

18A:1-1 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:1-1 et seq. (Higher Education Department--creates)

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Sponsor(s): Feldman and others

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Senate: Education

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New Jersey. Legislature. Senate. Committee on Education.  
Report on S434 . . . November 21, 1966.

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New Jersey. State Board of Education.  
Report . . . some pertinent facts prepared by the State Board of  
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CHAPTER 302 LAWS OF N. J. 1966

APPROVED 12/14/66

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**SENATE, No. 434**

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# STATE OF NEW JERSEY

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INTRODUCED MAY 31, 1966

By Senators FELDMAN, RIDOLFI, PARSEKIAN, O'CONNOR, KIEFER,  
SCHOLZ, STAMLER, FERNICOLA, GROSSI and OZZARD

Referred to Committee on Education

AN ACT concerning higher education, establishing a Department of Higher Education as a principal department in the Executive Branch of State Government and providing an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE I

1 1. There is hereby established in the Executive Branch of the State  
2 Government a principal department which shall be known as the Department  
3 of Higher Education. Such department shall consist of a Board of Higher  
4 Education, a chancellor, and such divisions, bureaus, branches, committees,  
5 officers and employees as are specifically referred to in this act and as may be  
6 constituted or employed by virtue of the authority conferred by this act or  
7 by any other law.

8 As used in this act, unless the context clearly indicates otherwise, the  
9 following words and phrases shall have the following meaning:

10 "Board" means the Board of Higher Education.

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

13 "Department" means the Department of Higher Education.

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

14 “Higher education” means that education which is provided by any or  
 15 all of the public institutions of higher education as herein defined and any or  
 16 all equivalent private institutions.

17 “Public institution of higher education” means Rutgers, The State Uni-  
 18 versity; Newark College of Engineering; the New Jersey College of Medicine  
 19 and Dentistry; the 6 State colleges; the College of Aeronautical and Air-space  
 20 Science established in Atlantic county pursuant to chapter 285 of the laws of  
 21 1964; the county colleges; the public junior colleges; the industrial schools;  
 22 and any other public universities, colleges, county colleges and junior colleges  
 23 now or hereafter established or authorized by law.

1 2. The Board of Higher Education shall be composed of the Chairman of  
 2 the Board of Governors at Rutgers; the Chairman of the Board of Trustees  
 3 of Newark College of Engineering; the Chairman of the Council of State  
 4 Colleges; the Chairman of the Council of County Colleges; the President of  
 5 the State Board of Education; a representative of the private colleges and  
 6 universities of New Jersey, to be \*~~appointed~~\* \*designated\* by the As-  
 7 sociation of Independent Colleges and Universities in New Jersey, with the  
 8 approval of the Governor; and 9 citizens, residents of the State, of whom at  
 9 least 2 shall be women. The chancellor and the State Commissioner of Edu-  
 10 cation shall ex officio be additional members but without vote. \*The Chair-  
 10A man of the Board of Governors at Rutgers; the Chairman of the Board of  
 10B Trustees of Newark College of Engineering; the Chairman of the Council of  
 10C State Colleges; the Chairman of the Council of County Colleges; the Presi-  
 10D dent of the State Board of Education and the representatives of the private  
 10E colleges and universities in New Jersey may each designate in writing an-  
 10F other member of their respective boards, councils and association as an  
 10G alternate to attend in their absence and vote at the meetings of the board;  
 10H provided, however, that such alternate shall be selected from among the  
 10I membership of the group from which the member’s status on the board  
 10J arises and further that where the member is a lay member of such a group,  
 10K his alternate must likewise be a lay member of said group.\*

11 The citizen members of the board shall be appointed by the Governor  
12 with the advice and consent of the Senate and shall be selected, as far as may  
13 be practicable, on the basis of their knowledge of, or interest or experience in,  
14 problems of higher education and without regard to political belief or affilia-  
15 tion. They shall be subject to removal by the Governor **\*[at any time]\*** \*,\*  
16 for **\*[good and sufficient]\*** cause\*, *upon notice and opportunity to be heard*.\*  
17 The term of office of appointed members, except for the first appoint-  
17A ments, shall be for 6 years. Each member shall serve until his  
18 successor shall have been appointed and qualified and vacancies shall be  
19 filled in the same manner as the original appointment for the remainder of  
20 the unexpired term. Members shall serve without compensation but shall be  
21 entitled to be reimbursed for all reasonable and necessary expenses.

22 In the case of the initial appointments of the citizen members, 2 members  
23 shall be appointed for terms expiring June 30, 1967; 2 for terms expiring  
24 June 30, 1968; 2 for terms expiring June 30, 1969; one for a term expiring  
25 June 30, 1970; one for a term expiring June 30, 1971; and one for a term ex-  
26 piring June 30, 1972.

27 They shall hold public meetings at least once each month at such times  
28 as its rules and regulations prescribe and at such other times and such places  
29 within the State as in its judgment may be necessary.

30 The board shall organize annually at its regular July meeting by the elec-  
31 tion of a chairman, vice-chairman and such other officers as the board shall  
32 determine. Such officers shall serve until the following July meeting and until  
33 their successors are elected and qualified. Vacancies in such offices shall be  
34 filled in the same manner for the unexpired term only.

1 3. It shall be the duty of the Board of Higher Education to advance long-  
2 range planning for the system of higher education as a whole in the State;  
3 establish general policy for the governance of the separate institutions;  
4 co-ordinate the activities of the individual institutions which, taken together,  
5 make up the system of higher education in New Jersey; and maintain general  
6 financial oversight of the State system of higher education. The board shall

7 not administer the individual institutions of higher education, its own admin-  
8 istration being specifically reserved unto each of such institutions.

9       Within the limitations imposed by general legislation applicable to all  
10 agencies of the State and the provisions of this act, the board is hereby  
11 granted exclusive jurisdiction over higher education in this State and its con-  
12 stituent parts and the requisite power to do all things necessary and proper  
13 to accomplish the aims and carry out the duties provided for in this act.

1       4. The Board of Higher Education shall:

2       a. Conduct research on higher educational needs;

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

5       c. Establish new colleges, schools, units, divisions, institutes, depart-  
6 ments, branches, campuses, as required by the master plan, provided that  
7 provision is made therefor in the annual or a supplemental or special appro-  
8 priation act of the Legislature or otherwise;

9       d. Establish minimum *\*admission\** standards for all public institutions  
10 of higher education, except that nothing in this act shall be construed to pre-  
11 vent individual institutions from establishing higher minimum admission re-  
11A quirements;

12       e. Establish minimum standards for all public institutions of higher edu-  
13 cation for degree granting, approve new programs and degrees and *\*[dis-*  
14 *continue]\* \*approve discontinuance of\** degrees and educational programs  
15 as required. Nothing, however, in this act shall be construed to prevent  
16 individual institutions from establishing higher minimum standards for  
16A degree granting *\*“programs” as used in this subparagraph means areas*  
16B *or fields in which degrees or nondegree certificates might be granted and*  
16C *shall not include individual courses nor course content nor shall it include the*  
16D *course composition of areas or fields already in existence\**;

17       f. Receive all budget requests from the institutions, co-ordinate and  
18 balance such requests, and submit a combined request for appropriations an-  
19 nually to the Governor;

20 g. Be **\*[the]\*** *\*an\** agency of communication with the Federal Govern-  
21 ment on public funds available to the State for higher education, and receive  
22 and recommend the disbursement of such funds by the State.

23 h. Set policy on salary and fringe benefits, and establish general person-  
24 nel policies for the public institutions of higher education;

25 i. Co-ordinate with the State Board of Education and the commissioner to  
26 effectuate and advance public education at all levels;

27 j. Encourage harmonious and co-operative relationship between public  
28 and private institutions of higher education;

29 k. Review periodically existing programs of instruction, research, and  
30 public service in the public institutions of higher education, and advise them  
31 of desirable change;

32 l. Keep the Governor, the Legislature, and the public informed of the  
33 needs and accomplishments, both qualitative and quantitative, of public  
34 higher education in New Jersey through published reports, releases, confer-  
35 ences, and other means;

36 m. License institutions of higher education pursuant to the authority  
37 of sections 18:20-5 to 18:20-7 of the Revised Statutes;

38 n. Approve the basis or conditions for conferring degrees pursuant to the  
39 authority of sections 18:20-8 to 18:20-10 of the Revised Statutes;

40 o. Exercise enforcement powers as provided by sections 18:20-11, 18:20-13  
41 and 18:20-16 of the Revised Statutes.

42 p. Have the power to issue subpoenas compelling the attendance of wit-  
43 nesses and the production of books, papers, and records in any part of the State  
44 before it or before any of its committees, the chancellor, or any of his  
45 assistants.

46 q. Require from institutions of higher education such reports as may be  
47 necessary to enable the board to perform the duties imposed upon it by  
48 statute;

49 r. Make to the Governor and the Legislature such recommendations as  
50 the board deems necessary with regard to appropriations that may be re-

51 quired for services, lands, buildings, and equipment to be furnished by insti-  
52 tutions of higher education other than the State University of New Jersey  
53 and make contracts in behalf of the State with such institutions in accordance  
54 with legislative appropriations; provided, that no disbursement of moneys  
55 so appropriated shall be made to any such institution or institutions utilized  
56 by the State for the purpose of public higher education, except on recommen-  
57 dation of the board; and the board shall see to the application of the money  
58 for such purposes;

59 s. Exercise visitorial general powers of supervision and control over such  
60 institutions of higher education as may be utilized by the State. Its visitorial  
61 general powers of supervision and control are hereby defined as visiting  
62 such institutions of higher education to examine into their manner of con-  
63 ducting their affairs and to enforce an observance of the laws of the State.

64 t. To fix and determine tuition rates and other fees to be paid by students  
65 at the State colleges;

66 u. Adopt by-laws and make and enforce, alter and repeal rules for its own  
67 government and for implementing and carrying out this act.

1 5. The chief executive officer and administrator of the department shall  
2 be known as the chancellor and shall be a person qualified by training and  
3 experience to perform the duties of his office. The chancellor shall be appointed  
4 by the \***[Governor with the advice and consent of the Senate and shall serve**  
5 **during the term of office of the Governor appointing him]**\* *\*Board of Higher*  
6 *Education, subject to the approval of the Governor, and shall serve for a*  
7 *term of 5 years\** and until the chancellor's successor has been appointed and  
8 has qualified. He shall be selected without regard to residence within or  
9 without this State and shall receive such salary as shall be provided by law.  
10 The chancellor may be removed from office by the Governor, for cause, upon  
11 notice and opportunity to be heard. *\*In the case of the initial appointment*  
12 *of the first chancellor, the chancellor shall be appointed by the Governor*  
13 *with the advice and consent of the Senate and shall serve for a term of 5*  
14 *years and until the chancellor's successor has been appointed and has*  
15 *qualified.\**

1       6. The chancellor, as chief executive officer of the department, subject to  
2 the approval of the board, shall:

3       a. Enforce all rules and regulations prescribed by the board and admin-  
4 ister the work of the department;

5       b. Appoint and remove officers and other personnel employed within the  
6 department, subject to the provisions of Title 11, Civil Service, of the Revised  
7 Statutes, and other applicable statutes, except as herein otherwise specifically  
8 provided;

9       c. Perform, exercise and discharge the functions, powers and duties of the  
10 department through such divisions as may be established by this act or other-  
11 wise by law;

12       d. Organize the work of the department in such divisions, not inconsist-  
13 ent with the provisions of this act, and in such bureaus and other organiza-  
14 tional units as he may determine to be necessary for efficient and effective  
15 operation;

16       e. Adopt, issue and promulgate, in the name of the department, such rules  
17 and regulations as may be authorized by law;

18       f. Formulate and adopt rules and regulations for the efficient conduct of  
19 the work and general administration of the department, its officers and  
20 employees;

21       g. Make an annual report to the Governor and to the Legislature of the  
22 department's operations, and render such other reports as the Governor  
23 shall from time to time request or as may be required by law.

24       h. Co-ordinate the activities of the department, and the several divisions  
25 and other agencies therein, in a manner designed to eliminate overlapping  
26 and duplicating functions;

27       i. Integrate within the department, so far as practicable, all staff services  
28 of the department and of the several divisions and other agencies therein;

29       j. Maintain suitable headquarters for the department and such other  
30 quarters within the State as he shall deem necessary to the proper function-  
31 ing of the department; and

32 k. Perform such other functions as may be prescribed in this act or by  
33 any other law.

1 7. The chancellor shall be the secretary of the board and have custody of  
2 its official seal. With the approval of the board, he may designate an employee  
3 in the department to perform such duties of the secretary and such other  
4 services as the board shall designate.

1 8. The chancellor may delegate to subordinate officers or employees in the  
2 department such of his powers as he may deem desirable, to be exercised  
3 under his supervision and direction.

