

18A:64C-1 to 8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:64C-1 to 18A:64C-8 ("New Jersey Medical and Dental College Act of 1964")

LAWS OF: 1964 CHAPTER: 231

Bill No: A769

Sponsor(s): Higgins and others

Date Introduced: November 16, 1964

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: November 16, 1964

Senate: December 17, 1964

Date of Approval: December 22, 1964

Following statements are attached if available:

Sponsor statement: No

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. Seton Hall Fact Finding Committee.  
C697 Report . . . to study the problem of the Seton Hall College of Medicine and  
1964U Dentistry. . . July 28, 1964.

DO NOT WRITE IN THESE SPACES

ASSEMBLY, No. 769

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1964

By Assemblywoman HIGGINS, Assemblymen BEADLESTON,  
CRABIEL and BATEMAN

(Without Reference)

AN ACT concerning education, providing for the creation and operation of a New Jersey College of Medicine and Dentistry, authorizing the acquisition of the Seton Hall College of Medicine and Dentistry, creating the New Jersey Council on Medical and Dental Education, providing an appropriation therefor and supplementing Title 18 of the Revised Statutes.

1 WHEREAS, The Seton Hall College of Medicine and Dentistry is the only med-  
2 ical college and one of the 2 dental colleges in operation in the State of  
3 New Jersey at the present time; and

4 WHEREAS, Seton Hall University and the sponsoring agents of the college  
5 have indicated that they can no longer afford the financial responsibility  
6 of operating the Seton Hall College of Medicine and Dentistry; and

7 WHEREAS, Seton Hall University and the sponsoring agents of the Seton Hall  
8 College of Medicine and Dentistry have offered to turn over to the State  
9 of New Jersey the college for operation as a public facility available to all  
10 citizens of the State; and

11 WHEREAS, The Governor and the Legislature appointed the Seton Hall Fact  
12 Finding Committee to study and report conclusions on the problem of  
13 the Seton Hall College of Medicine and Dentistry; and

14 WHEREAS, Said committee, composed of outstanding New Jersey leaders, has  
15 carefully reviewed this problem and has concluded "that the loss of the  
16 4-year medical and dental programs now offered by Seton Hall would  
17 be catastrophic and a serious reflection on the State of New Jersey"; and

18 WHEREAS, Seton Hall University and the sponsoring agents of the Seton Hall  
19 College of Medicine and Dentistry have invested in the college 10 years of  
20 development time and expended more than \$20,000,000.00 to bring the  
21 college to its present position thereby incurring an indebtedness now in  
22 excess of \$7,000,000.00; and

23 WHEREAS, Seton Hall University and the sponsoring agents of the Seton  
24 Hall College of Medicine and Dentistry have indicated a willingness to  
25 accept \$4,000,000.00 in total payment for their interest and investment in  
26 the college which includes approximately \$3,700,000.00 in movable and  
27 useful tangible personal property; and

28 WHEREAS, The Seton Hall Fact Finding Committee has recommended that the  
29 acquisition of the college upon such terms and conditions would clearly  
30 be in the best interest of the State; now, therefore

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

1 1. This act shall be known as and may be cited as the "New Jersey  
2 Medical and Dental College Act of 1964."

1 2. The Legislature hereby finds that it is vital to the best interest of the  
2 State to acquire the Seton Hall College of Medicine and Dentistry and to  
3 operate the college as a public facility having as a primary purpose the educa-  
4 tion of practicing physicians and dentists; that it is in the public interest to  
5 maintain a continuing program of medical and dental education within the  
6 State to provide an uninterrupted flow of trained personnel to assist in the  
7 staffing of the hospitals and public institutions and agencies of the State; and  
8 that it is the responsibility of the State to provide the financial support ne-  
9 cessary to the continuation of the program of medical and dental education at  
10 said college.

1       3. There is hereby established in the Department of Education a body  
2 corporate and politic, with corporate succession, to be known as the New  
3 Jersey College of Medicine and Dentistry. The college is hereby constituted  
4 an instrumentality exercising public and essential governmental functions  
5 and the exercise by the college of the powers conferred by this act in the pres-  
6 entation and operation of a program of medical and dental education shall  
7 be deemed to be necessary for the welfare of the State and the people of  
8 New Jersey.

1       4. The government, control, conduct, management and administration of  
2 the college shall be vested in the board of trustees of the college or in such  
3 successor body as shall be provided by law.

1       5. The board of trustees shall consist of 7 members. Each member of the  
2 board shall be appointed by the Governor, with the advice and consent of  
3 the Senate. The members appointed shall serve for a term expiring on July 1,  
4 1970.

5       Any vacancies in the membership of the board of trustees shall be filled  
6 in the same manner as the original appointments but for the unexpired term  
7 only.

1       6. Each member of the board of trustees before entering upon his duties  
2 shall take and subscribe an oath to perform the duties of his office faithfully,  
3 impartially and justly to the best of his ability. A record of such oath shall  
4 be filed in the office of the Secretary of State. Each member of the board  
5 may be removed from office by the Governor, for cause, after a public hearing.

