds at a purchase price of
14 \$100 to satisfy demand;

15 In addition, the Treasurer shall evaluate the feasibility of
16 staggered or periodic forms of payments for Garden State Savings
17 Bonds, and to advise the issuing officials regarding such
18 evaluation.

19 (cf: P.L.1991. c.272. s.8)

20 225. Section 9 of P.L.1991, c.272 (C.18A:71-95) is amended to
21 read as follows:

22 9. The [Board of] Commission on Higher Education and the
23 Treasurer shall assess the effectiveness of the program and
24 recommend any necessary changes to the issuing officials
25 regarding future bond sales after the initial sale of Garden State
26 Savings Bonds.

27 (cf: P.L.1991. c.272. s.9)

28 226. Section 5 of P.L.1991, c.296 (C.18A:71-100) is amended
29 to read as follows:

30 5. Nothing in this act shall preclude a public institution of
31 higher education from requiring the payment of other fees,
32 subject to approval by the State [Board of Higher Education]
33 Treasurer, for individuals attending courses pursuant to the
34 provisions of this act.

35 (cf: P.L.1991. c.296. s.5)

36 227. Section 6 of P.L.1991, c.296 (C.18A:71-101) is amended
37 to read as follows:

38 6. The State [Board of Higher Education] Treasurer shall
39 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.), rules and regulations necessary to
41 implement the provisions of this act.

42 (cf: P.L.1991. c.296. s.6.)

43 228. N.J.S.18A:72-2 is amended to read as follows:

44 18A:72-2. As used in this chapter, unless the context indicates
45 another or different meaning, the following words shall have the
46 following meanings:

47 "Authority" means the higher education assistance authority
48 created by this chapter, or any board, body, commission,
49 department or officer succeeding to the principal functions
50 thereof or to whom the powers conferred upon the authority by
51 this chapter shall be given by law.

52 "Bond" means bonds or notes of the authority issued pursuant
53 to this chapter.

54 "Lender" includes the authority and any institution authorized

1 to make loans under [section] N.J.S. 18A:72-9.

2 "Fund" means the higher education assistance fund.

3 "Other eligible institution" means a business or trade school, or
4 technical institution or other technical or vocational school, in
5 any State which (1) admits as regular students only persons who
6 have completed or left elementary or secondary school and who
7 have been able to benefit from the training offered by such
8 institution; (2) is legally authorized to provide, and provides
9 within that State, a program of post-secondary vocation or
10 technical education designed to fit individuals for useful
11 employment in recognized occupations; (3) has been specially
12 accredited by the Federal Commissioner of Education or by an
13 accrediting agency recognized by him or has been approved by
14 the authority.

15 "Post-secondary nondegree institution of higher education"
16 means a county college [or a junior college] licensed [or approved]
17 by the [Department of] Commission on Higher Education [,
18 operated in accordance with rules and regulations of the Board of
19 Higher Education] or a trade or business school otherwise licensed
20 or approved and operated and requiring a high school diploma or
21 its equivalent for admission and offering a course or courses of
22 study with a minimum length of 2 academic years and of not less
23 than 1,800 hours in any one or more of the following fields:

- 24 A. Accounting and finance.
- 25 B. Airframe and power plant mechanics.
- 26 C. Automotive mechanics.
- 27 D. Commercial art.
- 28 E. Drafting and design technology (aeronautical, architectural,
29 electronic, mechanical, structural, tool and die).
- 30 F. Economic engineering.
- 31 G. Electronics.
- 32 H. Fashion and textile design.
- 33 I. Higher accounting and business administration.
- 34 J. Industrial management technology.
- 35 K. Medical and X-ray technology.
- 36 L. Metallurgical technology.
- 37 M. Secretarial (administrative, executive, legal, medical, data
38 processing).
- 39 N. Terminal courses or college credit transfer courses in
40 liberal arts and sciences.

41 (cf: P.L.1977, c.191, s.1)

42 229. N.J.S.18A:72-3 is amended to read as follows:

43 18A:72-3. There is hereby created in but not of the
44 Department of [Higher Education] Treasury the Higher Education
45 Assistance Authority, which shall be a body corporate and politic,
46 with corporate succession. Notwithstanding this allocation, the
47 authority shall be independent of any supervision or control by
48 the department or by any officer thereof. The authority shall
49 constitute an instrumentality of the State exercising public and
50 essential governmental functions, and the exercise by the
51 authority of the powers conferred by this chapter shall be deemed
52 and held to be an essential governmental function of the State.

53 (cf: P.L.1969, c.135, s.2)

54 230. N.J.S.18A:72-4 is amended to read as follows:

1 18A:72-4. The authority shall consist of [seven] eight
2 members: one of whom shall be the [chancellor] chairman of the
3 Commission on Higher Education. ex officio: one of whom shall
4 be the State Treasurer. ex officio, or the treasurer's designee;
5 and six of whom shall be residents of this State, appointed by the
6 Governor, with the advice and consent of the Senate, for terms of
7 four years, except in the case of the first members so appointed,
8 who shall be appointed one for a term of one year, one for a term
9 of two years, and one for a term of three years. No more than
10 three of the appointed commissioners shall be members of the
11 same political party, and each of them shall serve until his
12 successor is appointed and has qualified. The membership of the
13 authority may include representatives of lending institutions or
14 institutions of higher education within the State of New Jersey.
15 Any vacancy in the membership of the authority, occurring
16 otherwise than by expiration of term, shall be filled in the same
17 manner as the original appointment was made, but for the
18 unexpired term only.

19 (cf: P.L.1987, c.187, s.1)

20 231. N.J.S.18A:72-10 is amended to read as follows:

21 18A:72-10. The authority shall have the following powers:

22 (1) (a) To make loans

23 (i) To persons or to assist in the placing of loans to persons,
24 who are residents of this State, and who are attending and are in
25 good standing in, or who plan to attend, any qualified institution
26 of collegiate grade, located in this State or elsewhere, which is
27 approved by any regional accrediting association recognized by
28 the national commission on accrediting, or [approved] licensed by
29 the [Board of] Commission on Higher Education, any qualified
30 post-secondary nondegree institution of higher education, located
31 in this State or elsewhere, or any other eligible institution, or

32 (ii) To persons who reside outside this State and who plan to
33 attend, are enrolled in or are attending in good standing any
34 eligible educational institution located within this State or
35 elsewhere, or

36 (iii) To parents of persons meeting requirements set forth in (i)
37 or (ii) above, in order to assist them in meeting expenses of
38 higher education, and to guarantee such loans upon such terms
39 and conditions as the authority may prescribe, in an amount for
40 any academic year or in total as may be authorized by the New
41 Jersey Higher Education Assistance Authority [and approved by
42 the Board of Higher Education]; provided, however, that such
43 amounts may not exceed in any given year or in total that amount
44 which is guaranteed by the federal government.

45 For the purposes of this section, a qualified institution of
46 collegiate grade shall be deemed to include a school of
47 professional nursing accredited or approved by the New Jersey
48 Board of Nursing, and a qualified post-secondary nondegree
49 institution of higher education located outside the State shall
50 mean and include any such institution offering courses in one or
51 more of the fields enumerated, and meeting the admission
52 standards set forth in N.J.S.18A:72-2.

53 (b) When the authority determines that higher annual or
54 cumulative student loan limits than those established in section

1 (1)(a) are warranted in order to carry out the purposes of the
2 statute with regard to students engaged in high cost graduate or
3 professional education, the authority may make or guarantee
4 loans to eligible students in amounts to correspond to those
5 higher limits [, provided that such maximum limits are
6 recommended by the authority and approved by the Board of
7 Higher Education].

8 (2) To adopt rules not inconsistent with law governing the
9 application for and the guarantee of loans made by the authority
10 and governing any other matters related to its activities.

11 (3) To buy and sell approved notes evidencing loans made under
12 this chapter, and to buy and sell participations in approved notes
13 made pursuant to this chapter.

14 (4) From time to time to issue its negotiable bonds and bond
15 anticipation notes for the purpose of providing funds (a) to carry
16 out any purposes of the authority under this chapter, including,
17 without limitation, making or purchasing loans under any
18 provision of this chapter; (b) to purchase from lenders approved
19 notes or participations in approved notes as provided by law; and
20 (c) for the refunding of outstanding bonds.

21 (5) To engage in programs which state guaranty agencies are
22 authorized to participate in pursuant to 20 U.S.C. § 1071 et seq.
23 as amended.

24 (6) To perform any other acts which may be deemed necessary
25 or appropriate to carry out the objects and purposes of this
26 chapter.

27 (cf: P.L.1991. c.268. s.11)

28 232. N.J.S.18A:72-11 is amended to read as follows:

29 18A:72-11. Any application for a loan under this chapter shall
30 be submitted to the authority for its approval, and the authority
31 shall approve the same only if it finds that the applicant:

32 a. (1) Is a resident of New Jersey and has demonstrated high
33 moral character, good citizenship and dedication to American
34 ideals; or

35 (2) Is a resident of a state other than this State, and has been
36 admitted to, or is in regular attendance at and is in good standing
37 in, an eligible educational institution located within this State or
38 elsewhere; and

39 b. Intends to make application for admission to, or has been
40 admitted to, or is in regular attendance at and is in good standing
41 in, a qualified institution of collegiate grade approved by any
42 regional accrediting association recognized by the national
43 commission on accrediting, or [approved] licensed by the [board
44 of] commission on higher education, a qualified post-secondary
45 nondegree institution of higher education or any other eligible
46 institution; or

47 c. Is the parent of such eligible person; and

48 d. Has complied with all rules adopted by the authority
49 pursuant to this chapter in connection with the granting of such
50 loans.

51 (cf: P.L.1987. c.187. s.3)

52 233. N.J.S.18A:72-12 is amended to read as follows:

53 18A:72-12. (1) Upon approval by the authority of a loan
54 application, any lender may make the loan as approved and upon

1 the terms and conditions required under this chapter, but no
2 moneys shall be advanced or paid under any such loan until the
3 applicant shall have satisfied the authority, and, unless the
4 authority is the lender, the authority shall have certified to the
5 lender, that the applicant has been admitted to, or is in regular
6 attendance and in good standing at, a qualified institution of
7 collegiate grade approved by any regional accrediting association
8 recognized by the national commission on accrediting or
9 [approved] licensed by the [Board of] Commission on Higher
10 Education, a qualified post-secondary nondegree institution of
11 higher education or any other eligible institution. Any lender
12 making a loan shall cooperate with the authority in supervising
13 the use of credit in accordance with its purposes. The check
14 representing the loan proceeds shall be made payable to the
15 applicant and eligible institution jointly, except when the
16 applicant is attending an eligible institution not located in the
17 United States or when the loan is made to the parent of an
18 eligible student, in which instance the check may be made
19 payable to the applicant only.

20 (2) Notwithstanding the provisions of [section] N.J.S.18A:72-11
21 or of subsection (1) of this section, the authority may approve a
22 loan for the purposes of this chapter, after it has been made by a
23 lender and the proceeds thereof disbursed by the lender for the
24 purposes of this chapter, provided such loan would have been
25 approved by the authority had prior application been made
26 therefor pursuant to [section] N.J.S.18A:72-11. A loan which is
27 so approved after it has been made shall, from the time of its
28 approval, be treated for all purposes of this chapter in the same
29 manner as if such loan had been applied for and approved by the
30 authority prior to its making, and the lender making such loan
31 shall have the same rights under this chapter in respect to such
32 loan as it would have had if the loan had been applied for and
33 approved by the authority prior to its making.