1 9. The chancellor may, subject to the approval of the board, appoint vice-  
2 chancellors and fix their compensation. He shall from time to time designate  
3 one of the vice-chancellors to **\*[act]\*** *\*serve as acting chancellor\** in his  
4 place and stead during his absence *\*or in the case of a vacancy in the office\**.  
5 Any such designation shall be in writing, signed by the chancellor and filed  
6 with the Secretary of State\***[**, and shall include a designation of the period  
7 during which it shall be and remain in force**]**\*

1 10. The department shall, in addition to other powers and duties invested  
2 in it by the act, or by any other law:

3 a. Assist in the co-ordination of State and Federal activities relating to  
4 higher education;

5 b. Advise and inform the Governor on the affairs and problems of higher  
6 education and make recommendations to the Governor for proposed legisla-  
7 tion pertaining thereto;

8 c. Stimulate programs relating to higher education through publicity,  
9 education, guidance and technical assistance concerning Federal and State  
10 programs;

11 d. Encourage co-operative programs by institutions of higher education;  
12 and

13 e. Maintain an inventory of data and information and act as a clearing  
14 house and referral agency for information on State and Federal services and  
15 programs.

1 11. The department, or any of the divisions established hereunder, may,  
 2 subject to the approval of the Governor and the board, apply for and accept  
 3 grants from the Federal Government or any agency thereof, or from any  
 4 foundations, corporation, association or individual, and may comply with the  
 5 terms, conditions and limitations thereof, for any of the purposes of the de-  
 6 partment, or such division. Any money so received may be expended by the  
 7 department, or such division, subject to any limitations imposed in such grants  
 8 to effect any of the purposes of the department, or of such division, as the  
 9 case may be, upon warrant of the Director of the Division of Budget and  
 10 Accounting of the Department of the Treasury on vouchers certified and  
 11 approved by the chancellor.

1 12. All of the functions, powers and duties of the existing Department of  
 2 Education pertaining to higher education including but not necessarily limited  
 3 to those deriving from the following acts are hereby transferred to and vested  
 4 in the Department of Higher Education established hereunder; provided  
 5 however that the grant of such functions, powers and duties contained in such  
 6 acts as are inconsistent with the specific provisions of this act are hereby  
 7 repealed;

- 8 a. Article 3 of chapter 16 of Title 18 of the Revised Statutes and chapter  
 9 124 of the laws of 1946 (C. 18:16-37 to 18:16-41);  
 10 b. Articles 2 and 3 of chapter 20 of Title 18 of the Revised Statutes;  
 11 c. Chapter 18 of Title 18 of the Revised Statutes;  
 12 d. Chapter 22 of Title 18 of the Revised Statutes; and  
 13 e. Chapter 121 of the laws of 1959 (C. 18:22A-1, et seq.).

1 *\*13. All of the duties, functions and powers of the existing Department*  
 2 *of Education pertaining to Rutgers, the State University, are hereby trans-*  
 3 *ferred to and vested in the Department of Higher Education established*  
 4 *hereunder and, notwithstanding any provision of this act, the Department of*  
 5 *Higher Education shall have no duties, functions or powers with respect to*  
 6 *Rutgers, the State University, except for those transferred as aforesaid.\**

1 *\*14. All of the duties, functions and powers of the existing Department*  
 2 *of Education pertaining to Newark College of Engineering are hereby trans-*

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3 *ferred to and vested in the Department of Higher Education established*  
 4 *hereunder and, notwithstanding any provision of this act, the Department*  
 5 *of Higher Education shall have no duties, functions or powers with respect*  
 6 *to Newark College of Engineering except for those transferred as afore-*  
 7 *said.\**

1     \***[13.]**\* \*15.\* The State Scholarship Commission in the Department of  
 2 Education, together with all of its functions, powers and duties, is con-  
 3 tinued, but such commission is transferred to and constituted the State  
 4 Scholarship Commission in the Department of Higher Education established  
 5 hereunder. This act shall not affect the terms of office of the present mem-  
 6 bers of such commission. Such commission shall continue to be constituted  
 7 and the members thereof shall continue to be appointed as provided by exist-  
 8 ing law except that the chancellor shall be a member and chairman of said  
 9 commission in lieu of the Commissioner of Education.

1     \***[14.]**\* \*16.\* The Higher Education Assistance Authority in the Depart-  
 2 ment of Education together with all of its functions, powers and duties, is con-  
 3 tinued, but such authority is transferred to and constituted the Higher Edu-  
 4 cation Assistance Authority in the Department of Higher Education estab-  
 5 lished hereunder. This act shall not affect the terms of office of the present  
 6 members of such authority. Such authority shall continue to be constituted  
 7 and the members thereof shall continue to be appointed as provided by exist-  
 8 ing law except that the chancellor shall be an ex-officio member in lieu of the  
 9 Commissioner of Education.

1     \*17. *The New Jersey Educational Facilities Authority in the Depart-*  
 2 *ment of Education together with all of its functions, powers and duties, is con-*  
 3 *tinued, but such authority is transferred to and constituted the New Jersey*  
 4 *Educational Facilities Authority in the Department of Higher Education*  
 5 *established hereunder. This act shall not affect the terms of office of the*  
 6 *present members of such authority. Such authority shall continue to be con-*  
 7 *stituted and the members thereof shall continue to be appointed as provided*  
 8 *by existing law except that the chancellor shall be an ex-officio member in lieu*  
 9 *of the Commissioner of Education.\**

## ARTICLE II

1       \*~~[15.]~~\* \*18.\* State colleges shall be maintained for the purpose of pro-  
2 viding higher education in the liberal arts and sciences and various pro-  
3 fessional areas including the science of education and the art of teaching at  
4 such places as may be provided by law. The names of the colleges shall be  
5 designated by the board.

1       \*~~[16.]~~\* \*19.\* The Legislature hereby finds that it is in the best interest of  
2 the State that the State colleges shall be and continue to be given a high  
3 degree of self-government and that the government and conduct of the col-  
4 leges shall be free of partisanship.

1       \*~~[17.]~~\* \*20.\* The government, control, conduct, management and admin-  
2 istration of each of the colleges shall be vested in the board of trustees of  
3 such college.

1       \*~~[18.]~~\* \*21.\* For each State college there shall be a board of trustees,  
2 consisting of 9 citizens\*~~[, residents of the State,]~~\* *of the State, not more*  
3 *than 3 of whom shall reside in any one county and*\* of whom at least  
4 2 shall be women. The Board of Higher Education shall, subject  
4A to the approval of the Governor, appoint the members of each  
4B board of trustees. Any member of a board of trustees may  
5 be removed by the Governor for cause upon notice and oppor-  
6 tunity to be heard. The term of office of appointed members, except for the  
7 first appointments, shall be for 6 years. Each member shall serve until his  
8 successor shall have been appointed and qualified and vacancies shall be filled  
9 in the same manner as the original appointment for the remainder of the  
10 unexpired term. Members shall serve without compensation but shall be en-  
11 titled to be reimbursed for all reasonable and necessary expenses.

12       In the case of the initial appointments, 2 members shall be appointed for  
13 terms expiring June 30, 1967; 2 for terms expiring June 30, 1968; 2 for terms  
14 expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term  
15 expiring June 30, 1971; and one for a term expiring June 30, 1972.

16 Each board of trustees shall meet during the second week of September  
17 and at such other times and places as it shall designate. Each board of trustees  
18 shall organize annually at its regular September meeting by the election of  
19 the chairman, vice-chairman and such other officers as the board shall deter-  
20 mine. Such officers shall serve until the following September meeting and  
21 until their successors are elected and qualified. Vacancies in such offices shall  
22 be filled in the same manner for the unexpired term only.

1 \*~~[19.]~~ \*22.\* The board of trustees of a State college shall, within the gen-  
2 eral policies and guidelines set by the Board of Higher Education, have gen-  
3 eral supervision over and shall be vested with the conduct of the college. It  
4 shall, within the general policies and guidelines set by the Board of Higher  
5 Education, have the power and duty to:

6 a. Adopt and use a corporate seal;

7 b. Determine the educational curriculum and program of the college;

8 c. Determine policies for the organization, administration and develop-  
9 ment of the college;

10 d. Study the educational and financial needs of the college; annually  
11 acquaint the Governor and Legislature with the condition of the college; and  
12 prepare, and after concurrence by and jointly with the Board of Higher Edu-  
13 cation, present the annual budget to the Governor and Legislature, in  
14 accordance with law;

15 e. Subject to the provisions of P. L. 1944, chapter 112, direct and control  
16 the expenditures of the college in accordance with the provisions of the budget  
17 and the appropriations acts of the Legislature, except that with respect to  
18 transfers of funds pursuant to P. L. 1944, chapter 112, the college shall be  
19 deemed a spending agency, and as to funds received from other sources, in  
20 accordance with the terms, of any applicable trusts, gifts, bequests, or other  
21 special provisions;

22 f. In accordance with the provisions of the budget and the appropria-  
23 tions acts of the Legislature and with the approval of the Board of Higher  
24 Education, appoint and fix the compensation of a president of the college

25 who shall be the executive officer of the college and shall serve at the pleasure  
26 of the board of trustees;

27 g. In accordance with the provisions of the budget and the appropriations  
28 acts of the Legislature, appoint such deans and other members of the aca-  
29 demic, administrative and teaching staffs as shall be required and fix their  
30 compensation and terms of employment in accordance with salary policies  
31 adopted by the Board of Higher Education. Such salary policies shall pre-  
32 scribe qualifications for the various classifications and shall limit the per-  
33 centage of the educational staff that may be \***[appointed or promoted to]**\*  
34 *\*in\** any given classification.

35 h. In accordance with the provisions of the budget and the appropriations  
36 acts of the Legislature, appoint, remove, promote and transfer such other  
37 officers, agents, or employees as may be required for carrying out the pur-  
38 poses of the college and assign their duties, determine their salaries and pre-  
39 scribe qualifications for all positions, all in accordance with the provisions of  
40 Title 11, Civil Service of the Revised Statutes;

41 i. To grant diplomas, certificates or degrees;

42 j. Subject to the provisions of P. L. 1954, chapter 48 to enter into con-  
43 tracts and agreements with the State or any of its political subdivisions or  
44 with the United States, or with any public body, department or other agency  
45 of the State or the United States or with any individual, firm, or corporation  
46 which are deemed necessary or advisable by the board for carrying out the  
47 purposes of the college;

48 k. Subject to the provisions of P. L. 1954, chapter 48, purchase lands,  
49 buildings, equipment, materials and supplies; employ architects, engineers  
50 and other persons desired in the planning of buildings, equipment and facil-  
51 ities; secure bids, enter into contracts for and supervise the construction of  
52 such buildings, equipment and facilities;

53 l. Adopt\*, *after consultation with the president and faculty,\** by-laws  
54 and make and promulgate such rules, regulations and orders, not incon-  
55 sistent with the provisions of this act that are necessary and proper for the

56 administration and operation of the college and the carrying out of its pur-  
57 poses.

1       \***[20.]**\* \*23.\* The board of trustees of a State college, in addition to the  
2 other powers and duties provided herein and within the general policies and  
3 guidelines set by the Board of Higher Education, shall have and exercise the  
4 powers, rights and privileges that are incident to the proper government, con-  
5 duct and management of the college, and the control of its properties and  
6 funds and such powers granted to the college or the board or reasonably im-  
7 plied, may be exercised without recourse or reference to any department or  
8 agency of the State, except as otherwise provided by this act or applicable  
9 law.

1       \***[21.]**\* \*24.\* The president of a State college shall be responsible to its  
2 board of trustees and shall have such powers as shall be requisite, for the ex-  
3 ecutive management and conduct of the college in all departments, branches  
4 and divisions, and for the execution and enforcement of the by-laws, rules,  
5 regulations and orders governing the management, conduct and administra-  
6 tion of the college.

1       \***[22.]**\* \*25.\* The existing 6 State colleges presently maintained by the  
2 State of New Jersey and under the care, custody, control and administration  
3 of the Commissioner of Education and the State Board of Education are  
4 hereby transferred to the Department of Higher Education and hereafter  
5 shall be operated by their respective boards of trustees pursuant to the pro-  
6 visions of this act, provided that such transfer shall not become effective  
7 until January 1, 1967, and until such time said colleges shall continue to  
8 operate as heretofore.

1       \***[23.]**\* \*26.\* All professors, associate professors, assistant professors,  
2 instructors, supervisors, registrars, teachers and other persons employed by  
3 the State of New Jersey, the State Board of Education or the Commissioner  
4 of Education in the State colleges hereby transferred to the Department of  
5 Higher Education shall be transferred to and continue in their respective  
6 employments in the employ of the board of trustees of their respective col-

7 leges and any and all rights of tenure, civil service, retirement, pension, dis-  
 8 ability, leave of absence or similar benefits provided by or under the provi-  
 9 sions of the laws of this State shall not be affected or interrupted by virtue of  
 10 such transfer.

1     \***[24.]**\* \*27.\* The services of all professors, associate professors, as-  
 2 sistant professors, instructors, supervisors, registrars, teachers and other  
 3 persons employed by the board of trustees of the State colleges shall have  
 4 the same rights of tenure, seniority, pension, protection from liability, rights  
 5 to legal counsel and all other rights and privileges of similar employees of  
 6 the State Board of Education or the Commissioner of Education in the  
 7 existing State colleges.