1       7. (a) The members of the board of trustees shall meet at the call of the  
2 Governor for purposes of organizing and shall select a chairman from among  
3 the respective members. The board shall thereafter meet at such times and  
4 places as it shall designate. The board shall reorganize annually at a meeting  
5 to be held during the month of September at such time and place as shall be  
6 designated by the board. The chairman of the board and such other officers as  
7 shall be deemed necessary shall be selected by the board from among its  
8 members at the annual September meeting.

9 (b) The board shall have the power to appoint and regulate the duties,  
10 functions, powers and procedures of committees, standing or special, from  
11 its members, and such advisory committees or bodies, as it may deem neces-  
12 sary or conducive to the efficient management and operation of the college,  
13 consistent with this act and other applicable statutes. The board shall, on or  
14 before September 30 of each year, file in the office of the Secretary of State  
15 the name of the chairman of the board and the names of any other officers  
16 elected or the members of any committees appointed.

1 8. Members of the board of trustees shall not receive compensation for  
2 their services as such. Each member shall be reimbursed for his actual  
3 expenses reasonably incurred in the performance of his duties as a member.

1 9. The board of trustees shall have general supervision over and shall  
2 be vested with the conduct of the college. It shall have the power and duty to:

3 (a) Adopt and use a corporate seal;

4 (b) Sue and be sued;

5 (c) Determine the educational curriculum and program of the college;

6 (d) Determine policies for the organization, administration and develop-  
7 ment of the college;

8 (e) Study the educational and financial needs of the college, annually  
9 acquaint the Governor and Legislature with the condition of the college, and  
10 prepare, and file an annual request for appropriation with the State Treasurer  
11 in accordance with law;

12 (f) Disburse all moneys appropriated to the college by the Legislature and  
13 all moneys received from tuition, fees, auxiliary services and other sources;

14 (g) Direct and control the expenditures of the college in accordance with  
15 the appropriation acts of the Legislature, and, as to funds received from other  
16 sources, in accordance with the terms, of any applicable trusts, gifts, bequests,  
17 or other special provisions. All accounts of the college shall be subject to post  
18 audit by the State;

19 (h) In accordance with the provisions of the budget, appoint and fix the  
20 compensation and term of office of a president of the college who shall be the  
21 executive officer of the college;

22 (i) In accordance with the provisions of the budget appoint, upon nomina-  
23 tion of the president, such deans and other members of the academic admin-  
24 istrative and teaching staffs as shall be required and fix their compensation  
25 and terms of employment;

26 (j) In accordance with the provisions of the budget, appoint, remove, pro-  
27 mote and transfer such other officers, agents, or employees as may be required  
28 to carry out the provisions of this act and assign their duties, determine their  
29 salaries, and prescribe qualifications for all positions, and in accordance with  
30 the salary schedules of the State Civil Service Commission wherever possible;

31 (k) Fix and determine, with the approval of the State Treasurer, tuition  
32 rates and other fees to be paid by students;

33 (l) Grant diplomas, certificates or degrees;

34 (m) Enter into contracts and agreements with the State or any of its  
35 political subdivisions or with the United States, or with any public body, de-  
36 partment or other agency of the State or the United States or with any in-  
37 dividual, firm or corporation which are deemed necessary or advisable by the  
38 board for carrying out the provisions of this act;

39 (n) Accept from any government or governmental department, agency or  
40 other public or private body or from any other source grants or contribu-  
41 tions of money or property which the board may use for or in aid of any of its  
42 purposes;

43 (o) Acquire (by gift, purchase, condemnation or otherwise), own, lease,  
44 use and operate property, whether real, personal or mixed, or any interest  
45 therein, which is necessary or desirable for college purposes;

46 (p) Determine that any property owned by the college is no longer nec-  
47 essary for college purposes and to sell the same at such price and in such man-  
48 ner and upon such terms and conditions as shall be established by the State  
49 House Commission;

50 (q) Exercise the right of eminent domain pursuant to the provisions of  
51 Title 20 of the Revised Statutes to acquire any property or interest therein;

52 (r) Adopt by-laws and make and promulgate such rules, regulations and  
53 orders, not inconsistent with the provisions of this act that are necessary and

54 proper for the administration and operation of the college and to implement  
55 the provisions of this act.

1       10. The board of trustees, in addition to the other powers and duties  
2 provided herein, shall have and exercise the powers, rights and privileges that  
3 are incident to the proper government, conduct and management of the  
4 college, and the control of its properties and funds and such powers granted  
5 to the college or the board or reasonably implied, may be exercised without  
6 recourse or reference to any department or agency of the State, except as  
7 otherwise provided by this act.