34 (3) As an incentive to lenders to make loans under this chapter,
35 the authority may, by resolution of the members thereof, provide
36 for the payment to lenders of an incentive fee solely with respect
37 to loans made, placed or guaranteed after August 1, 1969, which
38 incentive fee shall be computed on any one of the following bases:

39 (i) a single fee at the rate not exceeding 1/2 of 1%, computed
40 on the amount of each such loan for the period from the making
41 of such loan to the date repayment begins; or (ii) a single fee not
42 to exceed \$25.00 per borrower per academic year; or (iii) such
43 other form and amount of incentive fee as shall be fixed from
44 time to time by rule of the authority.

45 (4) If an eligible institution determines during the term of a
46 loan that the student debtor is entitled to a credit against tuition
47 or other fees, such credit shall be made directly to the lender,
48 who shall deduct the amount of the credit from the loan balance.

49 (cf: P.L.1983. c.151. s.1)

50 234. N.J.S.18A:72-20 is amended to read as follows:

51 18A:72-20. The authority may, with respect to the exercise of
52 its functions related to loans guaranteed by it under this chapter,
53 the provisions of any other law to the contrary notwithstanding:

54 (1) Consent to the modification, with respect to rate of

1 interest, time of payment of principal or interest or any portion
2 thereof, or other provisions of any note, or any instrument
3 securing a loan which has been guaranteed by the authority;

4 (2) Authorize payment or compromise, subject to the approval
5 in writing of the attorney general, of any claim upon or arising as
6 a result of any such guaranty;

7 (3) Authorize payment, compromise, waiver or release, subject
8 to the approval in writing of the attorney general, of any debt,
9 right, title, claim, lien or demand, however acquired, including
10 any equity or right of redemption and the waiver or release of
11 any debt, right, title, claim, lien or demand including any equity
12 or right of redemption shall be sufficient if executed by the
13 [chancellor] chair of the authority on behalf of the authority.
14 The register or county clerk of any county and the clerk of any
15 court is hereby authorized to cancel of record any lien, including
16 but not limited to judgments, chattel mortgages and conditional
17 sales agreements whenever the document evidencing such
18 cancellation or request for cancellation is signed by the
19 [chancellor] chair of the authority on behalf of the authority; and
20 the register and the clerk of any county is authorized to record
21 any documents of the authority signed by the [chancellor] chair of
22 the authority;

23 (4) Purchase at any sale, public or private, upon such terms and
24 for such prices as it determines to be reasonable and take title
25 to, property, real, personal or mixed;

26 (5) Sell at public or private sale, exchange, assign, convey or
27 otherwise dispose of any such property upon such terms and for
28 such prices as it determines to be reasonable;

29 (6) Complete, administer, operate, obtain and authorize
30 payment for insurance on and maintain, renovate, repair,
31 modernize, lease or otherwise deal with any property acquired or
32 held by it pursuant to this chapter;

33 (7) Authorize payment from the fund and any income received
34 by the investment of said fund, subject to the rules of the
35 authority, disbursements, costs, commissions, attorney's fees and
36 other reasonable expenses related to and necessary for making
37 and protection of guaranteed loans and the recovery of moneys,
38 loans or management of property acquired in connection with
39 such loans.

40 (cf: N.J.S.18A:72-20)

41 235. Section 7 of P.L.1991, c.268 (C.18A:72-40) is amended to
42 read as follows:

43 7. An eligible student under the NJ CLASS Loan Program is a
44 student who cannot obtain federally guaranteed student loans
45 either because those loans are not available or because the
46 student does not meet the program eligibility requirements as
47 defined by the federal government, or who requires the NJ
48 CLASS loan to supplement the student's federally guaranteed
49 loans and unless otherwise restricted by the authority by
50 regulation, such student shall:

51 a. Be a New Jersey resident enrolled on at least a half-time
52 basis as an undergraduate or graduate student in a curriculum
53 leading to a degree or certificate in an institution of collegiate
54 grade in New Jersey. [approved or] licensed by the [State Board

1 of] Commission on Higher Education and accredited by a regional
2 accrediting association recognized by the Council on
3 Postsecondary Accreditation; or

4 b. Be a New Jersey resident enrolled on a least a half-time
5 basis as an undergraduate or graduate student in a curriculum
6 leading to a degree or certificate in an out-of-State institution
7 of collegiate grade accredited by an accrediting association
8 recognized by the Council on Postsecondary Accreditation; or

9 c. Reside outside this State and be enrolled on at least a
10 half-time basis as an undergraduate or graduate student in a
11 curriculum leading to a degree or certificate in an institution of
12 collegiate grade in New Jersey, [approved or] licensed by the
13 [State Board of] Commission on Higher Education and accredited
14 by a regional accrediting association recognized by the Council
15 on Postsecondary Accreditation.

16 (cf: P.L.1991, c.268, s.7)

17 236. N.J.S.18A:72A-4 is amended to read as follows:

18 18A:72A-4. (a) There is hereby established in but not of the
19 department of [higher education] treasury a public body corporate
20 and politic, with corporate succession to be known as the "New
21 Jersey educational facilities authority." Notwithstanding this
22 allocation, the authority shall be independent of any supervision
23 or control by the department or any officer thereof. The
24 authority shall constitute a political subdivision of the state
25 established as an instrumentality exercising public and essential
26 governmental functions, and the exercise by the authority of the
27 powers conferred by this chapter shall be deemed and held to be
28 an essential governmental function of the state.

29 (b) The authority shall consist of seven members, two of whom
30 shall be the [chancellor] chairman of the Commission on Higher
31 Education, ex officio, and the state treasurer, ex officio, or when
32 so designated by them, their deputies and five citizens of the
33 state to be appointed by the governor with the advice and consent
34 of the senate for terms of five years; provided that the terms of
35 the members first appointed shall be arranged by the governor so
36 that one of such terms shall expire on April 30 in each successive
37 year ensuing after such appointments. Each member shall hold
38 office for the term of his appointment and shall continue to serve
39 during the term of his successor unless and until his successor
40 shall have been appointed and qualified. Any vacancy among the
41 members appointed by the governor shall be filled by appointment
42 for the unexpired term only. A member of the authority shall be
43 eligible for reappointment.

44 (c) Any member of the authority appointed by the governor
45 may be removed from office by the governor for cause after a
46 public hearing.

47 (d) The members of the authority shall serve without
48 compensation, but the authority may reimburse its members for
49 necessary expenses incurred in the discharge of their duties.

50 (e) The authority, upon the first appointment of its members
51 and thereafter on or after April 30 in each year, shall annually
52 elect from among its members a chairman and a vice chairman
53 who shall hold office until April 30 next ensuing and shall
54 continue to serve during the terms of their respective successors

1 unless and until their respective successors shall have been
2 appointed and qualified. The authority may also appoint, retain
3 and employ, without regard to the provisions of Title 11, Civil
4 Service, of the Revised Statutes, such officers, agents, employees
5 and experts as it may require, and it shall determine their
6 qualifications, terms of office, duties, services and compensation.

7 (f) The powers of the authority shall be vested in the members
8 thereof in office from time to time and a majority of the total
9 authorized membership of the authority shall constitute a quorum
10 at any meeting thereof. Action may be taken and motions and
11 resolutions adopted by the authority at any meeting thereof by
12 the affirmative vote of a majority of the members present, unless
13 in any case the bylaws of the authority shall require a larger
14 number. No vacancy in the membership of the authority shall
15 impair the right of a quorum to exercise all the rights and
16 perform all the duties of the authority.

17 (g) Before the issuance of any bonds under the provisions of this
18 chapter, the members and the officer of the authority charged
19 with the handling of the authority's moneys shall be covered by a
20 surety bond or bonds in a penal sum of not less than \$25,000.00
21 per person conditioned upon the faithful performance of the
22 duties of their respective offices, and executed by a surety
23 company authorized to transact business in the state of New
24 Jersey as surety. Each such bond shall be submitted to the
25 attorney general for his approval and upon his approval shall be
26 filed in the office of the secretary of state prior to the issuance
27 of any bonds by the authority. At all times after the issuance of
28 any bonds by the authority the officer of the authority and each
29 member charged with the handling of the authority's moneys
30 shall maintain such surety bonds in full force and effect. All
31 costs of such surety bonds shall be borne by the authority.

32 (h) Notwithstanding any other law to the contrary, it shall not
33 be or constitute a conflict of interest for a trustee, director,
34 officer or employee of a participating college to serve as a
35 member of the authority; provided such trustee, director, officer
36 or employee shall abstain from discussion, deliberation, action
37 and vote by the authority under this chapter in specific respect to
38 such participating college of which such member is a trustee,
39 director, officer or employee.

40 (i) A true copy of the minutes of every meeting of the
41 authority shall be forthwith delivered by and under the
42 certification of the secretary thereof, to the governor. No action
43 taken at such meeting by the authority shall have force or effect
44 until 10 days after such copy of the minutes shall have been so
45 delivered. If, in said 10-day period, the governor returns such
46 copy of the minutes with veto of any action taken by the
47 authority or any member thereof at such meeting, such action
48 shall be null and of no effect. If the governor shall not return the
49 minutes within said 10-day period, any action therein recited
50 shall have force and effect according to the wording thereof. At
51 any time prior to the expiration of the said 10-day period, the
52 governor may sign a statement of approval of any such action of
53 the authority, in which case the action so approved shall not
54 thereafter be disapproved.

1 Notwithstanding the foregoing provisions of this subsection (i),
2 with regard to the sale and award of bonds of the authority, the
3 authority shall furnish to the governor a certified copy of the
4 minutes of the meeting at which said bonds are sold and awarded
5 forthwith upon the taking of such action and the governor shall
6 indicate his approval or disapproval of such action prior to the
7 end of the business day upon which such action of the authority
8 was taken.

9 The powers conferred in this subsection (i) upon the governor
10 shall be exercised with due regard for the rights of the holders of
11 bonds of the authority at any time outstanding, and nothing in, or
12 done pursuant to, this subsection (i) shall in any way limit,
13 restrict or alter the obligation or powers of the authority or any
14 representative or officer of the authority to carry out and
15 perform in every detail each and every covenant, agreement or
16 contract at any time made or entered into by or on behalf of the
17 authority with respect to its bonds or for the benefit, protection
18 or security of the holders thereof.

19 (cf: N.J.S.18A:72A-24)

20 237. N.J.S.18A:72A-24 is amended to read as follows:

21 18A:72A-24. The [board of higher education, or the
22 [chancellor] Governor [, or their representatives.] may visit,
23 examine into and inspect, the authority as an institution under
24 the educational supervision of the state, and may require, as
25 often as desired, duly verified reports therefrom giving such
26 information and in such form as [such board or chancellor] the
27 Governor shall prescribe.