### ARTICLE III

1     \***[25.]**\* \*28.\* There is hereby established in the Department of Higher  
 2 Education a Council of State Colleges.

1     \***[26.]**\* \*29.\* The Council of State Colleges shall consist of the presidents  
 2 and chairmen of the board of trustees of the several State colleges. The  
 3 chancellor shall ex officio be an additional member but shall be without vote.

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

6     The council shall organize annually during the month of \***[June]**\*  
 7 \*September\* by the election of a chairman, vice-chairman and such other  
 8 officers as the council shall determine. Such officers shall serve until the  
 9 following \***[June]**\* \*September\* meeting and until their successors are  
 10 elected and qualified. Vacancies in such offices shall be filled in the same  
 11 manner for the unexpired term only. The council shall also meet at such  
 12 other times and places within the State as it shall deem necessary.

1     \***[27.]**\* \*30.\* Under the guidance of the Board of Higher Education and  
 2 with assistance from its staff, the council will:

3     a. Foster communication and co-operation among the State colleges and  
 4 through its chairman, provide them collective representation on the Board of  
 5 Higher Education;

6 b. Guide and stimulate effective planning and program development,  
7 within the general policies and guidelines set by the Board of Higher Educa-  
8 tion, by the several State colleges;

9 c. Ensure diversity of development among the several State colleges in  
10 ways which will be responsive to particular needs in the several parts of the  
11 State;

12 d. Seek to ensure acceptable and effective lines of development in admis-  
13 sions policy, academic standards, programs, financing, and community rela-  
14 tions in the several State colleges;

15 e. Act as an advisory body to the Board of Higher Education in carrying  
16 out its duties and responsibilities with regard to the State colleges; and

17 f. Study the need for, and recommend to the Board of Higher Educa-  
18 tion, when required, the establishment of new State colleges and their  
19 location.

1 \***[28.]**\* \*31.\* There is hereby established in the Department of Higher  
2 Education a Council of County Colleges.

1 \***[29.]**\* \*32.\* The Council of County Colleges shall consist of the presi-  
2 dents and chairmen of the board of trustees of the several county colleges.  
3 The chancellor shall ex officio be an additional member without vote.

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

6 The council shall organize annually during the month of June by the elec-  
7 tion of a chairman, vice-chairman and such other officers as the council shall  
8 determine. Such officers shall serve until the following June meeting and  
9 until their successors are elected and qualified. Vacancies in such offices shall  
10 be filled in the same manner for the unexpired term only. The council shall also  
11 meet at such other times and places within the State as it shall deem necessary.

1 \***[30.]**\* \*33.\* Under the guidance of the Board of Higher Education and  
2 with assistance from its staff, the council will seek to ensure acceptable and  
3 effective lines of development in admissions policy, academic standards, pro-  
4 grams, financing, and community relations in the several county colleges.

5 The council will serve as a means of communication between the county  
6 colleges, and staff from the Board of Higher Education will constitute for the  
7 council and for the individual county colleges a resource center to aid them in  
8 planning, act as a clearing house of information, and provide continuing field  
9 services.

10 The council will act as an advisory body to the Board of Higher Educa-  
11 tion in the carrying out of its duties and responsibilities deriving from chapter  
12 41 of the laws of 1962.

#### ARTICLE V

1 \***[31.]**\* \*34.\* All appropriations and other moneys available and to  
2 become available to any department, division, bureau or other agency, the  
3 functions, powers and duties of which have been herein assigned or trans-  
4 ferred to the Department of Higher Education, are hereby transferred to the  
5 Department of Higher Education established hereunder, and shall be avail-  
6 able for the objects and purposes for which appropriated, subject to any  
7 terms, restrictions, limitations or other requirements imposed by State or  
8 Federal law.

1 \***[32.]**\* \*35.\* Such employees of any department, commission, council,  
2 board, authority, office or other agency, the functions, powers and duties of  
3 which have been herein assigned or transferred to the Department of Higher  
4 Education or to any office, authority or agency designated, continued or con-  
5 stituted therein, as the Board of Higher Education may determine are needed  
6 for the proper performance of the functions and duties imposed upon the De-  
7 partment of Higher Education, or such office, authority or agency therein, are  
8 hereby transferred to the department, office, authority or agency to which such  
9 functions, powers and duties have been herein assigned or transferred.

1 \***[33.]**\* \*36.\* Nothing in this act shall be construed to deprive any per-  
2 son of any tenure rights or of any right or protection provided him by Title  
3 11, Civil Service, of the Revised Statutes, or under any pension law or re-  
4 tirement system.

1       \***[34.]**\* \*37.\* All files, books, papers, records, equipment and other prop-  
2 erty of any department, commission council, board, office, authority or other  
3 agency, the functions, powers and duties of which have been herein assigned  
4 or transferred to the Department of Higher Education or to any office, au-  
5 thority or agency designated, continued or constituted hereunder, shall upon  
6 the effective date of this act be transferred to the department, office, authority  
7 or agency to which such assignment or transfer has been made hereunder.

1       \***[35.]**\* \*38.\* This act shall not affect the orders, rules and regulations  
2 heretofore made or promulgated by any department, commission, council,  
3 board, authority, officer or other agency, the functions, powers and duties of  
4 which have been herein assigned or transferred to the Department of Higher  
5 Education or to any officer, authority or agency designated, continued or  
6 constituted hereunder; but such orders, rules and regulations shall continue  
7 with full force and effect until amended or repealed pursuant to law.

1       \***[36.]**\* \*39.\* This act shall not affect actions or proceedings, civil or  
2 criminal, brought by or against any department, commission, council, board,  
3 authority, officer or other agency, the functions, powers and duties of which  
4 have been herein assigned or transferred to the Department of Higher Educa-  
5 tion or to any officer, authority or agency designated, continued or constituted  
6 hereunder, and pending on the effective date of this act, but such actions or  
7 proceedings may be prosecuted or defended in the same manner and to the  
8 same effect by the department, officer, authority or agency to which such as-  
9 signment or transfer has been made hereunder, as if the foregoing provisions  
10 had not taken effect; nor shall any of the foregoing provisions affect any  
11 order or recommendation made by, or other matters or proceedings before,  
12 any department, commission, council, board, officer, authority or agency, the  
13 functions, powers and duties of which have been herein assigned or transferred  
14 to the Department of Higher Education or to any officer, authority or agency  
15 designated, continued or instituted hereunder, and all such matters or pro-  
16 ceedings pending before such department, commission, council, board, officer,  
17 authority or other agency on the effective date of this act shall be continued

18 by the department, officer, authority or agency to which such assignment or  
19 transfer has been made hereunder, as if the foregoing provisions had not  
20 taken effect.

1       \***[37.]**\* \*40.\* Unless specifically otherwise provided in this act or by any  
2 operative law, whenever, pursuant to existing law, reports, certifications, ap-  
3 plications or requests are required or permitted to be made to the department,  
4 board, division, commission, office or officer, whose powers and duties are  
5 herein assigned or transferred, such reports and certifications shall hereafter  
6 be required to be filed with, and such applications or requests shall hereafter  
7 be made to, the department, officer or agency to which such assignment or  
8 transfer has been made hereunder.

1       \***[38.]**\* \*41.\* Whenever the term "State Board of Education" occurs or  
2 any reference is made thereto, the same shall be deemed to mean or refer  
3 to the Department of Higher Education and whenever the term "commis-  
4 sioner" occurs or any reference is made thereto, the same shall be deemed  
5 to mean or refer to the chancellor in any statute in Title 18 of the Revised  
6 Statutes which is applicable to any public institution of higher education.

1       \***[39.]**\* \*42.\* This act being deemed and hereby declared necessary for  
2 the welfare of the State and the people of New Jersey to provide for the  
3 development of public higher education in the State and thereby to increase  
4 the efficiency of the public school system of the State, shall be liberally con-  
5 strued to effectuate the purposes and intent thereof.

1       \***[40.]**\* \*43.\* All acts and parts of acts inconsistent with any of the  
2 provisions of this act are, to the extent of such inconsistency, hereby re-  
3 pealed\*; *provided, however, that nothing in this act shall be construed as*  
4 *expressly or impliedly repealing any provision of the "Rutgers, The State*  
5 *University Act of 1956," P. L. 1956, c. 61\*.*

1       \***[41.]**\* \*44.\* There is hereby appropriated to the Department of Higher  
2 Education the sum of \$75,000.00 to carry out the purpose of this act for the  
3 fiscal period ending June 30, 1967.

1       \***[42.]**\* \*45.\* This act shall be known as, and may be cited as, the  
2 “Higher Education Act of 1966.”

1       \***[43.]**\* \*46.\* \***[This]**\* \*Section 44 of this act shall take effect immedi-  
2 ately and the remainder of this\* act shall take effect on \***[January]**\* \*July\*  
3 1, 1967, except that any appointment, and any confirmation or approval of  
4 any appointment, permitted by this act may be made prior to such date \*and  
5 the Department of Higher Education may expend such funds prior to said  
6 date as may be necessary to provide for the orderly transfer to the depart-  
7 ment of the powers and duties herein prescribed\*.

SENATE, No. 434

STATE OF NEW JERSEY

INTRODUCED MAY 31, 1966

By Senators FELDMAN, RIDOLFI, PARSEKIAN, O'CONNOR, KIEFER,  
SCHOLZ, FORSYTHE, STAMLER, FERNICOLA and GROSSI

Referred to Committee on Education

AN Act concerning higher education, establishing a Department of Higher Education as a principal department in the Executive Branch of State Government and providing an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

ARTICLE I

1 1. There is hereby established in the Executive Branch of the State  
2 Government a principal department which shall be known as the Department  
3 of Higher Education. Such department shall consist of a Board of Higher  
4 Education, a chancellor, and such divisions, bureaus, branches, committees,  
5 officers and employees as are specifically referred to in this act and as may be  
6 constituted or employed by virtue of the authority conferred by this act or  
7 by any other law.

8 As used in this act, unless the context clearly indicates otherwise, the  
9 following words and phrases shall have the following meaning:

10 "Board" means the Board of Higher Education.

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

13 "Department" means the Department of Higher Education.

14 "Higher education" means that education which is provided by any or  
15 all of the public institutions of higher education as herein defined and any or  
16 all equivalent private institutions.

17 "Public institution of higher education" means Rutgers, The State Uni-  
18 versity; Newark College of Engineering; the New Jersey College of Medicine  
19 and Dentistry; the 6 State colleges; the College of Aeronautical and Air-space  
20 Science established in Atlantic county pursuant to chapter 285 of the laws of  
21 1964; the county colleges; the public junior colleges; the industrial schools;  
22 and any other public universities, colleges, county colleges and junior colleges  
23 now or hereafter established or authorized by law.

1 2. The Board of Higher Education shall be composed of the Chairman of  
2 the Board of Governors at Rutgers; the Chairman of the Board of Trustees  
3 of Newark College of Engineering; the Chairman of the Council of State  
4 Colleges; the Chairman of the Council of County Colleges; the President of  
5 the State Board of Education; a representative of the private colleges and  
6 universities of New Jersey, to be appointed by the Association of Independ-  
7 ent Colleges and Universities in New Jersey, with the approval of the Gover-  
8 nor; and 9 citizens, residents of the State, of whom at least 2 shall be women.  
9 The chancellor and the State Commissioner of Education shall ex officio be  
10 additional members but without vote.

11 The citizen members of the board shall be appointed by the Governor  
12 with the advice and consent of the Senate and shall be selected, as far as may  
13 be practicable, on the basis of their knowledge of, or interest or experience in,  
14 problems of higher education and without regard to political belief or affilia-  
15 tion. They shall be subject to removal by the Governor at any time for  
16 good and sufficient cause. The term of office of appointed members, except for  
17 the first appointments, shall be for 6 years. Each member shall serve until  
18 his successor shall have been appointed and qualified and vacancies shall be  
19 filled in the same manner as the original appointment for the remainder of  
20 the unexpired term. Members shall serve without compensation but shall be  
21 entitled to be reimbursed for all reasonable and necessary expenses.

22 In the case of the initial appointments of the citizen members, 2 members  
23 shall be appointed for terms expiring June 30, 1967; 2 for terms expiring  
24 June 30, 1968; 2 for terms expiring June 30, 1969; one for a term expiring  
25 June 30, 1970; one for a term expiring June 30, 1971; and one for a term ex-  
26 piring June 30, 1972.

27 They shall hold public meetings at least once each month at such times  
28 as its rules and regulations prescribe and at such other times and such places  
29 within the State as in its judgment may be necessary.

30 The board shall organize annually at its regular July meeting by the elec-  
31 tion of a chairman, vice-chairman and such other officers as the board shall  
32 determine. Such officers shall serve until the following July meeting and until  
33 their successors are elected and qualified. Vacancies in such offices shall be  
34 filled in the same manner for the unexpired term only.