28 (cf: N.J.S.18A:72A-4)

29 238. N.J.S.18A:72A-26 is amended to read as follows:

30 18A:72A-26. In order to provide new dormitories and to enable
31 the construction and financing thereof, to refinance indebtedness
32 hereafter created by the authority for the purpose of providing a
33 dormitory or dormitories or additions or improvements thereto,
34 or for any one or more of said purposes, but for no other purpose
35 unless authorized by law, each of the following bodies shall have
36 the powers hereafter enumerated to be exercised upon such terms
37 and conditions, including the fixing of any consideration or rental
38 to be paid or received, as it shall determine by resolution as to
39 such property and each shall be subject to the performance of the
40 duties hereafter enumerated, that is to say, the [board of higher
41 education] treasurer as to such as are located on land owned by [,
42 or owned by] the State [and held for, the Department of Higher
43 Education or on lands of the institutions under the jurisdiction of
44 the Department of Higher Education] or by the authority, the
45 board of governors of the university, the board of trustees of the
46 [Newark College of Engineering] New Jersey Institute of
47 Technology or the [New Jersey College] University of Medicine
48 and Dentistry of New Jersey, the board of trustees of a State
49 college or the board of trustees of a county college as to such as
50 are located on land owned by the university or by the particular
51 college respectively, namely:

52 a. The power to sell and to convey to the authority title in fee
53 simple in any such land and any existing dormitories thereon
54 owned by the [Department of Higher Education or owned by the]

1 State [and held for such department or of any of the institutions
2 under the jurisdiction of the Department of Higher Education] or
3 owned by the board of trustees of a county college or the power
4 to sell and to convey to the authority such title as the university
5 or the college respectively may have in any such land and any
6 existing dormitories thereon.

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

10 c. The power to lease or sublease from the authority, and to
11 make available, any such land and existing dormitories conveyed
12 or leased to the authority under subsections a. and b. of this
13 section, and any new dormitories erected upon such land or upon
14 any other land owned by the authority, any rentals to be payable,
15 as to the university or as to any such college from available funds
16 other than moneys appropriated to it by the State.

17 d. The power and duty, upon receipt of notice of any
18 assignment by the authority of any lease or sublease made under
19 subsection c. of this section, or of any of its rights under any such
20 lease or sublease, to recognize and give effect to such
21 assignment, and to pay to the assignee thereof rentals or other
22 payments then due or which may become due under any such
23 lease or sublease which has been so assigned by the authority.

24 (cf: P.L.1971, c.77, s.1)

25 239. N.J.S.18A:72A-27.1 is amended to read as follows:

26 18A:72A-27.1. In addition to the powers and duties with
27 respect to dormitories given under [sections] N.J.S.18A:72A-26
28 and 18A:72A-27 the [Board of Higher Education] treasurer, the
29 board of governors of the university, the board of trustees of the
30 [Newark College of Engineering] New Jersey Institute of
31 Technology, the board of trustees of a State college, the board of
32 trustees of a county college and the board of trustees of the [New
33 Jersey College] University of Medicine and Dentistry of New
34 Jersey shall also have the same power and be subject to the same
35 duties in relation to any conveyance, lease or sublease made
36 under subsections a., b., or c. of section 18A:72A-26, with
37 respect to revenue producing facilities; that is to say, structures
38 or facilities which produce revenues sufficient to pay the rentals
39 due and to become due under any lease or sublease made under
40 subsection c. of section 18A:72A-26 including, without limitation,
41 student unions and parking facilities.

42 (cf: P.L.1971, c.77, s.3)

43 240. Section 2 of P.L.1988, c.159 (C.18A:72A-27.3) is amended
44 to read as follows:

45 2. a. [Prior to] Following final approval by the [State Board of
46 Higher Education] board of trustees of a proposed project for the
47 acquisition, construction or financing of any non-revenue
48 producing educational facility, the board of trustees [. through
49 the Chancellor of Higher Education.] shall, on a day when both
50 houses of the Legislature are meeting, submit the proposal to the
51 President of the Senate and the Speaker of the General Assembly,
52 and submit informational copies of the proposal to the members
53 of the Senate [Revenue, Finance] Budget and Appropriations
54 Committee and the Assembly Appropriations Committee, or their

1 successors and to the Commission on Higher Education. The
2 submission shall include all appropriate supporting information.
3 including, at a minimum, a description of the project, its impact,
4 cost and construction schedule, and a detailed explanation of the
5 sources of revenue which will be dedicated to the financing of the
6 project.

7 b. The proposal as submitted to the Legislature shall be
8 deemed approved after 60 days, as provided herein, of the date on
9 which the proposal and the supporting information were
10 submitted to the Legislature, unless between the date of
11 submission and the end of the 60 day period, the Legislature
12 passes a concurrent resolution approving the proposal with
13 modifications or rejecting the proposal. The 60 days shall
14 commence on the day of submission and expire on the 60th day
15 after submission or for a house not meeting on the 60th day, on
16 the next meeting day of that house.

17 (cf: P.L.1988, c.159, s.2)

18 241. N.J.S.18A:72A-29 is amended to read as follows:

19 18A:72A-29. All [powers conferred and duties imposed upon the
20 board of higher education or the department of higher education
21 pursuant to this chapter shall be exercised and performed by
22 resolution of that board and all conveyances, leases and
23 subleases, pursuant to this chapter shall be made, executed and
24 delivered in the name of said department and shall be signed by
25 the chancellor and sealed with the seal of said department] lands
26 presently titled in the name of the State of New Jersey or one of
27 its departments, which are occupied by a public institution of
28 higher education, are hereby transferred to that individual public
29 institution of higher education.

30 To the extent not otherwise expressly provided under existing
31 law, all powers and duties conferred upon the university pursuant
32 to this chapter shall be exercised and performed by resolution of
33 its board of governors and all powers and duties conferred upon
34 any of said colleges pursuant to this chapter shall be exercised
35 and performed by resolution of its board of trustees.

36 All conveyances, leases and subleases made pursuant to this
37 chapter, when duly authorized by the university, shall be made,
38 executed and delivered in the name of the university and shall be
39 signed by its president or a vice president and sealed with the
40 seal of the university and all conveyances, leases and subleases
41 made pursuant to this chapter, when duly authorized by any of
42 said colleges, shall be made, executed and delivered in the name
43 of the college and shall be signed by the president or a vice
44 president and sealed with the seal of the college.

45 (cf: N.J.S.18A:72A-29)

46 242. Section 3 of P.L.1979, c.132 (C.18A:72B-17) is amended
47 to read as follows:

48 3. As used in this act:

49 a. "Eligible institution" or "institution" means only those
50 independent institutions of higher education incorporated and
51 located in this State, which, by virtue of law or character or
52 license, are non-profit educational institutions empowered to
53 grant academic degrees and which provide a level of education
54 which is equivalent to the education provided by the State's

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

10 b. "New Jersey Student" means any resident of this State as
11 defined [by regulations of the Board of Higher Education]
12 pursuant to section 1 of P.L.1979, c.361 (C.18A:62-4).

13 c. "Academic Year" means the normal period of attendance,
14 excluding summer session, for a full-time undergraduate student
15 to make a year's progress toward a degree.

16 d. "Full-time equivalent student in an eligible institution"
17 means a unit of 32 undergraduate student credit hours [as defined
18 by regulations of the Board of Higher Education].

19 e. "Undergraduate student" means a student enrolled in a
20 program leading to an associate or baccalaureate degree, or to a
21 certificate, diploma or its equivalent, awarded by the institution.

22 f. "Direct per student support for the State college sector"
23 means the average direct net State support per budgeted
24 full-time equivalent student at the State colleges. This average
25 shall be derived from the General Appropriation Act for the
26 pre-budget year by taking the sum of the total appropriation
27 amounts for all State colleges, except Thomas A. Edison College
28 of New Jersey, subtracting from that sum debt service and
29 capital costs and the sum of anticipated revenues at the State
30 colleges, except Edison College, for tuitions, other student fees,
31 School of Conservation, and miscellaneous; and dividing the
32 remainder by the total number of budgeted full time equivalent
33 students at the State colleges, as stipulated in language in said
34 Appropriation Act.

35 g. "Department" means the Department of [Higher Education]
36 Treasury.

37 h. ["Board" means the Board of Higher Education.] deleted by
38 amendment, P.L. .c. (C.) (now pending before the
39 Legislature as this bill)

40 i. "Pre-budget year" means the fiscal year preceding the year
41 in which the budget is implemented.
42 (cf: P.L.1979, c.132, s.3)

43 243. Section 4 of P.L.1979, c.132 (C18A:72B-18) is amended to
44 read as follows:

45 4. The [Board of Higher Education] State Treasurer, subject to
46 the availability of appropriations, is authorized to contract with
47 eligible independent colleges and universities in this State to
48 provide educational services to New Jersey students. Payment to
49 the institutions shall be based upon the number of full time
50 equivalent New Jersey undergraduates enrolled during the
51 pre-budget year in the independent institutions multiplied by 25%
52 of the level of direct per student support for the State college
53 sector during the pre-budget year. The total funding generated
54 by the preceding formula shall be distributed as follows:

1 a. Ten percent of this total shall be divided equally among the
2 eligible institutions. These "designated" amounts shall be
3 awarded to each institution except in any instance where the
4 amount of dollars designated for a particular institution under
5 this section exceeds the total amount to be awarded to that
6 institution under subsections b. and c. of this section. In such
7 instances, the funds designated under subsection a. shall be
8 reduced to equal the total of subsections b. and c., which shall be
9 the amount awarded to the institution under this section. The
10 difference between the amount designated and the amount
11 awarded under this section shall be returned to the department.

12 b. Thirty-five percent shall be distributed on the basis of New
13 Jersey students who received State financial aid or aid
14 administered by such institutions of \$1,000.00 or more, in all
15 cases exclusive of loans, during the pre-budget year.

16 c. Fifty-five percent shall be distributed on the basis of New
17 Jersey full-time equivalent students, as herein defined, enrolled
18 in such institutions during the pre-budget year.

19 The funds granted under this act may be used by the
20 institutions for any purposes which they deem to be appropriate
21 to maintaining or enhancing the quality of the academic offerings
22 available to New Jersey students, except for purposes of
23 sectarian instruction, the construction or maintenance of
24 sectarian facilities, or for any other sectarian purpose or
25 activity. For the purposes of this act the number of full time
26 equivalent students at the eight State colleges for the 1979-80
27 academic year is 54,380.

28 (cf: P.L.1979, c.132, s.4)

29 244. Section 5 of P.L.1979, c.132 (C.18A:72B-19) is amended
30 to read as follows:

31 5. Funds received by an institution pursuant to this act shall be
32 maintained in a separate ledger account. Each institution shall
33 cause an audit of such account and of enrollment figures to be
34 made annually by a certified public accountant and forwarded to
35 the [board] treasurer. The [board] treasurer shall have the right to
36 audit institutional records pertaining to this act. Each institution
37 also shall furnish to the board a copy of its audited annual
38 financial statement.

39 (cf: P.L.1979, c.132, s.5)

40 245. Section 6 of P.L.1979, c.132 (C.18A:72B-20) is amended
41 to read as follows:

42 6. In the event any institution shall expend such funds in
43 violation of the provisions of this act or the rules or regulations
44 of the [board] treasurer, the [board] treasurer may suspend
45 further aid to such institutions and recover any such funds
46 theretofore misspent.