1 3. It shall be the duty of the Board of Higher Education to advance long-  
2 range planning for the system of higher education as a whole in the State;  
3 establish general policy for the governance of the separate institutions;  
4 co-ordinate the activities of the individual institutions which, taken together,  
5 make up the system of higher education in New Jersey; and maintain general  
6 financial oversight of the State system of higher education. The board shall  
7 not administer the individual institutions of higher education, its own admin-  
8 istration being specifically reserved unto each of such institutions.

9 Within the limitations imposed by general legislation applicable to all  
10 agencies of the State and the provisions of this act, the board is hereby  
11 granted exclusive jurisdiction over higher education in this State and its con-  
12 stituent parts and the requisite power to do all things necessary and proper  
13 to accomplish the aims and carry out the duties provided for in this act.

1 4. The Board of Higher Education shall:

2 a. Conduct research on higher educational needs;

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

5 c. Establish new colleges, schools, units, divisions, institutes, depart-  
6 ments, branches, campuses, as required by the master plan, provided that

7 provision is made therefor in the annual or a supplemental or special appro-  
8 priation act of the Legislature or otherwise;

9 d. Establish minimum standards for all public institutions of higher edu-  
10 cation, except that nothing in this act shall be construed to prevent individual  
11 institutions from establishing higher minimum admission requirements;

12 e. Establish minimum standards for all public institutions of higher edu-  
13 cation for degree granting, approve new programs and degrees and dis-  
14 continue degrees and educational programs as required. Nothing, however, in  
15 this act shall be construed to prevent individual institutions from establish-  
16 ing higher minimum standards for degree granting;

17 f. Receive all budget requests from the institutions, co-ordinate and  
18 balance such requests, and submit a combined request for appropriations an-  
19 nually to the Governor;

20 g. Be the agency of communication with the Federal Government on public  
21 funds available to the State for higher education, and receive and recommend  
22 the disbursement of such funds by the State.

23 h. Set policy on salary and fringe benefits, and establish general person-  
24 nel policies for the public institutions of higher education;

25 i. Co-ordinate with the State Board of Education and the commissioner to  
26 effectuate and advance public education at all levels;

27 j. Encourage harmonious and co-operative relationship between public  
28 and private institutions of higher education;

29 k. Review periodically existing programs of instruction, research, and  
30 public service in the public institutions of higher education, and advise them  
31 of desirable change;

32 l. Keep the Governor, the Legislature, and the public informed of the  
33 needs and accomplishments, both qualitative and quantitative, of public  
34 higher education in New Jersey through published reports, releases, confer-  
35 ences, and other means;

36 m. License institutions of higher education pursuant to the authority  
37 of sections 18:20-5 to 18:20-7 of the Revised Statutes;

38 n. Approve the basis or conditions for conferring degrees pursuant to the  
39 authority of sections 18:20-8 to 18:20-10 of the Revised Statutes;

40 o. Exercise enforcement powers as provided by sections 18:20-11, 18:20-13  
41 and 18:20-16 of the Revised Statutes.

42 p. Have the power to issue subpoenas compelling the attendance of wit-  
43 nesses and the production of books, papers, and records in any part of the State  
44 before it or before any of its committees, the chancellor, or any of his  
45 assistants.

46 q. Require from institutions of higher education such reports as may be  
47 necessary to enable the board to perform the duties imposed upon it by  
48 statute;

49 r. Make to the Governor and the Legislature such recommendations as  
50 the board deems necessary with regard to appropriations that may be re-  
51 quired for services, lands, buildings, and equipment to be furnished by insti-  
52 tutions of higher education other than the State University of New Jersey  
53 and make contracts in behalf of the State with such institutions in accordance  
54 with legislative appropriations; provided, that no disbursement of moneys  
55 so appropriated shall be made to any such institution or institutions utilized  
56 by the State for the purpose of public higher education, except on recommen-  
57 dation of the board; and the board shall see to the application of the money  
58 for such purposes;

59 s. Exercise visitorial general powers of supervision and control over such  
60 institutions of higher education as may be utilized by the State. Its visitorial  
61 general powers of supervision and control are hereby defined as visiting  
62 such institutions of higher education to examine into their manner of con-  
63 ducting their affairs and to enforce an observance of the laws of the State.

64 t. To fix and determine tuition rates and other fees to be paid by students  
65 at the State colleges;

66 u. Adopt by-laws and make and enforce, alter and repeal rules for its own  
67 government and for implementing and carrying out this act.

1 5. The chief executive officer and administrator of the department shall  
2 be known as the chancellor and shall be a person qualified by training and

3 experience to perform the duties of his office. The chancellor shall be appointed  
4 by the Governor with the advice and consent of the Senate and shall serve  
5 during the term of office of the Governor appointing him and until the chan-  
6 cellor's successor has been appointed and has qualified. He shall be selected  
7 without regard to residence within or without this State and shall receive  
8 such salary as shall be provided by law. The chancellor may be removed from  
9 office by the Governor, for cause, upon notice and opportunity to be heard.

1       6. The chancellor, as chief executive officer of the department, subject to  
2 the approval of the board, shall:

3       a. Enforce all rules and regulations prescribed by the board and admin-  
4 ister the work of the department;

5       b. Appoint and remove officers and other personnel employed within the  
6 department, subject to the provisions of Title 11, Civil Service, of the Revised  
7 Statutes, and other applicable statutes, except as herein otherwise specifically  
8 provided;

9       c. Perform, exercise and discharge the functions, powers and duties of the  
10 department through such divisions as may be established by this act or other-  
11 wise by law;

12       d. Organize the work of the department in such divisions, not inconsist-  
13 ent with the provisions of this act, and in such bureaus and other organiza-  
14 tional units as he may determine to be necessary for efficient and effective  
15 operation;

16       e. Adopt, issue and promulgate, in the name of the department, such rules  
17 and regulations as may be authorized by law;

18       f. Formulate and adopt rules and regulations for the efficient conduct of  
19 the work and general administration of the department, its officers and  
20 employees;

21       g. Make an annual report to the Governor and to the Legislature of the  
22 department's operations, and render such other reports as the Governor  
23 shall from time to time request or as may be required by law.

24 h. Co-ordinate the activities of the department, and the several divisions  
25 and other agencies therein, in a manner designed to eliminate overlapping  
26 and duplicating functions;

27 i. Integrate within the department, so far as practicable, all staff services  
28 of the department and of the several divisions and other agencies therein;

29 j. Maintain suitable headquarters for the department and such other  
30 quarters within the State as he shall deem necessary to the proper function-  
31 ing of the department; and

32 k. Perform such other functions as may be prescribed in this act or by  
33 any other law.

1 7. The chancellor shall be the secretary of the board and have custody of  
2 its official seal. With the approval of the board, he may designate an employee  
3 in the department to perform such duties of the secretary and such other  
4 services as the board shall designate.

1 8. The chancellor may delegate to subordinate officers or employees in the  
2 department such of his powers as he may deem desirable, to be exercised  
3 under his supervision and direction.

1 9. The chancellor may, subject to the approval of the board, appoint vice-  
2 chancellors and fix their compensation. He shall from time to time designate  
3 one of the vice-chancellors to act in his place and stead during his absence.  
4 Any such designation shall be in writing, signed by the chancellor and filed  
5 with the Secretary of State, and shall include a designation of the period dur-  
6 ing which it shall be and remain in force.

1 10. The department shall, in addition to other powers and duties invested  
2 in it by the act, or by any other law:

3 a. Assist in the co-ordination of State and Federal activities relating to  
4 higher education;

5 b. Advise and inform the Governor on the affairs and problems of higher  
6 education and make recommendations to the Governor for proposed legisla-  
7 tion pertaining thereto;

8 c. Stimulate programs relating to higher education through publicity,  
9 education, guidance and technical assistance concerning Federal and State  
10 programs;

11 d. Encourage co-operative programs by institutions of higher education;  
12 and

13 e. Maintain an inventory of data and information and act as a clearing  
14 house and referral agency for information on State and Federal services and  
15 programs.

1 11. The department, or any of the divisions established hereunder, may,  
2 subject to the approval of the Governor and the board, apply for and accept  
3 grants from the Federal Government or any agency thereof, or from any  
4 foundations, corporation, association or individual, and may comply with the  
5 terms, conditions and limitations thereof, for any of the purposes of the de-  
6 partment, or such division. Any money so received may be expended by the  
7 department, or such division, subject to any limitations imposed in such grants  
8 to effect any of the purposes of the department, or of such division, as the  
9 case may be, upon warrant of the Director of the Division of Budget and  
10 Accounting of the Department of the Treasury on vouchers certified and  
11 approved by the chancellor.

1 12. All of the functions, powers and duties of the existing Department of  
2 Education pertaining to higher education including but not necessarily limited  
3 to those deriving from the following acts are hereby transferred to and vested  
4 in the Department of Higher Education established hereunder; provided  
5 however that the grant of such functions, powers and duties contained in such  
6 acts as are inconsistent with the specific provisions of this act are hereby  
7 repealed;

8 a. Article 3 of chapter 16 of Title 18 of the Revised Statutes and chapter  
9 124 of the laws of 1946 (C. 18:16-37 to 18:16-41);

10 b. Articles 2 and 3 of chapter 20 of Title 18 of the Revised Statutes;

11 c. Chapter 18 of Title 18 of the Revised Statutes;

12 d. Chapter 22 of Title 18 of the Revised Statutes; and

13 e. Chapter 121 of the laws of 1959 (C. 18:22A-1, et seq.).

1       13. The State Scholarship Commission in the Department of Education,  
2 together with all of its functions, powers and duties, is continued, but such  
3 commission is transferred to and constituted the State Scholarship Com-  
4 mission in the Department of Higher Education established hereunder. This  
5 act shall not affect the terms of office of the present members of such com-  
6 mission. Such commission shall continue to be constituted and the members  
7 thereof shall continue to be appointed as provided by existing law except that  
8 the chancellor shall be a member and chairman of said commission in lieu of  
9 the Commissioner of Education.

1       14. The Higher Education Assistance Authority in the Department of  
2 Education together with all of its functions, powers and duties, is continued,  
3 but such authority is transferred to and constituted the Higher Education  
4 Assistance Authority in the Department of Higher Education established  
5 hereunder. This act shall not affect the terms of office of the present mem-  
6 bers of such authority. Such authority shall continue to be constituted and  
7 the members thereof shall continue to be appointed as provided by existing  
8 law except that the chancellor shall be an ex-officio member in lieu of the Com-  
9 missioner of Education.

#### ARTICLE II

1       15. State colleges shall be maintained for the purpose of providing higher  
2 education in the liberal arts and sciences and various professional areas in-  
3 cluding the science of education and the art of teaching at such places as may  
4 be provided by law. The names of the colleges shall be designated by the  
5 board.

1       16. The Legislature hereby finds that it is in the best interest of the State  
2 that the State colleges shall be and continue to be given a high degree of  
3 self-government and that the government and conduct of the colleges shall be  
4 free of partisanship.

1       17. The government, control, conduct, management and administration of  
2 each of the colleges shall be vested in the board of trustees of such college.

1       18. For each State college there shall be a board of trustees, consisting of  
2 9 citizens, residents of the State, of whom at least 2 shall be women. The

3 Board of Higher Education shall, subject to the approval of the Governor,  
4 appoint the members of each board of trustees. Any member of a board of  
5 trustees may be removed by the Governor for cause upon notice and oppor-  
6 tunity to be heard. The term of office of appointed members, except for the  
7 first appointments, shall be for 6 years. Each member shall serve until his  
8 successor shall have been appointed and qualified and vacancies shall be filled  
9 in the same manner as the original appointment for the remainder of the  
10 unexpired term. Members shall serve without compensation but shall be en-  
11 titled to be reimbursed for all reasonable and necessary expenses.

12 In the case of the initial appointments, 2 members shall be appointed for  
13 terms expiring June 30, 1967; 2 for terms expiring June 30, 1968; 2 for terms  
14 expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term  
15 expiring June 30, 1971; and one for a term expiring June 30, 1972.

16 Each board of trustees shall meet during the second week of September  
17 and at such other times and places as it shall designate. Each board of trustees  
18 shall organize annually at its regular September meeting by the election of  
19 the chairman, vice-chairman and such other officers as the board shall deter-  
20 mine. Such officers shall serve until the following September meeting and  
21 until their successors are elected and qualified. Vacancies in such offices shall  
22 be filled in the same manner for the unexpired term only.

1 19. The board of trustees of a State college shall, within the general  
2 policies and guidelines set by the Board of Higher Education, have general  
3 supervision over and shall be vested with the conduct of the college. It  
4 shall, within the general policies and guidelines set by the Board of Higher  
5 Education, have the power and duty to:

6 a. Adopt and use a corporate seal;

7 b. Determine the educational curriculum and program of the college;

8 c. Determine policies for the organization, administration and develop-  
9 ment of the college;

10 d. Study the educational and financial needs of the college; annually  
11 acquaint the Governor and Legislature with the condition of the college; and

12 prepare, and after concurrence by and jointly with the Board of Higher Edu-  
13 cation, present the annual budget to the Governor and Legislature, in  
14 accordance with law;

15 e. Subject to the provisions of P. L. 1944, chapter 112, direct and control  
16 the expenditures of the college in accordance with the provisions of the budget  
17 and the appropriations acts of the Legislature, except that with respect to  
18 transfers of funds pursuant to P. L. 1944, chapter 112, the college shall be  
19 deemed a spending agency, and as to funds received from other sources, in  
20 accordance with the terms, of any applicable trusts, gifts, bequests, or other  
21 special provisions;

22 f. In accordance with the provisions of the budget and the appropria-  
23 tions acts of the Legislature and with the approval of the Board of Higher  
24 Education, appoint and fix the compensation of a president of the college  
25 who shall be the executive officer of the college and shall serve at the pleasure  
26 of the board of trustees;

27 g. In accordance with the provisions of the budget and the appropriations  
28 acts of the Legislature, appoint such deans and other members of the aca-  
29 demic, administrative and teaching staffs as shall be required and fix their  
30 compensation and terms of employment in accordance with salary policies  
31 adopted by the Board of Higher Education. Such salary policies shall pre-  
32 scribe qualifications for the various classifications and shall limit the per-  
33 centage of the educational staff that may be appointed or promoted to any  
34 given classification.

35 h. In accordance with the provisions of the budget and the appropriations  
36 acts of the Legislature, appoint, remove, promote and transfer such other  
37 officers, agents, or employees as may be required for carrying out the pur-  
38 poses of the college and assign their duties, determine their salaries and pre-  
39 scribe qualifications for all positions, all in accordance with the provisions of  
40 Title 11, Civil Service of the Revised Statutes;

41 i. To grant diplomas, certificates or degrees;

42 j. Subject to the provisions of P. L. 1954, chapter 48 to enter into con-  
43 tracts and agreements with the State or any of its political subdivisions or

44 with the United States, or with any public body, department or other agency  
45 of the State or the United States or with any individual, firm, or corporation  
46 which are deemed necessary or advisable by the board for carrying out the  
47 purposes of the college;

48 k. Subject to the provisions of P. L. 1954, chapter 48, purchase lands,  
49 buildings, equipment, materials and supplies; employ architects, engineers  
50 and other persons desired in the planning of buildings, equipment and facil-  
51 ities; secure bids, enter into contracts for and supervise the construction of  
52 such buildings, equipment and facilities;

53 l. Adopt by-laws and make and promulgate such rules, regulations  
54 and orders, not inconsistent with the provisions of this act that are necessary  
55 and proper for the administration and operation of the college and the carry-  
56 ing out of its purposes.

1 20. The board of trustees of a State college, in addition to the other  
2 powers and duties provided herein and within the general policies and guide-  
3 lines set by the Board of Higher Education, shall have and exercise the powers,  
4 rights and privileges that are incident to the proper government, conduct and  
5 management of the college, and the control of its properties and funds and  
6 such powers granted to the college or the board or reasonably implied, may  
7 be exercised without recourse or reference to any department or agency of  
8 the State, except as otherwise provided by this act or applicable law.

1 21. The president of a State college shall be responsible to its board of  
2 trustees and shall have such powers as shall be requisite, for the executive  
3 management and conduct of the college in all departments, branches and divi-  
4 sions, and for the execution and enforcement of the by-laws, rules, regulations  
5 and orders governing the management, conduct and administration of the  
6 college.

1 22. The existing 6 State colleges presently maintained by the State of  
2 New Jersey and under the care, custody, control and administration of the  
3 Commissioner of Education and the State Board of Education are hereby  
4 transferred to the Department of Higher Education and hereafter shall be

5 operated by their respective boards of trustees pursuant to the provisions of  
6 this act, provided that such transfer shall not become effective until Janu-  
7 ary 1, 1967, and until such time said colleges shall continue to operate as here-  
8 tofore.

1       23. All professors, associate professors, assistant professors, instructors,  
2 supervisors, registrars, teachers and other persons employed by the State of  
3 New Jersey, the State Board of Education or the Commissioner of Education  
4 in the State colleges hereby transferred to the Department of Higher Educa-  
5 tion shall be transferred to and continue in their respective employments in  
6 the employ of the board of trustees of their respective colleges and any and  
7 all rights of tenure, civil service, retirement, pension, disability, leave of ab-  
8 sence or similar benefits provided by or under the provisions of the laws of  
9 this State shall not be affected or interrupted by virtue of such transfer.

1       24. The services of all professors, associate professors, assistant profes-  
2 sors, instructors, supervisors, registrars, teachers and other persons employed  
3 by the board of trustees of the State colleges shall have the same rights of ten-  
4 ure, seniority, pension, protection from liability, rights to legal counsel and  
5 all other rights and privileges of similar employees of the State Board of  
6 Education or the Commissioner of Education in the existing State colleges.

#### ARTICLE III

1       25. There is hereby established in the Department of Higher Education a  
2 Council of State Colleges.

1       26. The Council of State Colleges shall consist of the presidents and chair-  
2 men of the board of trustees of the several State colleges. The chancellor shall  
3 ex officio be an additional member but shall be without vote.

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

6       The council shall organize annually during the month of June by the elec-  
7 tion of a chairman, vice-chairman and such other officers as the council shall  
8 determine. Such officers shall serve until the following June meeting and until

9 their successors are elected and qualified. Vacancies in such offices shall be  
 10 filled in the same manner for the unexpired term only. The council shall also  
 11 meet at such other times and places within the State as it shall deem  
 12 necessary.

1 27. Under the guidance of the Board of Higher Education and with assist-  
 2 ance from its staff, the council will :

3 a. Foster communication and co-operation among the State colleges and  
 4 through its chairman, provide them collective representation on the Board of  
 5 Higher Education ;

6 b. Guide and stimulate effective planning and program development,  
 7 within the general policies and guidelines set by the Board of Higher Educa-  
 8 tion, by the several State colleges ;

9 c. Ensure diversity of development among the several State colleges in  
 10 ways which will be responsive to particular needs in the several parts of the  
 11 State ;

12 d. Seek to ensure acceptable and effective lines of development in admis-  
 13 sions policy, academic standards, programs, financing, and community rela-  
 14 tions in the several State colleges ;

15 e. Act as an advisory body to the Board of Higher Education in carrying  
 16 out its duties and responsibilities with regard to the State colleges ; and

17 f. Study the need for, and recommend to the Board of Higher Educa-  
 18 tion, when required, the establishment of new State colleges and their  
 19 location.

1 28. There is hereby established in the Department of Higher Education a  
 2 Council of County Colleges.

1 29. The Council of County Colleges shall consist of the presidents and  
 2 chairmen of the board of trustees of the several county colleges. The chan-  
 3 celler shall ex officio be an additional member without vote.

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

6 The council shall organize annually during the month of June by the elec-  
 7 tion of a chairman, vice-chairman and such other officers as the council shall

8 determine. Such officers shall serve until the following June meeting and  
9 until their successors are elected and qualified. Vacancies in such offices shall  
10 be filled in the same manner for the unexpired term only. The council shall also  
11 meet at such other times and places within the State as it shall deem necessary.

1       30. Under the guidance of the Board of Higher Education and with as-  
2 sistance from its staff, the council will seek to ensure acceptable and effective  
3 lines of development in admissions policy, academic standards, programs,  
4 financing, and community relations in the several county colleges.

5       The council will serve as a means of communication between the county  
6 colleges, and staff from the Board of Higher Education will constitute for the  
7 council and for the individual county colleges a resource center to aid them in  
8 planning, act as a clearing house of information, and provide continuing field  
9 services.

10       The council will act as an advisory body to the Board of Higher Educa-  
11 tion in the carrying out of its duties and responsibilities deriving from chapter  
12 41 of the laws of 1962.

#### ARTICLE V

1       31. All appropriations and other moneys available and to become avail-  
2 able to any department, division, bureau or other agency, the functions,  
3 powers and duties of which have been herein assigned or transferred to the  
4 Department of Higher Education, are hereby transferred to the Department  
5 of Higher Education established hereunder, and shall be available for the  
6 objects and purposes for which appropriated, subject to any terms, restric-  
7 tions, limitations or other requirements imposed by State or Federal law.

1       32. Such employees of any department, commission, council, board, auth-  
2 ority, office or other agency, the functions, powers and duties of which have  
3 been herein assigned or transferred to the Department of Higher Education  
4 or to any office, authority or agency designated, continued or constituted  
5 therein, as the Board of Higher Education may determine are needed for  
6 the proper performance of the functions and duties imposed upon the Depart-

7 ment of Higher Education, or such office, authority or agency therein, are  
8 hereby transferred to the department, office, authority or agency to which such  
9 functions, powers and duties have been herein assigned or transferred.

1 33. Nothing in this act shall be construed to deprive any person of any  
2 tenure rights or of any right or protection provided him by Title 11, Civil  
3 Service, of the Revised Statutes, or under any pension law or retirement  
4 system.

1 34. All files, books, papers, records, equipment and other property of any  
2 department, commission, council, board, office, authority or other agency, the  
3 functions, powers and duties of which have been herein assigned or trans-  
4 ferred to the Department of Higher Education or to any office, authority or  
5 agency designated, continued or constituted hereunder, shall upon the effec-  
6 tive date of this act be transferred to the department, office, authority or  
7 agency to which such assignment or transfer has been made hereunder.

1 35. This act shall not affect the orders, rules and regulations heretofore  
2 made or promulgated by any department, commission, council, board, author-  
3 ity, officer or other agency, the functions, powers and duties of which have  
4 been herein assigned or transferred to the Department of Higher Education  
5 or to any officer, authority or agency designated, continued or constituted  
6 hereunder; but such orders, rules and regulations shall continue with full force  
7 and effect until amended or repealed pursuant to law.

1 36. This act shall not affect actions or proceedings, civil or criminal,  
2 brought by or against any department, commission, council, board, authority,  
3 officer or other agency, the functions, powers and duties of which have been  
4 herein assigned or transferred to the Department of Higher Education or to  
5 any officer, authority or agency designated, continued or constituted hereunder,  
6 and pending on the effective date of this act, but such actions or proceed-  
7 ings may be prosecuted or defended in the same manner and to the same effect  
8 by the department, officer, authority or agency to which such assignment or  
9 transfer has been made hereunder, as if the foregoing provisions had not  
10 taken effect; nor shall any of the foregoing provisions affect any order or

11 recommendation made by, or other matters or proceedings before, any depart-  
12 ment, commission, council, board, officer, authority or agency, the functions,  
13 powers and duties of which have been herein assigned or transferred to the  
14 Department of Higher Education or to any officer, authority or agency  
15 designated, continued or instituted hereunder, and all such matters or pro-  
16 ceedings pending before such department, commission, council, board, officer,  
17 authority or other agency on the effective date of this act shall be continued  
18 by the department, officer, authority or agency to which such assignment or  
19 transfer has been made hereunder, as if the foregoing provisions had not  
20 taken effect.

1       37. Unless specifically otherwise provided in this act or by any operative  
2 law, whenever, pursuant to existing law, reports, certifications, applications  
3 or requests are required or permitted to be made to the department, board,  
4 division, commission, office or officer, whose powers and duties are herein  
5 assigned or transferred, such reports and certifications shall hereafter be  
6 required to be filed with, and such applications or requests shall hereafter be  
7 made to, the department, officer or agency to which such assignment or trans-  
8 fer has been made hereunder.

1       38. Whenever the term "State Board of Education" occurs or any refer-  
2 ence is made thereto, the same shall be deemed to mean or refer to the Depart-  
3 ment of Higher Education and whenever the term "commissioner" occurs or  
4 any reference is made thereto, the same shall be deemed to mean or refer to  
5 the chancellor in any statute in Title 18 of the Revised Statutes which is  
6 applicable to any public institution of higher education.

1       39. This act being deemed and hereby declared necessary for the welfare  
2 of the State and the people of New Jersey to provide for the development of  
3 public higher education in the State and thereby to increase the efficiency  
4 of the public school system of the State, shall be liberally construed to effec-  
5 tuate the purposes and intent thereof.

1       40. All acts and parts of acts inconsistent with any of the provisions of  
2 this act are, to the extent of such inconsistency, hereby repealed.

1      41. There is hereby appropriated to the Department of Higher Education  
2 the sum of \$75,000.00 to carry out the purpose of this act for the fiscal period  
3 ending June 30, 1967.

1      42. This act shall be known as, and may be cited as, the "Higher Educa-  
2 tion Act of 1966."

1      43. This act shall take effect on January 1, 1967, except that any appoint-  
2 ment, and any confirmation or approval of any appointment, permitted by  
3 this act may be made prior to such date.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 434

STATE OF NEW JERSEY

ADOPTED NOVEMBER 28, 1966

Amend page 2, section 2, line 6, omit "appointed", insert "designated".

Amend page 2, section 2, line 10, after "vote.", insert "The Chairman of the Board of Governors at Rutgers; the Chairman of the Board of Trustees of Newark College of Engineering; the Chairman of the Council of State Colleges; the Chairman of the Council of County Colleges; the President of the State Board of Education and the representatives of the private colleges and universities in New Jersey may each designate in writing another member of their respective boards, councils and association as an alternate to attend in their absence and vote at the meetings of the board; provided, however, that such alternate shall be selected from among the membership of the group from which the member's status on the board arises and further that where the member is a lay member of such a group, his alternate must likewise be a lay member of said group."