47 (cf: P.L.1979, c.132, s.6)

48 246. Section 8 of P.L.1979, c.132 (C.18A:72B-22) is amended
49 to read as follows:

50 8. The [board] State Treasurer shall promulgate rules and adopt
51 policies and make all determinations necessary for the proper
52 administration and enforcement of the provisions of this act.

53 (cf: P.L.1979, c.132, s.8)

54 247. Section 1 of P.L.1987, c.312 (C.18A:72B-25) is amended
55 to read as follows:

- 1 1. As used in this act:
- 2 [a. "Board" means the State Board of Higher Education;
- 3 b.] "School" means the Morehouse School of Medicine in
- 4 Atlanta, Georgia.
- 5 (cf: P.L.1987, c.312, s.1)
- 6 248. Section 2 of P.L.1987, c.312 (C.18A:72B-26) is amended
- 7 to read as follows:
- 8 2. The State [Board of Higher Education] Treasurer is
- 9 authorized to contract with the Morehouse School of Medicine for
- 10 the acceptance of New Jersey residents to study medicine.
- 11 (cf: P.L.1987, c.312, s.2)
- 12 249. Section 3 of P.L.1987, c.312 (C.18A:72B-27) is amended
- 13 to read as follows:
- 14 3. Commencing with the first year class to be admitted for the
- 15 1987-88 academic year, the [board] treasurer shall contract with
- 16 the school for the acceptance of two to four medical students.
- 17 The students shall be residents of New Jersey who are from a
- 18 disadvantaged or minority background and are certified as
- 19 eligible by the [Chancellor of Higher Education] treasurer.
- 20 Admission of eligible applicants is based solely on academic merit.
- 21 (cf: P.L.1987, c.312, s.3)
- 22 250. Section 4 of P.L.1987, c.312 (C.18A:72B-28) is amended
- 23 to read as follows:
- 24 4. The [chancellor] treasurer, at his discretion, shall
- 25 periodically review the school's admissions procedures and
- 26 records to determine if these procedures comply with the terms
- 27 of the contract.
- 28 (cf: P.L.1987, c.312, s.4)
- 29 251. Section 6 of P.L.1987, c.312 (C.18A:72B-30) is amended
- 30 to read as follows:
- 31 6. The [board] treasurer shall pay to the school \$11,000.00 per
- 32 year for each eligible student attending the school pursuant to
- 33 this act, provided that the school charges the student only the
- 34 tuition and fees required of resident students. Any showing of a
- 35 discriminatory practice against a student admitted pursuant to
- 36 this act in areas such as tuition, financial aid, the quality of
- 37 instruction or housing or any other area is grounds for
- 38 termination of the contract by the board.
- 39 (cf: P.L.1987, c.312, s.6)
- 40 252. Section 7 of P.L.1987, c.312 (C.18A:72B-31) is amended to
- 41 read as follows:
- 42 7. a. To be certified by the [chancellor] treasurer as eligible
- 43 for admission to the school pursuant to this act, the applicant
- 44 shall (1) be a resident of New Jersey for at least 12 months; and
- 45 (2) enter into a written agreement to practice medicine for at
- 46 least four years following the completion of training in an area of
- 47 the State designated by the [chancellor] Commissioner of Health
- 48 as one with a shortage of physicians.
- 49 b. No student admitted to the study of medicine at a medical
- 50 school within this State shall be certified by the [chancellor]
- 51 treasurer as eligible for admission to the school pursuant to this
- 52 act.
- 53 c. Each agreement shall provide (1) that if the applicant fails
- 54 to complete medical school, the applicant is liable to reimburse

1 the [board] treasurer for the amount paid to the school to support
2 his education, plus interest in an amount equal to the current
3 prevailing market rate; and (2) that if the applicant, upon
4 licensure as a physician, fails to practice in the designated area
5 for four years, the applicant is liable to reimburse the [board]
6 treasurer for the amount paid to the school to support his
7 education, plus interest in an amount equal to twice the current
8 prevailing market rate. The agreement shall also contain a clause
9 under which the applicant consents to the exercise of jurisdiction
10 over the cause of action by the courts of New Jersey and the
11 execution of a judgment rendered by the New Jersey courts in
12 any jurisdiction.

13 d. The [chancellor] treasurer may waive the requirement of
14 reimbursement upon the death or disability of the individual.
15 (cf: P.L.1987, c.312, s.7)

16 253. Section 8 of P.L.1987, c.312 (C.18A:72B-32) is amended
17 to read as follows:

18 8. The school, at a time agreed upon with the [board] treasurer,
19 shall implement a resident training program with a New Jersey
20 hospital, if it is determined that an appropriate out-of-State
21 training program is not available.
22 (cf: P.L.1987, c.312, s.8)

23 254. Section 2 of P.L.1979, c.39 (C.18A:72C-2) is amended to
24 read as follows:

25 2. Each institution awarded an Einstein Chair under this act
26 shall select an outstanding scholar to fill the chair on such terms
27 and conditions as may be agreed upon, [subject to the approval of
28 the Chancellor of Higher Education.] within the appropriations
29 provided for said chairs. Each person appointed to the Einstein
30 Chair may be granted tenure on appointment.
31 (cf: P.L.1979, c.39, s.2)

32 255. Section 60 of P.L.1991, c.187 (C.18A:72D-12) is amended
33 to read as follows:

34 60. As used in sections 60 through 76 of P.L.1991, c.187
35 (C.18A:72D-12 et seq.):

36 "Eligible student loan expenses" means the cumulative total of
37 the annual student loans covering the cost of attendance at an
38 undergraduate institution of medical or dental education. Interest
39 paid or due on student loans that an applicant has taken out for
40 use in paying the costs of undergraduate medical or dental
41 education shall be considered eligible for reimbursement under
42 the program. The [Chancellor of Higher Education] executive
43 director of student assistance programs may establish a limit on
44 the total amount of student loans which may be redeemed for
45 participants under the program, provided that the total
46 redemption of student loans does not exceed \$70,000.

47 "Medically underserved area" means an urban or rural area
48 which need not conform to the geographic boundaries of a
49 political subdivision within the State but which shall be defined in
50 terms of census tracts, if possible, which is a rational area for
51 the delivery of health services and which has a medical or dental
52 manpower shortage as determined by the Commissioner of
53 Health; or a population group which the commissioner determines
54 has a medical or dental manpower shortage; or a public or

1 nonprofit private health care facility or other facility which is so
2 designated.

3 "Primary care" includes the practice of family medicine,
4 general internal medicine, general pediatrics, general obstetrics,
5 gynecology, and any other areas of medicine which the
6 Commissioner of Health may define as primary care. Primary
7 care also includes the practice of general dentistry and
8 pedodontics.

9 "Primary Care Physician and Dentist Loan Redemption
10 Program" means a program which provides for the redemption of
11 the eligible student loan expenses of its participants.

12 "Undergraduate medical or dental education" means the period
13 of time between entry into medical or dental school and the
14 award of the medical (M.D., D.O.) degree or dental (D.M.D.,
15 D.D.S.) degree, respectively.

16 (cf: P.L.1991, c.187, s.60)

17 256 Section 61 of P.L.1991, c.187 (C.18A:72D-13) is amended
18 to read as follows:

19 61. There is established a Primary Care Physician and Dentist
20 Loan Redemption Program within the [Department of Higher
21 Education] Office of Student Assistance. The program shall
22 provide for the redemption of a portion of the eligible student
23 loan expenses of program participants for each year of service in
24 a medically underserved area of the State as designated by the
25 Commissioner of Health.

26 (cf: P.L.1991, c.187, s.61)

27 257. Section 63 of P.L.1991, c.187 (C.18A:72D-15) is amended
28 to read as follows:

29 63. The Commissioner of Health, after consultation with the
30 Commissioner of Corrections and the Commissioner of Human
31 Services, shall designate and establish a ranking of medically
32 underserved areas of the State. The criteria used by the
33 Commissioner of Health in designating underserved areas shall
34 include, but not be limited to:

35 a. the ratio of the supply of primary care physicians and
36 dentists by relative specialty to the population under
37 consideration with a goal of meeting current standards for
38 physician and dentist to population ratios in primary care medical
39 and dental specialties;

40 b. the financial resources of the population under
41 consideration;

42 c. the population's access to medical and dental services; and

43 d. appropriate physician and dentist staffing ratios in State,
44 county, municipal and private nonprofit health care facilities.

45 The commissioner shall annually transmit the list of medically
46 underserved areas and the number of positions needed in each
47 area to the [Chancellor of Higher Education] executive director.

48 (cf: P.L.1991, c.187, s.63)

49 258. Section 64 of P.L.1991, c.187 (C.18A:72D-16) is amended
50 to read as follows:

51 64. A medical or dental student who is eligible and interested
52 in participating in the loan redemption program shall sign a
53 nonbinding agreement with the [Department of Higher Education]
54 Office of Student Assistance upon completion of the final year of

1 undergraduate medical or dental training, as appropriate. At the
2 end of the final year of residency training in the case of a
3 physician, and at the end of the final year of undergraduate
4 dental training or residency training if such training is required in
5 a primary care dental specialty in the case of a dentist, the
6 applicant shall sign a contractual agreement with the
7 [Department of Higher Education] office. The agreement shall
8 specify the applicant's length of required service and the total
9 amount of eligible student loan expenses to be redeemed by the
10 State in return for service. The agreement shall also stipulate
11 that the applicant has knowledge of and agrees to the six-month
12 probationary period required prior to final acceptance into the
13 program pursuant to section 66 of P.L.1991, c.187
14 (C.18A:72D-18).

15 (cf: P.L.1991, c.187, s.64)

16 259. Section 66 of P.L.1991, c.187 (C.18A:72D-18) is amended
17 to read as follows:

18 66. Each program participant shall serve a six-month
19 probationary period upon initial placement in a service site within
20 the medically underserved area. During that period, the medical
21 or dental staff of the service site, as appropriate, shall evaluate
22 the suitability of the placement for the participant. At the end
23 of the probationary period, the medical or dental staff shall
24 recommend the continuation of the program participant's present
25 placement, a change in placement, or its determination that the
26 participant is an unsuitable candidate for the loan redemption
27 program. If the medical or dental staff of the service site
28 recommends a change in placement, then the [Chancellor of
29 Higher Education] executive director shall place the program
30 participant in an alternate placement within a medically
31 underserved area. If the medical or dental staff determines that
32 the program participant is not a suitable candidate for the
33 program, then the [chancellor] executive director shall take this
34 recommendation into consideration in regard to the participant's
35 final acceptance into the program. No loan redemption payment
36 shall be made during the six-month probationary period, however,
37 a program participant shall receive credit for this six-month
38 period in calculating the first year of required service under the
39 loan redemption contract.

40 (cf: P.L.1991, c.187, s.66)

41 260. Section 67 of P.L.1991, c.187 (C.18A:72D-19) is amended
42 to read as follows:

43 67. The [Chancellor of Higher Education] executive director, in
44 consultation with the Commissioner of Health, shall match
45 program participants to medically underserved areas based upon
46 the ranking of the underserved areas established by the
47 commissioner and on the basis of participant preference.