Amend page 2, section 2, line 15, omit "at any time", insert a comma.

Amend page 2, section 2, line 16, omit "good and sufficient", after "cause", insert ", upon notice and opportunity to be heard".

Amend page 4, section 4, line 9, after "minimum", insert "admission".

Amend page 4, section 4, lines 13 and 14, omit "discontinuance", insert "approve discontinuance of".

Amend page 4, section 4, line 16, after "granting", insert "'programs' as used in this subparagraph means areas or fields in which degrees or nondegree certificates might be granted and shall not include individual courses nor course content nor shall it include the course composition of areas or fields already in existence;".

Amend page 4, section 4, line 20, after "Be", omit "the", insert "an".

Amend page 6, section 5, lines 4 and 5, omit "Governor with the advice and consent of the Senate and shall serve during the term of office of the Governor appointing him"; insert "Board of Higher Education, subject to the approval of the Governor, and shall serve for a term of 5 years".

Amend page 6, section 5, line 9, at end of line insert a new sentence as follows: "In the case of the initial appointment of the first chancellor, the chancellor shall be appointed by the Governor with the advice and consent of the Senate and shall serve for a term of 5 years and until the chancellor's successor has been appointed and has qualified."

Amend page 7, section 9, line 3, omit "act", insert "serve as acting chancellor"; after "absence", insert "or in case of a vacancy in the office".

Amend page 7, section 9, lines 5 and 6, omit ", and shall include a designation of the period during which it shall be and remain in force".

Amend page 8, section 12, after section 13, insert 2 new sections as follows:

"13. All of the duties, functions and powers of the existing Department of Education pertaining to Rutgers, the State University, are hereby transferred to and vested in the Department of Higher Education established hereunder and, notwithstanding any provision of this act, the Department of Higher Education shall have no duties, functions or powers with respect to Rutgers, the State University, except for those transferred as aforesaid."

"14. All of the duties, functions and powers of the existing Department of Education pertaining to Newark College of Engineering are hereby transferred to and vested in the Department of Higher Education established hereunder and, notwithstanding any provision of this act, the Department of Higher Education shall have no duties, functions or powers with respect to Newark College of Engineering except for those transferred as aforesaid."

Amend page 9, section 13, line 1, omit "13.", insert "15."

Amend page 9, section 14, line 1, omit "14.", insert "16."

Amend page 9, section 14, after line 9, insert a new section, as follows:

"17. The New Jersey Educational Facilities Authority in the Department

of Education together with all of its functions, powers and duties, is continued, but such authority is transferred to and constituted the New Jersey Educational Facilities Authority in the Department of Higher Education established hereunder. This act shall not affect the terms of office of the present members of such authority. Such authority shall continue to be constituted and the members thereof shall continue to be appointed as provided by existing law except that the chancellor shall be an ex-officio member in lieu of the Commissioner of Education.”.

Amend page 9, sections 15, 16, 17 and 18, renumber sections 15-18 as sections 18-21, inclusive.

Amend page 9, section 18, line 2, omit “, residents of the State,”, insert “of the State, not more than 3 of whom shall reside in any one county and”.

Amend page 10, section 19, line 1, omit “19”, insert “22”.

Amend page 11, section 19, line 33, omit “appointed or promoted to”, insert “in”.

Amend page 12, section 19, line 53, after “Adopt”, insert “, after consultation with the president and faculty,”.

Amend pages 12 and 13, renumber sections 20-26 as 23-29, respectively.

Amend page 13, section 26, line 6, omit “June”, insert “September”.

Amend page 13, section 26, line 8, omit “June”, insert “September”.

Amend pages 14-17, renumber sections 27-40 as 30-43, respectively.

Amend page 17, section 40, line 2, after “repealed”, insert “; provided, however, that nothing in this act shall be construed as expressly or impliedly repealing any provision of the ‘Rutgers, The State University Act of 1956,’ P. L. 1956, c. 61.”.

Amend page 18, sections 41-43, renumber sections 41-43 as sections 44-46, respectively.

Amend page 18, section 43, line 1, omit “This”, insert “Section 44 of this act shall take effect immediately and the remainder of this”; omit “January”, insert “July”.

Amend page 18, section 43, line 3, after "date", insert "and the Department of Higher Education may expend such funds prior to said date as may be necessary to provide for the orderly transfer to the department of the powers and duties herein prescribed".

[OFFICIAL COPY REPRINT]

SENATE, No. 434

# STATE OF NEW JERSEY

INTRODUCED MAY 31, 1966

By Senators FELDMAN, RIDOLFI, PARSEKIAN, O'CONNOR, KIEFER,  
SCHOLZ, FORSYTHE, STAMLER, FERNICOLA and GROSSI

Referred to Committee on Education

AN ACT concerning higher education, establishing a Department of Higher Education as a principal department in the Executive Branch of State Government and providing an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE I

1 1. There is hereby established in the Executive Branch of the State  
2 Government a principal department which shall be known as the Department  
3 of Higher Education. Such department shall consist of a Board of Higher  
4 Education, a chancellor, and such divisions, bureaus, branches, committees,  
5 officers and employees as are specifically referred to in this act and as may be  
6 constituted or employed by virtue of the authority conferred by this act or  
7 by any other law.

8 As used in this act, unless the context clearly indicates otherwise, the  
9 following words and phrases shall have the following meaning:

10 "Board" means the Board of Higher Education.

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

13 "Department" means the Department of Higher Education.

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

14 "Higher education" means that education which is provided by any or  
 15 all of the public institutions of higher education as herein defined and any or  
 16 all equivalent private institutions.

17 "Public institution of higher education" means Rutgers, The State Uni-  
 18 versity; Newark College of Engineering; the New Jersey College of Medicine  
 19 and Dentistry; the 6 State colleges; the College of Aeronautical and Air-space  
 20 Science established in Atlantic county pursuant to chapter 285 of the laws of  
 21 1964; the county colleges; the public junior colleges; the industrial schools;  
 22 and any other public universities, colleges, county colleges and junior colleges  
 23 now or hereafter established or authorized by law.

1 2. The Board of Higher Education shall be composed of the Chairman of  
 2 the Board of Governors at Rutgers; the Chairman of the Board of Trustees  
 3 of Newark College of Engineering; the Chairman of the Council of State  
 4 Colleges; the Chairman of the Council of County Colleges; the President of  
 5 the State Board of Education; a representative of the private colleges and  
 6 universities of New Jersey, to be \*~~appointed~~\* \*designated\* by the As-  
 7 sociation of Independent Colleges and Universities in New Jersey, with the  
 8 approval of the Governor; and 9 citizens, residents of the State, of whom at  
 9 least 2 shall be women. The chancellor and the State Commissioner of Edu-  
 10 cation shall ex officio be additional members but without vote. \*The Chair-  
 10A man of the Board of Governors at Rutgers; the Chairman of the Board of  
 10B Trustees of Newark College of Engineering; the Chairman of the Council of  
 10C State Colleges; the Chairman of the Council of County Colleges; the Presi-  
 10D dent of the State Board of Education and the representatives of the private  
 10E colleges and universities in New Jersey may each designate in writing an-  
 10F other member of their respective boards, councils and association as an  
 10G alternate to attend in their absence and vote at the meetings of the board;  
 10H provided, however, that such alternate shall be selected from among the  
 10I membership of the group from which the member's status on the board  
 10J arises and further that where the member is a lay member of such a group,  
 10K his alternate must likewise be a lay member of said group.\*

11 The citizen members of the board shall be appointed by the Governor  
12 with the advice and consent of the Senate and shall be selected, as far as may  
13 be practicable, on the basis of their knowledge of, or interest or experience in,  
14 problems of higher education and without regard to political belief or affilia-  
15 tion. They shall be subject to removal by the Governor \***[at any time]**\* \*\*, \*  
16 for \***[good and sufficient]**\* cause\*, *upon notice and opportunity to be heard*.\*  
17 The term of office of appointed members, except for the first appoint-  
17A ments, shall be for 6 years. Each member shall serve until his  
18 successor shall have been appointed and qualified and vacancies shall be  
19 filled in the same manner as the original appointment for the remainder of  
20 the unexpired term. Members shall serve without compensation but shall be  
21 entitled to be reimbursed for all reasonable and necessary expenses.

22 In the case of the initial appointments of the citizen members, 2 members  
23 shall be appointed for terms expiring June 30, 1967; 2 for terms expiring  
24 June 30, 1968; 2 for terms expiring June 30, 1969; one for a term expiring  
25 June 30, 1970; one for a term expiring June 30, 1971; and one for a term ex-  
26 piring June 30, 1972.

27 They shall hold public meetings at least once each month at such times  
28 as its rules and regulations prescribe and at such other times and such places  
29 within the State as in its judgment may be necessary.

30 The board shall organize annually at its regular July meeting by the elec-  
31 tion of a chairman, vice-chairman and such other officers as the board shall  
32 determine. Such officers shall serve until the following July meeting and until  
33 their successors are elected and qualified. Vacancies in such offices shall be  
34 filled in the same manner for the unexpired term only.

1 3. It shall be the duty of the Board of Higher Education to advance long-  
2 range planning for the system of higher education as a whole in the State;  
3 establish general policy for the governance of the separate institutions;  
4 co-ordinate the activities of the individual institutions which, taken together,  
5 make up the system of higher education in New Jersey; and maintain general  
6 financial oversight of the State system of higher education. The board shall

7 not administer the individual institutions of higher education, its own admin-  
8 istration being specifically reserved unto each of such institutions.

9       Within the limitations imposed by general legislation applicable to all  
10 agencies of the State and the provisions of this act, the board is hereby  
11 granted exclusive jurisdiction over higher education in this State and its con-  
12 stituent parts and the requisite power to do all things necessary and proper  
13 to accomplish the aims and carry out the duties provided for in this act.

1       4. The Board of Higher Education shall:

2       a. Conduct research on higher educational needs;

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

5       c. Establish new colleges, schools, units, divisions, institutes, depart-  
6 ments, branches, campuses, as required by the master plan, provided that  
7 provision is made therefor in the annual or a supplemental or special appro-  
8 priation act of the Legislature or otherwise;

9       d. Establish minimum *\*admission\** standards for all public institutions  
10 of higher education, except that nothing in this act shall be construed to pre-  
11 vent individual institutions from establishing higher minimum admission re-  
11A quirements;

12       e. Establish minimum standards for all public institutions of higher edu-  
13 cation for degree granting, approve new programs and degrees and *\*[dis-*  
14 *continue]\* \*approve discontinuance of\** degrees and educational programs  
15 as required. Nothing, however, in this act shall be construed to prevent  
16 individual institutions from establishing higher minimum standards for  
16A degree granting *\*“programs” as used in this subparagraph means areas*  
16B *or fields in which degrees or nondegree certificates might be granted and*  
16C *shall not include individual courses nor course content nor shall it include the*  
16D *course composition of areas or fields already in existence\**;

17       f. Receive all budget requests from the institutions, co-ordinate and  
18 balance such requests, and submit a combined request for appropriations an-  
19 nually to the Governor;

20 g. Be \***[the]**\* \*an\* agency of communication with the Federal Govern-  
21 ment on public funds available to the State for higher education, and receive  
22 and recommend the disbursement of such funds by the State.

23 h. Set policy on salary and fringe benefits, and establish general person-  
24 nel policies for the public institutions of higher education;

25 i. Co-ordinate with the State Board of Education and the commissioner to  
26 effectuate and advance public education at all levels;

27 j. Encourage harmonious and co-operative relationship between public  
28 and private institutions of higher education;

29 k. Review periodically existing programs of instruction, research, and  
30 public service in the public institutions of higher education, and advise them  
31 of desirable change;

32 l. Keep the Governor, the Legislature, and the public informed of the  
33 needs and accomplishments, both qualitative and quantitative, of public  
34 higher education in New Jersey through published reports, releases, confer-  
35 ences, and other means;

36 m. License institutions of higher education pursuant to the authority  
37 of sections 18:20-5 to 18:20-7 of the Revised Statutes;

38 n. Approve the basis or conditions for conferring degrees pursuant to the  
39 authority of sections 18:20-8 to 18:20-10 of the Revised Statutes;

40 o. Exercise enforcement powers as provided by sections 18:20-11, 18:20-13  
41 and 18:20-16 of the Revised Statutes.

42 p. Have the power to issue subpoenas compelling the attendance of wit-  
43 nesses and the production of books, papers, and records in any part of the State  
44 before it or before any of its committees, the chancellor, or any of his  
45 assistants.