48 (cf: P.L.1991, c.187, s.67)

49 261. Section 68 of P.L.1991, c.187 (C.18A:72D-20) is amended
50 to read as follows:

51 68. The [Chancellor of Higher Education] executive director
52 shall annually determine the number of program positions
53 available on the basis of the need for primary care physicians and
54 dentists in medically underserved areas of the State as

1 determined by the Commissioner of Health and the State and
2 federal funds available for the program. Once the number of
3 program positions has been determined, the [chancellor]
4 executive director shall select the program participants from
5 among those students who have applied to the program and who
6 meet the criteria established pursuant to section 62 of P.L.1991,
7 c.187 (C.18A:72D-14). In selecting program participants, the
8 [Chancellor of Higher Education] executive director shall accord

9 priority to applicants in the following manner:

10 a. First, to any applicant who is completing a fourth, third or
11 second year of a loan redemption contract;

12 b. Second, to any applicant whose residence in the State at the
13 time of entry into post secondary education was within a
14 medically underserved area; and

15 c. Third, to any applicant according to the severity of the
16 physician or dentist shortage in the area selected by the applicant.

17 In the event that there are more applicants who have the same
18 priority than there are program positions, the [Chancellor of
19 Higher Education] executive director shall select participants by
20 means of a lottery or other form of random selection.

21 (cf: P.L.1991, c.187, s.68)

22 262. Section 69 of P.L.1991, c.187 (C.18A:72D-21) is amended
23 to read as follows:

24 69. A physician or dentist who has previously entered into a
25 contract with the [Department of Higher Education] office may
26 nullify the agreement by notifying the [Department of Higher
27 Education] office in writing and assuming full responsibility for
28 repayment of principal and interest at the appropriate market
29 rate of the full amount of the eligible student loan expenses or
30 that portion of the loan which has not been redeemed by the
31 State in return for partial fulfillment of the contract. In no
32 event shall service in a medically underserved area for less than
33 the full calendar year of each period of service entitle the
34 participant to any benefits under the loan redemption program.
35 A participant seeking to nullify the contract shall be required to
36 pay the unredeemed portion of indebtedness in not more than 10
37 years following termination of the contract minus the years of
38 service already served under the contract.

39 (cf: P.L.1991, c.187, s.69)

40 263. Section 70 of P.L.1991, c.187 (C.18A:72D-22) is amended
41 to read as follows:

42 70. In case of a program participant's death or total or
43 permanent disability, the [Chancellor of Higher Education]
44 executive director shall nullify the service obligation of the
45 student thereby terminating the student's obligation to repay the
46 unpaid balance of the redeemable portion of the loan and the
47 accrued interest thereon, or where continued enforcement of the
48 contract may result in extreme hardship, the [chancellor]
49 executive director may nullify or suspend the service obligation
50 of the student.

51 (cf: P.L.1991, c.187, s.70)

52 264. Section 71 of P.L.1991, c.187 (C.18A:72D-23) is amended
53 to read as follows:

54 71. In case of a program participant's conviction of a felony or

1 misdemeanor or an act of gross negligence in the performance of
2 service obligations or where the license to practice has been
3 suspended or revoked, the [Chancellor of Higher Education]
4 executive director shall have the authority to terminate the
5 participant's service in the program and request repayment of
6 the outstanding debt.

7 (cf: P.L.1991. c.187, s.71)

8 265. Section 72 of P.L.1991, c.187 (C.18A:72D-24) is amended
9 to read as follows:

10 72. A student who is participating in a federal program of a
11 similar nature, which provides financial support for students in
12 return for service in underserved areas of the nation, shall not be
13 eligible for participation in the Primary Care Physician and
14 Dentist Loan Redemption Program unless after review and
15 consideration the [Chancellor of Higher Education] executive
16 director finds that the student has extraordinary financial
17 responsibilities making it essential for the student to use the loan
18 resources of both federal and State programs. These cases shall
19 be reviewed and approved by the [chancellor] executive director
20 on an individual basis. In these cases, the period of service to the
21 State of New Jersey may be served simultaneously with the
22 federal service obligation if that obligation is being discharged by
23 service within this State.

24 (cf: P.L.1991. c.187, s.72)

25 266. Section 73 of P.L.1991, c.187 (C.18A:72D-25) is amended
26 to read as follows:

27 73. Prior to repayment of the annual amount eligible for
28 redemption, each program participant shall report to the
29 [Department of Higher Education] office of student assistance, in
30 such manner and form as it shall prescribe, information on the
31 participant's performance of service in the medically
32 underserved area as required under the contract.

33 (cf: P.L.1991. c.187, s.73)

34 267. Section 74 of P.L.1991, c.187 (C.18A:72D-26) is amended
35 to read as follows:

36 74. The [Chancellor of Higher Education] executive director
37 and the Commissioner of Health shall jointly establish a
38 procedure for the recruitment of program applicants at medical
39 and dental schools and health centers. The procedure shall
40 provide for the participation of the medical and dental staff, as
41 appropriate, of those facilities in the selection of appropriate
42 applicants for the program.

43 (cf: P.L.1991. c.187, s.74)

44 268. Section 75 of P.L.1991, c.187 (C.18A:72D-27) is amended
45 to read as follows:

46 75. The [Department of Higher Education] office of student
47 assistance shall annually apply for any federal funds which may
48 be available to implement the provisions of this act.

49 (cf: P.L.1991. c.187, s.75)

50 269. Section 76 of P.L.1991, c.187 (C.18A:72D-28) is amended
51 to read as follows:

52 76. The State [Board of Higher Education] executive director
53 shall adopt rules and regulations pursuant to the "Administrative
54 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be

1 necessary to implement the provisions of sections 60 through 75
2 of P.L.1991. c.187 (C.18A:72D-12 et seq.).

3 (cf: P.L.1991. c.187. s.76)

4 270. Section 2 of P.L.1980. c.154 (C.18A:72E-2) is amended to
5 read as follows:

6 2. Subject to available appropriations, Seton Hall shall select
7 an outstanding scholar to fill the chair on such terms and
8 conditions as may be agreed upon [, subject to the approval of the
9 Chancellor of Higher Education]. The person appointed to the
10 Hughes Chair may be granted tenure on appointment.

11 (cf: P.L.1980. c.154. s.2)

12 271. Section 2 of P.L.1984, c.189 (C.18A:72F-2) is amended to
13 read as follows:

14 2. The Legislature finds and declares that:

15 a. Within the State colleges minority faculty members with
16 doctoral degrees in certain academic disciplines, notably the
17 physical and life sciences, engineering, mathematics,
18 management, computer science, environmental sciences, and
19 statistics, are underrepresented in comparison to nonminority
20 faculty members with doctorates.

21 b. There is in the United States a serious shortage of minority
22 doctoral degree graduates in the academic disciplines cited above
23 from which the State colleges can recruit faculty members.

24 c. The State colleges in New Jersey currently face difficult
25 problems in recruiting and retaining minority faculty members
26 with doctoral degrees in the academic disciplines cited above.

27 d. [With the support of the Department of Higher Education.]
28 Rutgers, The State University and the State colleges have
29 cooperated in implementing a pilot program, the Minority
30 Advancement Program in Teaching and Research, whereby
31 eligible State college minority faculty members or other
32 minorities admitted to the State university in a doctoral degree
33 program in certain academic disciplines are provided grant, loan
34 and other support opportunities to assist them in completing the
35 academic degree requirements and to increase the pool of
36 potential minority faculty members holding doctoral degrees.

37 (cf: P.L.1984. c.189, s.2)

38 272. Section 3 of P.L.1984, c.189 (C.18A:72F-3) is amended to
39 read as follows:

40 3. As used in this act:

41 a. "Eligible discipline" means an academic discipline in which
42 minority individuals are underrepresented as determined by the
43 [State Board of Higher Education] Executive Director of Student
44 Assistance Programs.

45 b. "Faculty member" means any person employed full-time by
46 a New Jersey State college, to perform primarily teaching,
47 research, or administrative duties for 10 or more months per
48 academic year.

49 c. "Minority" means any person who is a member of a
50 racial-ethnic group that has been historically disadvantaged in
51 obtaining access to equal educational opportunities.

52 d. "Program" means the Minority Faculty Advancement Loan
53 and Loan Redemption Program created pursuant to this act.

54 e. "State college" means any institution created pursuant to

1 chapter 64 of Title 18A of the New Jersey Statutes.

2 (cf: P.L.1984. c.189. s.3)

3 273. Section 4 of P.L.1984. c.189 (C.18A:72F-4) is amended to
4 read as follows:

5 4. There is established within the [Department of Higher
6 Education] Office of Student Assistance a Minority Faculty
7 Advancement Loan and Loan Redemption Program for students at
8 Rutgers, The State University, or the New Jersey Institute of
9 Technology, or at a private college or university which agrees to
10 participate in the program who are enrolled in an eligible
11 discipline in the Minority Advancement Program in Teaching and
12 Research.

13 Eligible participants shall include:

14 a. State college faculty members who have been nominated by
15 their institution and granted up to a four year leave of absence in
16 order to participate in the program. A nomination by a State
17 college shall include a commitment to reemploy the nominee in
18 the same or in an equivalent position at the college upon
19 completion of the program; and

20 b. Individuals who otherwise qualify pursuant to procedures set
21 forth by the [Chancellor of Higher Education] Executive Director
22 of Student Assistance Programs, but who are not State college
23 faculty members, or who have not been nominated by a college.

24 (cf: P.L.1984. c.189. s.4)

25 274. Section 5 of P.L.1984. c.189 (C.18A:72F-5) is amended to
26 read as follows:

27 5. Eligible program participants seeking loans to finance their
28 education shall first apply for loans under the Guaranteed Student
29 Loan Program. In the event that participants have borrowed the
30 maximum permitted under the terms of this program or are
31 otherwise ineligible, they may apply for direct loans in amounts
32 not exceeding \$10,000.00 per student annually which loans may be
33 renewed for up to a maximum of four academic years for a total
34 loan indebtedness not exceeding \$40,000.00 per student. Direct
35 loans will be evidenced by promissory notes and may be secured
36 pursuant to regulations and forms established by the [Chancellor
37 of Higher Education] Executive Director of Student Assistance
38 Programs.

39 Direct loans shall not bear interest or finance charges during
40 the time a student is enrolled as a full-time student in the
41 program or is engaged in approved redemption service pursuant to
42 this act. Direct loans shall become due and payable pursuant to
43 section 8 of this act six months after graduation if no redemption
44 contract is in effect, or six months after change to part-time
45 student status, withdrawal from the program, or termination
46 from full-time employment either as a faculty member at a State
47 college or other qualified employment.

48 (cf: P.L.1984. c.189. s.5)

49 275. Section 6 of P.L.1984. c.189 (C.18A:72F-6) is amended to
50 read as follows:

51 6. Direct loans obtained pursuant to section 5 of this act and
52 federally guaranteed student loans together with interest thereon
53 secured after admission to the Minority Advancement Program
54 may be redeemed by program participants upon execution of a

1 contract between the participant and the [Department of Higher
2 Education] executive director. The maximum loan redemption
3 for program participants shall amount to cancellation of
4 repayment for one-quarter of the eligible loan indebtedness in
5 return for each full academic year of service as a faculty
6 member in a State college for total cancellation of loan
7 indebtedness for up to, but not to exceed, a maximum of
8 \$40,000.00 per student. In no event shall faculty service for less
9 than the full academic year of each period of service entitle the
10 participant to any benefits under the loan redemption conditions
11 of the program. Prior to the annual redemption of loan
12 indebtedness, participants in the program shall submit proof of
13 faculty service to the [Department of Higher Education]
14 executive director.

15 (cf: P.L.1984, c.189, s.6)

16 276. Section 7 of P.L.1984, c.189 (C.18A:72F-7) is amended to
17 read as follows:

18 7. Faculty service requirements for loan redemption purposes
19 shall be satisfied at the State college which nominated the
20 faculty member to participate in the program unless otherwise
21 agreed by the State college president. Program participants not
22 nominated by a State college may satisfy their faculty service
23 requirement at any New Jersey State college; except that any
24 faculty member participating in the program upon nomination by
25 an institution of higher education within New Jersey other than a
26 State college shall satisfy his faculty service requirements for
27 loan redemption purposes at his nominating institution unless
28 otherwise agreed by the nominating institution's president.
29 However, if the [chancellor] executive director determines that
30 no appropriate faculty positions are available in the State
31 colleges, faculty service requirements may be satisfied at other
32 public or private colleges or universities in New Jersey which are
33 licensed by the [Board of] Commission on Higher Education, or at
34 any other agency of State government.

35 (cf: P.L.1984, c.189, s.7)

36 277. Section 8 of P.L.1984, c.189 (C.18A:72F-8) is amended to
37 read as follows:

38 8. Program participants who have entered into redemption
39 contracts with the [Department of Higher Education] executive
40 director may nullify their contracts by submitting written
41 notification to the [department] executive director and assuming
42 full responsibility for repayment of principal and interest on the
43 full amount of their direct loans or that portion of the loans
44 which has not been redeemed by the State in return for partial
45 fulfillment of the contracts. The interest on the loans shall be at
46 the prevailing rate established for the federal Guaranteed
47 Student Loan Program at the time the loans were made. The
48 participant seeking to nullify the contract shall be required to
49 repay the loan or the unredeemed portion thereof in not more
50 than 10 years following the termination of the contract minus the
51 years of service already performed under the contract.
52 Repayments of direct loans by participants who do not perform
53 faculty service for redemption purposes may be used to provide
54 future loans under the program, as determined by the [chancellor]

1 executive director.

2 (cf: P.L.1984. c.189. s.8)

3 278. Section 9 of P.L.1984, c.189 (C.18A:72F-9) is amended to
4 read as follows:

5 9. In case of a program participant's death or total or
6 permanent disability, the [chancellor] executive director shall
7 nullify the service obligation of the student, thereby terminating
8 the student's obligation to repay the unpaid balance of the
9 redeemable portion of the loan and the accrued interest thereon,
10 or where continued enforcement of the contract may result in
11 extreme hardship, the [chancellor] executive director may nullify
12 or suspend the service obligation of the student.

13 (cf: P.L.1984. c.189, s.9)

14 279. Section 10 of P.L.1984, c.189 (C.18A:72F-10) is amended
15 to read as follows:

16 10. The impact of the program on the representation of State
17 college minority faculty members with doctoral degrees in the
18 designated disciplines shall be evaluated periodically by the
19 [chancellor] Commission on Higher Education and the Presidents'
20 Council.

21 (cf: P.L.1984, c.189, s.10)

22 280. Section 11 of P.L.1984, c.189 (C.18A:72F-11) is amended
23 to read as follows:

24 11. The [chancellor] executive director and the Commission on
25 Higher Education shall promulgate such rules and regulations in
26 accordance with the "Administrative Procedure Act," P.L.1968,
27 c.410 (C.52:14B-1 et seq.) as are necessary to carry out the
28 purposes of this act.

29 (cf: P.L.1984, c.189, s.11)

30 281. Section 2 of P.L.1985, c.365 (C.18A:72G-2) is amended to
31 read as follows:

32 2. Saint Peter's College shall select an outstanding scholar to
33 fill the chair on such terms and conditions as may be agreed upon,
34 subject to [the approval of the Chancellor of Higher Education
35 and] available appropriations. The person appointed to the Durant
36 Chair may be granted tenure on appointment.

37 (cf: P.L.1985, c.365, s.2)

38 282. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to
39 read as follows:

40 3. As used in this act:

41 a. "Aurally impaired" means a hearing impairment of such
42 severity that the individual depends primarily upon visual
43 communication.

44 b. "Competent authority" means any doctor of medicine or
45 any doctor of osteopathy licensed to practice medicine and
46 surgery in this State.

47 c. ["Department" means the Department of Higher Education.]
48 deleted by amendment, P.L. c. (now pending before the
49 Legislature as this bill).

50 d. "Eligible student" means any student "admitted to a public
51 or independent institution of higher education who is" suffering
52 from a visual impairment, auditory impairment or a specific
53 learning disability within guidelines established by the
54 [Department of] Commission on Higher Education pursuant to

1 regulations promulgated under this act.

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

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

28 g. "Program" means the Higher Education Services for
29 Visually Impaired, Auditorily Impaired and Learning Disabled
30 Students Program established pursuant to this act.

31 h. "Public institution of higher education" means Rutgers, The
32 State University, the New Jersey Institute of Technology, the
33 University of Medicine and Dentistry of New Jersey, the State
34 colleges and the county colleges.

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

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

43 (cf: P.L.1985, c.493, s.3)

44 283. Section 4 of P.L.1985, c.493 (C.18A:72H-4) is amended to
45 read as follows:

46 4. There is established a Higher Education Services for
47 Visually Impaired, Auditorily and Learning Disabled Students
48 Program within the [Department of] Commission on Higher
49 Education. The program shall provide appropriate support
50 services for eligible students attending a public or independent
51 institution of higher education within the State and promote
52 research and development of techniques and approaches to offset
53 handicapping conditions. All appropriate public and private
54 groups, organizations and agencies shall be consulted in preparing

1 programs and services for these students.

2 (cf: P.L.1985, c.493, s.4)

3 284. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to
4 read as follows:

5 6. The [department, through the Chancellor of Higher
6 Education] Commission on Higher Education, shall:

7 a. Enter into agreements with any individual, agency or public
8 or independent institution of higher education in this State, under
9 which the individual, agency or institution shall undertake to
10 provide direct support services to eligible students, provided
11 these services do not duplicate or replace any services for which
12 these students are currently eligible.

13 b. Enter into contractual agreements with any public or
14 independent institution of higher education to establish and
15 maintain within that institution offices to facilitate the provision
16 and coordination of support services to eligible students.

17 c. Authorize the payment to those individuals, agencies and
18 institutions as set forth in subsections a. and b. of this section of
19 funds appropriated or otherwise made available to the
20 department under this act or any other law, or from any other
21 lawful source.

22 d. Assess, evaluate and review the extent of the visual or
23 auditory impairments or the learning disabilities which shall
24 qualify students for eligibility for services pursuant to the
25 regulations promulgated under this act.

26 e. Develop and coordinate a comprehensive support plan for
27 eligible students specifying the needs of the eligible students.

28 f. Provide the supportive services outlined in the support plan,
29 directly or through contractual agreements with individuals,
30 institutions, agencies and others, as appropriate.

31 g. Foster awareness of, and sensitivity to, the students'
32 handicapping conditions through seminars, presentations, bulletins
33 and other activities for instructional, administrative and other
34 staff of public and independent higher educational institutions.

35 h. Encourage and facilitate the use of a variety of
36 instructional materials and methods by disseminating to
37 professional staff of public and independent institutions of higher
38 education information on techniques, materials and sources
39 relating to curricular specialities.

40 i. Annually review and report to the Governor and the State
41 Legislature on the services and activities funded by the
42 department each year under this act.

43 (cf: P.L.1985, c.493, s.6)

44 285. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to
45 read as follows:

46 7. To assist in fulfilling the duties and responsibilities relating
47 to this act, the [chancellor] commission shall appoint an advisory
48 board, which shall be broadly representative of those individuals
49 and organizations having an active interest in, and academic or
50 practical knowledge and experience in, the abilities and needs of
51 visually impaired, auditorily impaired and learning disabled
52 students; the methods and techniques of evaluation of
53 handicapping conditions and curricular support development,
54 including, without limitation, representatives from professional

1 organizations, parent/student organizations, institutional
2 administrations, academic personnel, student personnel services
3 staff, and students. A representative from the Departments of
4 Labor and Human Services shall serve on the advisory board.

5 (cf: P.L.1985, c.493, s.7)

6 286. Section 8 of P.L.1985, c.493 (C.18A:72H-8) is amended to
7 read as follows:

8 8. The [chancellor] commission shall adopt rules and regulations
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.) to implement the provisions of this act.

11 (cf: P.L.1985, c.493, s.8)

12 287. Section 2 of P.L.1988, c.42 (C.18A:72K-2) is amended to
13 read as follows:

14 2. Douglass College shall select a distinguished scholar to fill
15 the chair for a term of up to two years upon such terms and
16 conditions as may be agreed upon subject to [the approval of the
17 Chancellor of Higher Education and] available appropriations.
18 The purpose of the chair shall be to fund research, teaching and
19 lectures in Women's Studies by an outstanding scholar at
20 Douglass College.

21 (cf: P.L.1988, c.42, s.2)

22 288. Section 2 of P.L.1991, c.435 (C.18A:72L-2) is amended to
23 read as follows:

24 2. Monmouth College shall select the individuals to fill the
25 professorship for such periods of time and upon such terms and
26 conditions as may be agreed upon, subject to [the approval of the
27 Chancellor of Higher Education and] available appropriations. The
28 incumbent of the research professorship shall devote his or her
29 time to teaching, action research, educational policy analysis,
30 program development and public service.

31 (cf: P.L.1991, c.435, s.2.)

32 289. Section 1 of P.L.1991, c.485 (C.18A:72M-1) is amended to
33 read as follows:

34 1. As used in this act:

35 "Eligible discipline" means an academic discipline in which
36 minority individuals are underrepresented as determined by the
37 [State Board of Higher Education] Executive Director of Student
38 Assistance Programs.

39 "Minority" means any person who is a member of a
40 racial-ethnic group that has been historically disadvantaged in
41 obtaining access to equal educational opportunities.

42 "Program" means the Minority Undergraduate Fellowship
43 Program established pursuant to this act.

44 (cf: P.L.1991, c.485, s.1)

45 290. Section 2 of P.L.1991, c.485 (C.18A:72M-2) is amended to
46 read as follows:

47 2. The [Chancellor of Higher Education] Executive Director of
48 Student Assistance Programs shall establish a Minority
49 Undergraduate Fellowship Program within the [Department of
50 Higher of Education] Office of Student Assistance. The purpose
51 of the program is to identify academically talented minority
52 undergraduate students who may be interested in pursuing an
53 academic career in an eligible discipline at a public or
54 independent institution of higher education within the State, and

1 to provide such students with the institutional and faculty support
2 necessary to assist them in reaching that goal.