46 q. Require from institutions of higher education such reports as may be  
47 necessary to enable the board to perform the duties imposed upon it by  
48 statute;

49 r. Make to the Governor and the Legislature such recommendations as  
50 the board deems necessary with regard to appropriations that may be re-

51 quired for services, lands, buildings, and equipment to be furnished by insti-  
52 tutions of higher education other than the State University of New Jersey  
53 and make contracts in behalf of the State with such institutions in accordance  
54 with legislative appropriations; provided, that no disbursement of moneys  
55 so appropriated shall be made to any such institution or institutions utilized  
56 by the State for the purpose of public higher education, except on recommen-  
57 dation of the board; and the board shall see to the application of the money  
58 for such purposes;

59 s. Exercise visitorial general powers of supervision and control over such  
60 institutions of higher education as may be utilized by the State. Its visitorial  
61 general powers of supervision and control are hereby defined as visiting  
62 such institutions of higher education to examine into their manner of con-  
63 ducting their affairs and to enforce an observance of the laws of the State.

64 t. To fix and determine tuition rates and other fees to be paid by students  
65 at the State colleges;

66 u. Adopt by-laws and make and enforce, alter and repeal rules for its own  
67 government and for implementing and carrying out this act.

1 5. The chief executive officer and administrator of the department shall  
2 be known as the chancellor and shall be a person qualified by training and  
3 experience to perform the duties of his office. The chancellor shall be appointed  
4 by the \***【Governor with the advice and consent of the Senate and shall serve**  
5 **during the term of office of the Governor appointing him】**\* *\*Board of Higher*  
6 *Education, subject to the approval of the Governor, and shall serve for a*  
7 *term of 5 years\** and until the chancellor's successor has been appointed and  
8 has qualified. He shall be selected without regard to residence within or  
9 without this State and shall receive such salary as shall be provided by law.  
10 The chancellor may be removed from office by the Governor, for cause, upon  
11 notice and opportunity to be heard. *\*In the case of the initial appointment*  
12 *of the first chancellor, the chancellor shall be appointed by the Governor*  
13 *with the advice and consent of the Senate and shall serve for a term of 5*  
14 *years and until the chancellor's successor has been appointed and has*  
15 *qualified.\**

1       6. The chancellor, as chief executive officer of the department, subject to  
2 the approval of the board, shall:

3       a. Enforce all rules and regulations prescribed by the board and admin-  
4 ister the work of the department;

5       b. Appoint and remove officers and other personnel employed within the  
6 department, subject to the provisions of Title 11, Civil Service, of the Revised  
7 Statutes, and other applicable statutes, except as herein otherwise specifically  
8 provided;

9       c. Perform, exercise and discharge the functions, powers and duties of the  
10 department through such divisions as may be established by this act or other-  
11 wise by law;

12       d. Organize the work of the department in such divisions, not inconsist-  
13 ent with the provisions of this act, and in such bureaus and other organiza-  
14 tional units as he may determine to be necessary for efficient and effective  
15 operation;

16       e. Adopt, issue and promulgate, in the name of the department, such rules  
17 and regulations as may be authorized by law;

18       f. Formulate and adopt rules and regulations for the efficient conduct of  
19 the work and general administration of the department, its officers and  
20 employees;

21       g. Make an annual report to the Governor and to the Legislature of the  
22 department's operations, and render such other reports as the Governor  
23 shall from time to time request or as may be required by law.

24       h. Co-ordinate the activities of the department, and the several divisions  
25 and other agencies therein, in a manner designed to eliminate overlapping  
26 and duplicating functions;

27       i. Integrate within the department, so far as practicable, all staff services  
28 of the department and of the several divisions and other agencies therein;

29       j. Maintain suitable headquarters for the department and such other  
30 quarters within the State as he shall deem necessary to the proper function-  
31 ing of the department; and

32 k. Perform such other functions as may be prescribed in this act or by  
33 any other law.

1 7. The chancellor shall be the secretary of the board and have custody of  
2 its official seal. With the approval of the board, he may designate an employee  
3 in the department to perform such duties of the secretary and such other  
4 services as the board shall designate.

1 8. The chancellor may delegate to subordinate officers or employees in the  
2 department such of his powers as he may deem desirable, to be exercised  
3 under his supervision and direction.

1 9. The chancellor may, subject to the approval of the board, appoint vice-  
2 chancellors and fix their compensation. He shall from time to time designate  
3 one of the vice-chancellors to **\*[act]\*** *\*serve as acting chancellor\** in his  
4 place and stead during his absence *\*or in the case of a vacancy in the office\**.  
5 Any such designation shall be in writing, signed by the chancellor and filed  
6 with the Secretary of State**\*[**, and shall include a designation of the period  
7 during which it shall be and remain in force**]\***.

1 10. The department shall, in addition to other powers and duties invested  
2 in it by the act, or by any other law:

3 a. Assist in the co-ordination of State and Federal activities relating to  
4 higher education;

5 b. Advise and inform the Governor on the affairs and problems of higher  
6 education and make recommendations to the Governor for proposed legisla-  
7 tion pertaining thereto;

8 c. Stimulate programs relating to higher education through publicity,  
9 education, guidance and technical assistance concerning Federal and State  
10 programs;

11 d. Encourage co-operative programs by institutions of higher education;  
12 and

13 e. Maintain an inventory of data and information and act as a clearing  
14 house and referral agency for information on State and Federal services and  
15 programs.

1 11. The department, or any of the divisions established hereunder, may,  
2 subject to the approval of the Governor and the board, apply for and accept  
3 grants from the Federal Government or any agency thereof, or from any  
4 foundations, corporation, association or individual, and may comply with the  
5 terms, conditions and limitations thereof, for any of the purposes of the de-  
6 partment, or such division. Any money so received may be expended by the  
7 department, or such division, subject to any limitations imposed in such grants  
8 to effect any of the purposes of the department, or of such division, as the  
9 case may be, upon warrant of the Director of the Division of Budget and  
10 Accounting of the Department of the Treasury on vouchers certified and  
11 approved by the chancellor.

1 12. All of the functions, powers and duties of the existing Department of  
2 Education pertaining to higher education including but not necessarily limited  
3 to those deriving from the following acts are hereby transferred to and vested  
4 in the Department of Higher Education established hereunder; provided  
5 however that the grant of such functions, powers and duties contained in such  
6 acts as are inconsistent with the specific provisions of this act are hereby  
7 repealed;

8 a. Article 3 of chapter 16 of Title 18 of the Revised Statutes and chapter  
9 124 of the laws of 1946 (C. 18:16-37 to 18:16-41);

10 b. Articles 2 and 3 of chapter 20 of Title 18 of the Revised Statutes;

11 c. Chapter 18 of Title 18 of the Revised Statutes;

12 d. Chapter 22 of Title 18 of the Revised Statutes; and

13 e. Chapter 121 of the laws of 1959 (C. 18:22A-1, et seq.).

1 \*13. *All of the duties, functions and powers of the existing Department*  
2 *of Education pertaining to Rutgers, the State University, are hereby trans-*  
3 *ferred to and vested in the Department of Higher Education established*  
4 *hereunder and, notwithstanding any provision of this act, the Department of*  
5 *Higher Education shall have no duties, functions or powers with respect to*  
6 *Rutgers, the State University, except for those transferred as aforesaid.\**

1 \*14. *All of the duties, functions and powers of the existing Department*  
2 *of Education pertaining to Newark College of Engineering are hereby trans-*

3 *ferred to and vested in the Department of Higher Education established*  
4 *hereunder and, notwithstanding any provision of this act, the Department*  
5 *of Higher Education shall have no duties, functions or powers with respect*  
6 *to Newark College of Engineering except for those transferred as afore-*  
7 *said.\**

1     \***[13.]**\* \*15.\* The State Scholarship Commission in the Department of  
2 Education, together with all of its functions, powers and duties, is con-  
3 tinued, but such commission is transferred to and constituted the State  
4 Scholarship Commission in the Department of Higher Education established  
5 hereunder. This act shall not affect the terms of office of the present mem-  
6 bers of such commission. Such commission shall continue to be constituted  
7 and the members thereof shall continue to be appointed as provided by exist-  
8 ing law except that the chancellor shall be a member and chairman of said  
9 commission in lieu of the Commissioner of Education.

1     \***[14.]**\* \*16.\* The Higher Education Assistance Authority in the Depart-  
2 ment of Education together with all of its functions, powers and duties, is con-  
3 tinued, but such authority is transferred to and constituted the Higher Edu-  
4 cation Assistance Authority in the Department of Higher Education estab-  
5 lished hereunder. This act shall not affect the terms of office of the present  
6 members of such authority. Such authority shall continue to be constituted  
7 and the members thereof shall continue to be appointed as provided by exist-  
8 ing law except that the chancellor shall be an ex-officio member in lieu of the  
9 Commissioner of Education.

1     \*17. *The New Jersey Educational Facilities Authority in the Depart-*  
2 *ment of Education together with all of its functions, powers and duties, is con-*  
3 *tinued, but such authority is transferred to and constituted the New Jersey*  
4 *Educational Facilities Authority in the Department of Higher Education*  
5 *established hereunder. This act shall not affect the terms of office of the*  
6 *present members of such authority. Such authority shall continue to be con-*  
7 *stituted and the members thereof shall continue to be appointed as provided*  
8 *by existing law except that the chancellor shall be an ex-officio member in lieu*  
9 *of the Commissioner of Education.\**

## ARTICLE II

1       \***[15.]**\* \*18.\* State colleges shall be maintained for the purpose of pro-  
2 viding higher education in the liberal arts and sciences and various pro-  
3 fessional areas including the science of education and the art of teaching at  
4 such places as may be provided by law. The names of the colleges shall be  
5 designated by the board.

1       \***[16.]**\* \*19.\* The Legislature hereby finds that it is in the best interest of  
2 the State that the State colleges shall be and continue to be given a high  
3 degree of self-government and that the government and conduct of the col-  
4 leges shall be free of partisanship.

1       \***[17.]**\* \*20.\* The government, control, conduct, management and admin-  
2 istration of each of the colleges shall be vested in the board of trustees of  
3 such college.

1       \***[18.]**\* \*21.\* For each State college there shall be a board of trustees,  
2 consisting of 9 citizens\***[, residents of the State,]**\* *of the State, not more*  
3 *than 3 of whom shall reside in any one county and\** of whom at least  
4 2 shall be women. The Board of Higher Education shall, subject  
4A to the approval of the Governor, appoint the members of each  
4B board of trustees. Any member of a board of trustees may  
5 be removed by the Governor for cause upon notice and oppor-  
6 tunity to be heard. The term of office of appointed members, except for the  
7 first appointments, shall be for 6 years. Each member shall serve until his  
8 successor shall have been appointed and qualified and vacancies shall be filled  
9 in the same manner as the original appointment for the remainder of the  
10 unexpired term. Members shall serve without compensation but shall be en-  
11 titled to be reimbursed for all reasonable and necessary expenses.

12       In the case of the initial appointments, 2 members shall be appointed for  
13 terms expiring June 30, 1967; 2 for terms expiring June 30, 1968; 2 for terms  
14 expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term  
15 expiring June 30, 1971; and one for a term expiring June 30, 1972.

16 Each board of trustees shall meet during the second week of September  
17 and at such other times and places as it shall designate. Each board of trustees  
18 shall organize annually at its regular September meeting by the election of  
19 the chairman, vice-chairman and such other officers as the board shall deter-  
20 mine. Such officers shall serve until the following September meeting and  
21 until their successors are elected and qualified. Vacancies in such offices shall  
22 be filled in the same manner for the unexpired term only.

1 \***[19.]** \*22.\* The board of trustees of a State college shall, within the gen-  
2 eral policies and guidelines set by the Board of Higher Education, have gen-  
3 eral supervision over and shall be vested with the conduct of the college. It  
4 shall, within the general policies and guidelines set by the Board of Higher  
5 Education, have the power and duty to:

- 6 a. Adopt and use a corporate seal;
- 7 b. Determine the educational curriculum and program of the college;
- 8 c. Determine policies for the organization, administration and develop-  
9 ment of the college;
- 10 d. Study the educational and financial needs of the college; annually  
11 acquaint the Governor and Legislature with the condition of the college; and  
12 prepare, and after concurrence by and jointly with the Board of Higher Edu-  
13 cation, present the annual budget to the Governor and Legislature, in  
14 accordance with law;
- 15 e. Subject to the provisions of P. L. 1944, chapter 112, direct and control  
16 the expenditures of the college in accordance with the provisions of the budget  
17 and the appropriations acts of the Legislature, except that with respect to  
18 transfers of funds pursuant to P. L. 1944, chapter 112, the college shall be  
19 deemed a spending agency, and as to funds received from other sources, in  
20 accordance with the terms, of any applicable trusts, gifts, bequests, or other  
21 special provisions;
- 22 f. In accordance with the provisions of the budget and the appropria-  
23 tions acts of the Legislature and with the approval of the Board of Higher  
24 Education, appoint and fix the compensation of a president of the college

25 who shall be the executive officer of the college and shall serve at the pleasure  
26 of the board of trustees;

27 g. In accordance with the provisions of the budget and the appropriations  
28 acts of the Legislature, appoint such deans and other members of the aca-  
29 demic, administrative and teaching staffs as shall be required and fix their  
30 compensation and terms of employment in accordance with salary policies  
31 adopted by the Board of Higher Education. Such salary policies shall pre-  
32 scribe qualifications for the various classifications and shall limit the per-  
33 centage of the educational staff that may be \***[appointed or promoted to]**\*  
34 *\*in\** any given classification.

35 h. In accordance with the provisions of the budget and the appropriations  
36 acts of the Legislature, appoint, remove, promote and transfer such other  
37 officers, agents, or employees as may be required for carrying out the pur-  
38 poses of the college and assign their duties, determine their salaries and pre-  
39 scribe qualifications for all positions, all in accordance with the provisions of  
40 Title 11, Civil Service of the Revised Statutes;

41 i. To grant diplomas, certificates or degrees;

42 j. Subject to the provisions of P. L. 1954, chapter 48 to enter into con-  
43 tracts and agreements with the State or any of its political subdivisions or  
44 with the United States, or with any public body, department or other agency  
45 of the State or the United States or with any individual, firm, or corporation  
46 which are deemed necessary or advisable by the board for carrying out the  
47 purposes of the college;

48 k. Subject to the provisions of P. L. 1954, chapter 48, purchase lands,  
49 buildings, equipment, materials and supplies; employ architects, engineers  
50 and other persons desired in the planning of buildings, equipment and facil-  
51 ities; secure bids, enter into contracts for and supervise the construction of  
52 such buildings, equipment and facilities;

53 l. Adopt\*, *after consultation with the president and faculty,\** by-laws  
54 and make and promulgate such rules, regulations and orders, not incon-  
55 sistent with the provisions of this act that are necessary and proper for the

56 administration and operation of the college and the carrying out of its pur-  
57 poses.

1       \***[20.]**\* \*23.\* The board of trustees of a State college, in addition to the  
2 other powers and duties provided herein and within the general policies and  
3 guidelines set by the Board of Higher Education, shall have and exercise the  
4 powers, rights and privileges that are incident to the proper government, con-  
5 duct and management of the college, and the control of its properties and  
6 funds and such powers granted to the college or the board or reasonably im-  
7 plied, may be exercised without recourse or reference to any department or  
8 agency of the State, except as otherwise provided by this act or applicable  
9 law.

1       \***[21.]**\* \*24.\* The president of a State college shall be responsible to its  
2 board of trustees and shall have such powers as shall be requisite, for the ex-  
3 ecutive management and conduct of the college in all departments, branches  
4 and divisions, and for the execution and enforcement of the by-laws, rules,  
5 regulations and orders governing the management, conduct and administra-  
6 tion of the college.

1       \***[22.]**\* \*25.\* The existing 6 State colleges presently maintained by the  
2 State of New Jersey and under the care, custody, control and administration  
3 of the Commissioner of Education and the State Board of Education are  
4 hereby transferred to the Department of Higher Education and hereafter  
5 shall be operated by their respective boards of trustees pursuant to the pro-  
6 visions of this act, provided that such transfer shall not become effective  
7 until January 1, 1967, and until such time said colleges shall continue to  
8 operate as heretofore.

1       \***[23.]**\* \*26.\* All professors, associate professors, assistant professors,  
2 instructors, supervisors, registrars, teachers and other persons employed by  
3 the State of New Jersey, the State Board of Education or the Commissioner  
4 of Education in the State colleges hereby transferred to the Department of  
5 Higher Education shall be transferred to and continue in their respective  
6 employments in the employ of the board of trustees of their respective col-

7 leges and any and all rights of tenure, civil service, retirement, pension, dis-  
 8 ability, leave of absence or similar benefits provided by or under the provi-  
 9 sions of the laws of this State shall not be affected or interrupted by virtue of  
 10 such transfer.

1     \***[24.]**\* \*27.\* The services of all professors, associate professors, as-  
 2 sistant professors, instructors, supervisors, registrars, teachers and other  
 3 persons employed by the board of trustees of the State colleges shall have  
 4 the same rights of tenure, seniority, pension, protection from liability, rights  
 5 to legal counsel and all other rights and privileges of similar employees of  
 6 the State Board of Education or the Commissioner of Education in the  
 7 existing State colleges.

#### ARTICLE III

1     \***[25.]**\* \*28.\* There is hereby established in the Department of Higher  
 2 Education a Council of State Colleges.

1     \***[26.]**\* \*29.\* The Council of State Colleges shall consist of the presidents  
 2 and chairmen of the board of trustees of the several State colleges. The  
 3 chancellor shall ex officio be an additional member but shall be without vote.

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

6     The council shall organize annually during the month of \***[June]**\*  
 7 \*September\* by the election of a chairman, vice-chairman and such other  
 8 officers as the council shall determine. Such officers shall serve until the  
 9 following \***[June]**\* \*September\* meeting and until their successors are  
 10 elected and qualified. Vacancies in such offices shall be filled in the same  
 11 manner for the unexpired term only. The council shall also meet at such  
 12 other times and places within the State as it shall deem necessary.

1     \***[27.]**\* \*30.\* Under the guidance of the Board of Higher Education and  
 2 with assistance from its staff, the council will:

3     a. Foster communication and co-operation among the State colleges and  
 4 through its chairman, provide them collective representation on the Board of  
 5 Higher Education;

6 b. Guide and stimulate effective planning and program development,  
7 within the general policies and guidelines set by the Board of Higher Educa-  
8 tion, by the several State colleges;

9 c. Ensure diversity of development among the several State colleges in  
10 ways which will be responsive to particular needs in the several parts of the  
11 State;

12 d. Seek to ensure acceptable and effective lines of development in admis-  
13 sions policy, academic standards, programs, financing, and community rela-  
14 tions in the several State colleges;

15 e. Act as an advisory body to the Board of Higher Education in carrying  
16 out its duties and responsibilities with regard to the State colleges; and

17 f. Study the need for, and recommend to the Board of Higher Educa-  
18 tion, when required, the establishment of new State colleges and their  
19 location.

1 \***[28.]**\* \*31.\* There is hereby established in the Department of Higher  
2 Education a Council of County Colleges.

1 \***[29.]**\* \*32.\* The Council of County Colleges shall consist of the presi-  
2 dents and chairmen of the board of trustees of the several county colleges.  
3 The chancellor shall ex officio be an additional member without vote.

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

6 The council shall organize annually during the month of June by the elec-  
7 tion of a chairman, vice-chairman and such other officers as the council shall  
8 determine. Such officers shall serve until the following June meeting and  
9 until their successors are elected and qualified. Vacancies in such offices shall  
10 be filled in the same manner for the unexpired term only. The council shall also  
11 meet at such other times and places within the State as it shall deem necessary.

1 \***[30.]**\* \*33.\* Under the guidance of the Board of Higher Education and  
2 with assistance from its staff, the council will seek to ensure acceptable and  
3 effective lines of development in admissions policy, academic standards, pro-  
4 grams, financing, and community relations in the several county colleges.

5 The council will serve as a means of communication between the county  
6 colleges, and staff from the Board of Higher Education will constitute for the  
7 council and for the individual county colleges a resource center to aid them in  
8 planning, act as a clearing house of information, and provide continuing field  
9 services.

10 The council will act as an advisory body to the Board of Higher Educa-  
11 tion in the carrying out of its duties and responsibilities deriving from chapter  
12 41 of the laws of 1962.

#### ARTICLE V

1 \***[31.]**\* \*34.\* All appropriations and other moneys available and to  
2 become available to any department, division, bureau or other agency, the  
3 functions, powers and duties of which have been herein assigned or trans-  
4 ferred to the Department of Higher Education, are hereby transferred to the  
5 Department of Higher Education established hereunder, and shall be avail-  
6 able for the objects and purposes for which appropriated, subject to any  
7 terms, restrictions, limitations or other requirements imposed by State or  
8 Federal law.

1 \***[32.]**\* \*35.\* Such employees of any department, commission, council,  
2 board, authority, office or other agency, the functions, powers and duties of  
3 which have been herein assigned or transferred to the Department of Higher  
4 Education or to any office, authority or agency designated, continued or con-  
5 stituted therein, as the Board of Higher Education may determine are needed  
6 for the proper performance of the functions and duties imposed upon the De-  
7 partment of Higher Education, or such office, authority or agency therein, are  
8 hereby transferred to the department, office, authority or agency to which such  
9 functions, powers and duties have been herein assigned or transferred.

1 \***[33.]**\* \*36.\* Nothing in this act shall be construed to deprive any per-  
2 son of any tenure rights or of any right or protection provided him by Title  
3 11, Civil Service, of the Revised Statutes, or under any pension law or re-  
4 tirement system.

1       \***[34.]**\* \*37.\* All files, books, papers, records, equipment and other prop-  
2 erty of any department, commission, council, board, office, authority or other  
3 agency, the functions, powers and duties of which have been herein assigned  
4 or transferred to the Department of Higher Education or to any office, au-  
5 thority or agency designated, continued or constituted hereunder, shall upon  
6 the effective date of this act be transferred to the department, office, authority  
7 or agency to which such assignment or transfer has been made hereunder.

1       \***[35.]**\* \*38.\* This act shall not affect the orders, rules and regulations  
2 heretofore made or promulgated by any department, commission, council,  
3 board, authority, officer or other agency, the functions, powers and duties of  
4 which have been herein assigned or transferred to the Department of Higher  
5 Education or to any officer, authority or agency designated, continued or  
6 constituted hereunder; but such orders, rules and regulations shall continue  
7 with full force and effect until amended or repealed pursuant to law.

1       \***[36.]**\* \*39.\* This act shall not affect actions or proceedings, civil or  
2 criminal, brought by or against any department, commission, council, board,  
3 authority, officer or other agency, the functions, powers and duties of which  
4 have been herein assigned or transferred to the Department of Higher Educa-  
5 tion or to any officer, authority or agency designated, continued or constituted  
6 hereunder, and pending on the effective date of this act, but such actions or  
7 proceedings may be prosecuted or defended in the same manner and to the  
8 same effect by the department, officer, authority or agency to which such as-  
9 signment or transfer has been made hereunder, as if the foregoing provisions  
10 had not taken effect; nor shall any of the foregoing provisions affect any  
11 order or recommendation made by, or other matters or proceedings before,  
12 any department, commission, council, board, officer, authority or agency, the  
13 functions, powers and duties of which have been herein assigned or transferred  
14 to the Department of Higher Education or to any officer, authority or agency  
15 designated, continued or instituted hereunder, and all such matters or pro-  
16 ceedings pending before such department, commission, council, board, officer,  
17 authority or other agency on the effective date of this act shall be continued

18 by the department, officer, authority or agency to which such assignment or  
19 transfer has been made hereunder, as if the foregoing provisions had not  
20 taken effect.

1       \***[37.]**\* \*40.\* Unless specifically otherwise provided in this act or by any  
2 operative law, whenever, pursuant to existing law, reports, certifications, ap-  
3 plications or requests are required or permitted to be made to the department,  
4 board, division, commission, office or officer, whose powers and duties are  
5 herein assigned or transferred, such reports and certifications shall hereafter  
6 be required to be filed with, and such applications or requests shall hereafter  
7 be made to, the department, officer or agency to which such assignment or  
8 transfer has been made hereunder.

1       \***[38.]**\* \*41.\* Whenever the term "State Board of Education" occurs or  
2 any reference is made thereto, the same shall be deemed to mean or refer  
3 to the Department of Higher Education and whenever the term "commis-  
4 sioner" occurs or any reference is made thereto, the same shall be deemed  
5 to mean or refer to the chancellor in any statute in Title 18 of the Revised  
6 Statutes which is applicable to any public institution of higher education.

1       \***[39.]**\* \*42.\* This act being deemed and hereby declared necessary for  
2 the welfare of the State and the people of New Jersey to provide for the  
3 development of public higher education in the State and thereby to increase  
4 the efficiency of the public school system of the State, shall be liberally con-  
5 strued to effectuate the purposes and intent thereof.

1       \***[40.]**\* \*43.\* All acts and parts of acts inconsistent with any of the  
2 provisions of this act are, to the extent of such inconsistency, hereby re-  
3 pealed\*; *provided, however, that nothing in this act shall be construed as*  
4 *expressly or impliedly repealing any provision of the "Rutgers, The State*  
5 *University Act of 1956," P. L. 1956, c. 61\*.*

1       \***[41.]**\* \*44.\* There is hereby appropriated to the Department of Higher  
2 Education the sum of \$75,000.00 to carry out the purpose of this act for the  
3 fiscal period ending June 30, 1967.

1     \***[42.]**\* \*45.\* This act shall be known as, and may be cited as, the  
2 “Higher Education Act of 1966.”

1     \***[43.]**\* \*46.\* \***[This]**\* *Section 44 of this act shall take effect immedi-*  
2 *ately and the remainder of this* act shall take effect on \***[January]**\* \*July\*  
3 1, 1967, except that any appointment, and any confirmation or approval of  
4 any appointment, permitted by this act may be made prior to such date *and*  
5 *the Department of Higher Education may expend such funds prior to said*  
6 *date as may be necessary to provide for the orderly transfer to the depart-*  
7 *ment of the powers and duties herein prescribed*.\*