3 (cf: P.L.1991. c.485, s.2)

4 291. Section 3 of P.L.1991, c.485 (C.18A:72M-3) is amended to
5 read as follows:

6 3. The [chancellor] executive director, in consultation with the
7 Commission on Higher Education, shall establish policies and
8 procedures for the nomination and selection as program fellows
9 of academically talented minority undergraduate students who
10 are in their junior year of study at a public or independent college
11 or university within the State. Upon the selection of program
12 fellows, the institution in which each student who is selected is
13 enrolled shall assign to the student a faculty advisor who shall do
14 the following:

15 a. Supervise a research project conducted by the fellow during
16 the junior year or actively involve the student in a project which
17 the advisor is conducting;

18 b. Supervise the fellow as an undergraduate teaching assistant
19 in the fellow's senior year of study;

20 c. Accompany the fellow to the annual meeting of the
21 professional association of the fellow's academic discipline; and

22 d. Assist the fellow in the selection of a graduate or
23 professional school.

24 (cf: P.L.1991. c.485, s.3)

25 292. Section 5 of P.L.1991, c.485 (C.18A:72M-5) is amended to
26 read as follows:

27 5. The [chancellor] executive director, in consultation with the
28 commission, shall periodically evaluate the impact of the
29 program on the representation of college and university minority
30 faculty members with graduate degrees in eligible disciplines.

31 (cf: P.L.1991, c.485, s.5)

32 293. Section 6 of P.L.1991, c.485 (C.18A:72M-6) is amended to
33 read as follows:

34 6. The State [Board of Higher Education] executive director
35 and the Commission on Higher Education shall adopt rules and
36 regulations pursuant to the "Administrative Procedure Act."
37 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
38 purposes of this act.

39 (cf: P.L.1991, c.485, s.6)

40 294. Section 7 of P.L.1991, c.485 (C.18A:72M-7) is amended to
41 read as follows:

42 7. The [Department of Higher Education] executive director
43 may utilize funding received under the Minority Faculty
44 Advancement Loan and Loan Redemption Program Act."
45 P.L.1984, c.189 (C.18A:72F-1 et seq.) in making payments under
46 this act.

47 (cf: P.L.1991.c.485.s.7.

48 295. Section 1 of P.L.1987, c.222 (C.5:9-22.1) is amended to
49 read as follows:

50 1. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), any
51 program of education approved by the Department of Education
52 or by institutions of higher education licensed by the [Department
53 of] Commission on Higher Education which is intended, in whole
54 or in part, to serve citizens of this State of the age of 65 years or

1 over, shall be considered eligible for State aid from the net
2 proceeds of any State lottery, as shall be provided by law.

3 (cf: P.L.1987, c.222, s.1)

4 296. Section 12 of P.L.1991, c.375 (C.5:10-14.3) is amended to
5 read as follows:

6 12. a. The State Treasurer shall establish a special fund to be
7 known as the "Sports Authority Fund" and shall pay into the fund
8 amounts from the General Fund as shall be necessary to pay the
9 principal and interest on bonds or notes of the authority issued
10 pursuant to this section and to pay any amounts due from the
11 authority under any credit agreement entered into by the
12 authority in connection with the bonds or notes, provided that all
13 payments from the General Fund shall be subject and dependent
14 upon appropriations made from time to time for those purposes.

15 b. (1) The State Treasurer and the authority are authorized to
16 enter into agreements as shall be necessary to effectuate the
17 purposes of this section, including without limitation, provisions
18 for securing the payment of bonds or notes issued by the
19 authority pursuant to subsection d. of this section and the
20 interest thereon and providing for the investment of moneys in
21 the fund; provided that the agreements shall be subject to
22 approval by the presiding officers of both houses of the
23 Legislature, and provided further that when the purposes of this
24 section have been satisfied, and upon the earlier of:

25 (a) the certification by the State Treasurer that the revenues
26 of the authority are sufficient to satisfy the requirements of
27 paragraphs (1), (2), (3), (4), (5) and (6) of subsection c. of section 6
28 of P.L.1971, c.137 (C.5:10-6) for the term of bonds or notes
29 issued pursuant to subsection d. of this section; or

30 (b) the satisfaction of the requirements for the payment of
31 bonds or notes issued pursuant to P.L.1991, c.375 (C.5:10-3 et
32 al.); the State Treasurer and the authority shall not, except for
33 the refunding of bonds or notes issued pursuant to subsection d. of
34 this section which produces debt service savings, enter into any
35 further agreements regarding payments by the State Treasurer
36 into the "Sports Authority Fund" for any reason, including but not
37 limited to, the financing or restructuring of the debt of the
38 authority.

39 (2) The agreements shall indicate the nature and scope of the
40 projects to be financed pursuant to this section.

41 (3) The agreements shall provide that with respect to the
42 Atlantic City convention center project, the authority shall
43 review all existing expert studies that present options as to the
44 scope and nature of the project and the linkages between the
45 project and the economic development of Atlantic City. Based
46 upon its analysis of the available studies and such other expert
47 studies as the authority may authorize, the authority shall report
48 to the Legislature and include in the minutes of the authority its
49 proposal for the development of the convention center. The
50 report shall include an explanation for the selection of the
51 project option proposed by the authority.

52 c. Notwithstanding anything to the contrary in this act, if and
53 to the extent provided in any agreement between the State
54 Treasurer and the authority, all or part of the revenues of the

1 authority, other than luxury tax revenues or revenues of the
2 convention center project, in excess of the requirements of the
3 resolutions authorizing or relating to the issuance of any of the
4 authority's bonds or notes, except those issued pursuant to this
5 section, shall be paid into the General Fund in repayment to the
6 State for amounts previously paid by the State pursuant to this
7 section with respect to the payment of principal and interest on
8 bonds or notes issued for any of the purposes set forth in this
9 section, except the purposes set forth in paragraphs (3), (4) and
10 (5) of subsection d. of this section, and any payments on account
11 of any credit agreements with respect to the bonds or notes.
12 Except as otherwise provided in this section, bonds or notes of
13 the authority issued pursuant to this section shall be authorized,
14 sold and issued in the manner and be entitled to the benefits,
15 protection and provisions as apply to bonds and notes of the
16 authority authorized to be issued pursuant to P.L.1971, c.137,
17 (C.5:10-1 et seq.).

18 d. In addition to its other powers to issue bonds and notes, the
19 authority shall have power to issue from time to time bonds and
20 notes payable from amounts in the Sports Authority Fund
21 established pursuant to subsection a. of this section, as follows:

22 (1) To provide sufficient funds to refund from time to time
23 outstanding bonds or notes of the authority issued for the
24 meadowlands complex or the Monmouth racetrack project
25 authorized pursuant to paragraph (5) of subsection a. of section 6
26 of P.L.1971, c.137 (C.5:10-6), whether or not the bonds or notes
27 or interest thereon have become due, to provide for the
28 establishment of funds or reserves to secure payment of the
29 bonds or notes or any other bonds or notes issued or to be issued
30 for those purposes or interest thereon, and to provide for the
31 payment of all other costs or expenses of the authority incident
32 to or necessary to carry out the refunding; provided that the
33 refunding bonds issued at any time pursuant to this paragraph
34 shall not exceed that amount estimated to be necessary so that
35 subsequent to the refunding, the revenues from the meadowlands
36 complex or the Monmouth racetrack project, as the case may be,
37 shall be sufficient to pay all costs payable from those revenues,
38 as shall be estimated in a determination by the authority made in
39 accordance with the agreement between the authority and the
40 State Treasurer;

41 (2) To finance or refinance a capital program for the
42 meadowlands complex and the Monmouth racetrack project
43 authorized pursuant to paragraph (5) of subsection a. of section 6
44 of P.L.1971, c.137 (C.5:10-6), adopted by the authority to provide
45 for major repairs, reconstruction and improvements which are
46 legally mandated or otherwise needed to meet environmental or
47 safety requirements, to prevent a loss of revenues, to augment
48 revenues or to continue or enhance the operations of any of the
49 facilities thereof, provided that the aggregate cost of the
50 projects financed pursuant to this paragraph shall not exceed
51 \$30,000,000, exclusive of interest paid during construction;

52 (3) To provide for the financing or refinancing of the facilities
53 for Rutgers, the State University pursuant to paragraph (8) of
54 subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

1 (4) To provide for the financing or refinancing of the
2 convention center project:

3 (5) To finance or refinance feasibility studies for public
4 projects consistent with the purposes of the authority; and

5 (6) To provide for the financing or refinancing of any other
6 project of the authority, but only if and to the extent expressly
7 authorized by law enacted subsequent to the enactment of this
8 act.

9 (7) To provide for the financing of the facilities at institutions
10 of higher education pursuant to paragraph (11) of subsection a. of
11 section 6 of P.L.1971, c.137 (C.5:10-6), based upon a list of
12 projects recommended by the [Chancellor of] Commission on
13 Higher Education following a competitive application process,
14 provided that the aggregate financing of the projects undertaken
15 pursuant to this paragraph shall not exceed \$5,000,000.

16 e. Bonds and notes authorized pursuant to this section shall be
17 special obligations of the authority payable as herein provided.
18 Bonds and notes shall not be deemed to constitute a debt or
19 liability of the State or a pledge of the faith and credit of the
20 State but are dependent for repayment upon appropriations as
21 provided by law from time to time. These bonds and notes and
22 the interest thereon may also be payable from the proceeds
23 thereof set aside for that purpose and income accruing therefrom.
24 (cf: P.L.1991, c.375, s.12)

25 297. Section 19 of P.L.1971, c.199 (C.40A:12-19) is amended
26 to read as follows:

27 19. When the governing body of a county or municipality shall
28 determine by resolution that all or any part of a tract of land
29 improved or unimproved is no longer needed for public purposes,
30 the governing body may authorize the conveyance of such lands
31 or any portion thereof to the State when so requested or approved
32 by resolution of the State Board of Education or [State Board of
33 Higher Education] any board of trustees or board of governors, as
34 appropriate, of a public institution of higher education or to any
35 board of education in the county or municipality or to a regional
36 board of education of a regional school district or to a
37 consolidated board of education of a consolidated school district
38 or the board of education of any county vocational school,
39 requesting or approving such conveyance by resolution, for a
40 nominal consideration, to be used by the State for educational
41 purposes, connected with the district board of education or the
42 regional board of education or the consolidated board of
43 education or the board of education of any county vocational
44 school, and may cause the same to be duly conveyed by its proper
45 officers accordingly. A prior dedication or use for park purposes
46 of such land or any part thereof shall not be deemed to preclude a
47 transfer and conveyance thereof under the provisions of this
48 section.

49 (cf: P.L.1971, c.199, s.19)

50 298. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
51 read as follows:

52 2. As used in this act

53 (a) The term "State" means the State of New Jersey.

54 (b) The term "commission" means the State Health Benefits

1 Commission. created by section 3 of this act.

2 (c) The term "employee" means an appointive or elective
3 officer or full-time employee of the State of New Jersey. For
4 the purposes of this act an employee of Rutgers. The State
5 University of New Jersey, shall be deemed to be an employee of
6 the State, and an employee of the New Jersey Institute of
7 Technology shall be considered to be an employee of the State
8 during such time as the Trustees of the Institute are party to a
9 contractual agreement with the State [Board of Higher
10 Education] Treasurer for the provision of educational services.
11 For the purposes of this act the term "employee" shall not
12 include persons employed on a short-term, seasonal, intermittent
13 or emergency basis, persons compensated on a fee basis, persons
14 having less than 2 months of continuous service or persons whose
15 compensation from the State is limited to reimbursement of
16 necessary expenses actually incurred in the discharge of their
17 official duties. An employee paid on a 10-month basis, pursuant
18 to an annual contract, will be deemed to have satisfied the
19 2-month waiting period if he begins employment at the beginning
20 of the contract year. The term "employee" shall also not include
21 persons, active or retired, who are otherwise eligible for benefits
22 under this act but who, although they meet the age eligibility
23 requirement of the Federal medicare program, are not covered by
24 the complete Federal program. A determination by the
25 commission that a person is an eligible employee within the
26 meaning of this act shall be final and shall be binding on all
27 parties.

28 (d) The term "dependents" means an employee's spouse and the
29 employee's unmarried children under the age of 23 years who live
30 with the employee in a regular parent-child relationship.
31 "Children" shall include stepchildren, legally adopted children
32 and foster children provided they are reported for coverage and
33 are wholly dependent upon the employee for support and
34 maintenance. A spouse or child enlisting or inducted into
35 military service shall not be considered a dependent during such
36 military service. The term "dependents" shall not include
37 spouses of persons, active or retired, who are otherwise eligible
38 for the benefits under this act but who, although they meet the
39 age eligibility requirement of the Federal medicare program, are
40 not covered by the complete Federal program.

41 (e) The term "carrier" means a voluntary association,
42 corporation or other organization which is lawfully engaged in
43 providing or paying for or reimbursing the cost of, personal health
44 services, including hospitalization, medical and surgical services,
45 under insurance policies or contracts, membership or subscription
46 contracts, or the like, in consideration of premiums or other
47 periodic charges payable to the carrier.

48 (f) The term "hospital" means (1) an institution operated
49 pursuant to law which is primarily engaged in providing on its own
50 premises, for compensation from its patients, medical diagnostic
51 and major surgical facilities for the care and treatment of sick
52 and injured persons on an inpatient basis, and which provides such
53 facilities under the supervision of a staff of physicians and with
54 24 hour a day nursing service by registered graduate nurses, or (2)

1 an institution not meeting all of the requirements of (1) but which
2 is accredited as a hospital by the Joint Commission on
3 Accreditation of Hospitals. In no event shall the the term
4 "hospital" include a convalescent nursing home or any institution
5 or part thereof which is used principally as a convalescent
6 facility, residential center for the treatment and education of
7 children with mental disorders, rest facility, nursing facility or
8 facility for the aged or for the care of drug addicts or alcoholics.
9 (cf: P.L.1979 c.90, s.1)

10 299. Section 9 of P.L.1986, c.42 (C.18A:64-18.2) is amended to
11 read as follow:

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

39 The finance committee of the board of trustees shall consist of
40 three members of the board, who shall be appointed in the same
41 manner and for the same term as other committees of the board
42 are appointed.

43 (cf: P.L.1986, c.42, s.9)

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

46 8. All functions, powers and duties relating to the investment
47 or reinvestment of funds other than those funds specified in
48 paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102
49 (C.18A:64G-6) within the jurisdiction of the board of trustees
50 including the purchase, sale or exchange of any investments or
51 securities [shall] may be exercised and performed by the Director
52 of the Division of Investment in accordance with the provisions of
53 chapter 270 of the laws of 1950 (C.52:18A-79 et seq.) if so
54 authorized by the board. Sections 9 and 10 of P.L.1970, c.102

1 (C.18A:64G-9 and 18A:64G-10) shall only be applicable in the
2 event of such an election. Before any such investment,
3 reinvestment, purchase, sale or exchange shall be made by the
4 director for or on behalf of the board of trustees, the Director of
5 the Division of Investment shall submit the details thereof to the
6 board, which shall, itself or by its finance committee, within 48
7 hours, exclusive of Sundays and public holidays, after such
8 submission to it, file with the director its written acceptance or
9 rejection of such proposed investment, reinvestment, purchase,
10 sale or exchange; and the director shall have authority to make
11 such investment, reinvestment, purchase, sale or exchange for or
12 on behalf of the board, unless there shall have been filed with him
13 a written rejection thereof by the board or its finance committee
14 as herein provided. The board of trustees shall determine from
15 time to time the cash requirements of the various funds and
16 accounts established by it and the amount available for
17 investment, all of which shall be certified to the State Treasurer
18 and the Director of the Division of Investment.

19 The finance committee of the board of trustees shall consist of
20 three members of the board who shall be appointed in the same
21 manner and for the same term as other committees of the board
22 are appointed.

23 (cf: P.L.1992, c.84, s.6)

24 301. (New section) a. The Governor, or the Governor's
25 designee, shall have authority to visit institutions of higher
26 education to examine their manner of conducting their affairs
27 and to enforce an observance of the laws of the State.

28 b. The Governor, or the Governor's designee, may administer
29 oaths and examine witnesses under oath in any part of the State
30 with regard to any matter pertaining to higher education, and
31 may cause the examination to be reduced to writing. Any person
32 willfully giving false testimony upon being sworn or affirmed to
33 tell the truth shall be guilty of a misdemeanor.

34 c. The Governor, or the Governor's designee, may issue
35 subpoenas pursuant to this section compelling the attendance of
36 witnesses and the production of books and papers in any part of
37 the State. Any person who shall neglect or refuse to obey the
38 command of the subpoena or who, after appearing, shall refuse to
39 be sworn and testify, unless such refusal is on grounds recognized
40 by law, shall in either event be subject to a penalty of \$1,000.00
41 for each offense to be recovered in a civil action. Such penalty
42 when recovered shall be paid into the State Treasury.

43 302. (New section) The employees of the Department of
44 Higher Education shall remain on the State payroll until July 8,
45 1994 and shall perform those tasks which are necessary to
46 effectuate the transfer of the Department of Higher Education
47 and its function to the entities set forth in this act; however,
48 these employees shall exercise no control, supervision or
49 regulatory authority over any institution of higher education
50 subsequent to July 1, 1994.

51 303. (New section) Notwithstanding any other law to the
52 contrary, upon the termination of the office and term of the
53 Chancellor of Higher Education on the effective date of the act,
54 the Chancellor of Higher Education shall cease to serve as a

1 member of any board, commission or body to which the
2 Chancellor of Higher Education is appointed to serve by law.

3 304. (New section) Notwithstanding any law to the contrary,
4 career service employees of the Department of Higher Education
5 shall be entitled to exercise demotional or lateral rights upon a
6 layoff to appropriate positions in other departments of State
7 government to the extent that those positions are former
8 positions within the Department of Higher Education which were
9 transferred to another department of State government pursuant
10 to this act.

11 305. The following acts and parts of acts are hereby repealed:

12 N.J.S.18A:3-1 through N.J.S.18A:3-23 inclusive

13 Section 6 of P.L.1986, c.87 (C.18A:3-15.6)

14 N.J.S.18A:5-1 through N.J.S.18A:5-4 inclusive

15 N.J.S.18A:60-4

16 Section 2 of P.L.1986, c.194 (C.18A:61C-2)

17 P.L.1985, c.193 (C.18A:62-8 through 18A:62-13 inclusive)

18 P.L.1977, c.420 (C.18A:63B-1 through 18A:63B-6 inclusive)

19 Section 2 of P.L.1986, c.139 (C.18A:64-3.2)

20 N.J.S.18A:64-15 and 18A:64-16

21 Sections 21 and 29 of P.L.1986, c.43 (C.18A:64-72 and
22 18A:64-80)

23 N.J.S.18A:64A-7

24 Sections 12.21 and 29 of P.L.1982, c.189 (C.18A:64A-25.12,
25 18A:64A-25.21 and 18A:64A-25.29)

26 N.J.S.18A:64B-1 through 18A:64B-13 inclusive

27 N.J.S.18A:64C-4

28 N.J.S.18A:64D-1

29 N.J.S.18A:64F-4

30 Section 23 of P.L.1981, c.325 (C.18A:64G-3.7)

31 Sections 8, 9 and 10 of P.L. 1970, c.102 (C.18A:64G-8,
32 18A:64G-9 and 18A:64G-10)

33 P.L.1975, c.345 (C.18A:64G-32 through 18A:64G-34)

34 N.J.S.18A:65-7

35 P.L.1987, c.88 (C.18A:66-193 through 18A:66-205 inclusive)

36 Section 13 of P.L.1968, c.142 (C.18A:71-40)

37 P.L.1986, c.180 (C.18A:71-79 through 18A:71-86 inclusive)

38 306. This act shall take effect on July 1, 1994.

39 40 41 STATEMENT

42
43 This bill abolishes the Department of Higher Education,
44 including the Office of the Chancellor and the State Board of
45 Higher Education, and provides for a new system of governance
46 for New Jersey's public and independent institutions of higher
47 education.

48 The bill creates a Commission on Higher Education, in but not
49 of the Department of State, consisting of 9 public members to be
50 appointed by the Governor, and the chair of the Presidents'
51 Council, also established by the bill. The commission will be
52 responsible for planning and a statewide master plan for higher
53 education; advocacy and new initiatives for the system; licensure
54 of institutions; program approval; and articulation between higher

1 education and education. The commission will appoint an
2 executive director and such other staff as necessary.

3 The bill also creates a Presidents' Council including the
4 presidents of all public institutions of higher education and those
5 independent institutions which receive State aid. The council will
6 have an executive board consisting of the presidents of Rutgers,
7 UMDNJ, NJIT, 3 State college presidents, 4 county college
8 presidents, and 3 independent college presidents. The chair will
9 revolve among the different sectors. The council is an advisory
10 body and is to make recommendations on new programs, regional
11 alliances, budget and student aid levels, licensure and the
12 statewide higher education master plan. The council will be
13 funded through dues paid by the various institutions.

14 Student aid programs will be administered under an Office of
15 Student Assistance in, but not of the Department of Treasury.
16 The Office is to be headed by an Executive Director of Student
17 Assistance Programs to be appointed by the Governor. The
18 Student Assistance Board, the Higher Education Assistance
19 Authority and the Educational Facilities Authority are continued
20 in but not of the Department of Treasury, and the Educational
21 Opportunity Fund is continued under the Commission on Higher
22 Education.

23 Under the bill, each institution's board of trustees will have
24 final authority over the management and operation of the
25 institution, including institutional planning, fiscal affairs,
26 construction and contracts, employment and compensation of
27 staff, tuition and fees, controversies and disputes, and program
28 and degree offerings, so long as they are consistent with the
29 institution's mission and applicable State law. The institutions
30 will be able to retain legal counsel and will submit their budget
31 requests directly to the Office of Management and Budget in the
32 Treasury. Changes in programs or degree offerings which
33 represent a change in the institution's mission would require
34 approval of the Commission on Higher Education, and the budget
35 request is also to be submitted to the commission for general
36 review.

37 Apart from the major programs described above, the bill
38 reallocates various programs and responsibilities currently under
39 the Department of Higher Education and repeals those sections of
40 law relating to oversight and the promulgation of regulations
41 wherein the boards of trustees have final authority under this
42 bill. The remaining repealed sections are those statutes which
43 are no longer operative, including: the establishment of the
44 Department of Higher Education; the education coordinating
45 council; the fund for the improvement of collegiate education;
46 optometric education; community college agencies; junior
47 colleges; the contract with Fairleigh Dickenson Dental school;
48 and the Governor's Teaching Scholars loan program.