1       11. The president of the college shall be responsible to the board of trus-  
2 tees and shall have such powers as shall be requisite, for the executive man-  
3 agement and conduct of the college in all departments, branches and divi-  
4 sions, and for the execution and enforcement of the by-laws, rules, regula-  
5 tions and orders governing the management, conduct and administration of  
6 the college.

1       12. The college shall be deemed to be an employer for the purposes of  
2 the "Public Employees' Retirement-Social Security Integration Act" and  
3 shall also be deemed to be a "public agency or organization" within the  
4 meaning of section 71 of said act. Prior service credit shall not be extended  
5 to any officer or employee of the college who enrolls in the Public Employees'  
6 Retirement System if he is entitled to a pension or an annuity based on  
7 such prior service under any other pension act or program.

1       13. The college in entering into any purchases, contracts or agreements  
2 shall be subject to the provisions of P. L. 1954, c. 48 and all amendments and  
3 supplements thereto.

1       14. In order to carry out the purposes of this act and to provide the pro-  
2 gram of medical and dental education required for the benefit of the State  
3 and the people of New Jersey, the Board of Trustees in the name of the New  
4 Jersey College of Medicine and Dentistry hereby is authorized and directed  
5 to purchase and acquire, free from any encumbrances, liabilities or leasehold  
6 restrictions, from the persons having an interest in or the ownership of the

7 Seton Hall College of Medicine and Dentistry, a body corporate of the State  
8 of New Jersey, all the outstanding right, title and interest in the Seton Hall  
9 College of Medicine and Dentistry including all licenses, accreditations and  
10 authorizations to conduct a medical and dental school held by Seton Hall  
11 College of Medicine and Dentistry and all other college property, real and  
12 personal, tangible and intangible.

13 Any agreement entered into by the board of trustees for the acquisition  
14 of the Seton Hall College of Medicine and Dentistry shall contain the follow-  
15 ing provisions:

16 (a) That the board shall agree to assume  $\frac{1}{2}$  of the cost of the operating  
17 deficit for the 1964-1965 school year, exclusive of debt service, provided  
18 that such share of the deficit shall not exceed the sum of \$300,000.00;

19 (b) That the value of the tangible personal property of the Seton Hall  
20 College of Medicine and Dentistry acquired by the board is not less than  
21 \$3,700,000.00 which value has been certified to by a reputable independent  
22 appraiser;

23 (c) That the cost of acquiring the Seton Hall College of Medicine and  
24 Dentistry free from all indebtedness, liability or leasehold restrictions shall  
25 not exceed the sum of \$4,000,000.00, which sum shall be paid from the funds  
26 appropriated to the board for such purpose by the provisions of this act; and

27 (d) That the board cannot create a debt or liability of the State of New  
28 Jersey nor pledge the credit of the State.

29 Any agreement entered into by the board of trustees for the acquisition  
30 of the Seton Hall College of Medicine and Dentistry shall be subject to the  
31 approval of the State House Commission and shall be upon such other terms  
32 and conditions as shall be established by the commission that are not in-  
33 consistent with the provisions of this act.

1 15. Upon the acquisition of the Seton Hall College of Medicine and Den-  
2 tistry, the board of trustees shall assume full responsibility for the opera-  
3 tion of such college under the name of the New Jersey College of Medicine  
4 and Dentistry and shall take such other action as may be required to insure

5 the continued operation of the college in the State and the compliance with  
6 all the requirements attendant to the operation of a medical and dental col-  
7 lege including the maintenance of all necessary licenses and accreditations.

1 16. No trustee or officer of the college shall be personally liable for any  
2 debt, obligation or other liability of the college or of or incurred by or on  
3 behalf of the college or any constituent unit thereof.

1 17. Any action taken by the board of trustees of the college or by the  
2 successor board of governors shall be set forth in the minutes of the board  
3 and shall indicate therein the vote of each board member. A true copy of the  
4 minutes of every meeting of the board shall be forthwith delivered by and  
5 under the certification of the secretary thereof to the Governor. No action  
6 taken at such meeting by the board shall have force or effect until 10 days  
7 after such copy of the minutes shall have been so delivered. If, in said 10-  
8 day period, the Governor returns such copy of the minutes with a veto of any  
9 action taken by the board or any member thereof at such meeting, such action  
10 shall be null and of no effect. If the Governor shall not return the minutes  
11 within said 10-day period, any action therein recited shall have force and  
12 effect according to the wording thereof.

1 18. No provision in this act contained shall be deemed or construed to  
2 create or constitute a debt, liability, or a loan or pledge of the credit, of the  
3 State of New Jersey.

1 19. There is hereby appropriated to the board of trustees of the college  
2 the following amounts:

3 (a) The sum of \$4,000,000.00 for the acquisition, by the board of trus-  
4 tees, of the Seton Hall College of Medicine and Dentistry pursuant to the pro-  
5 visions of section 15 of this act; and

6 (b) The sum of \$300,000.00 to meet the cost of the State's share of oper-  
7 ating the college during the period ending June 30, 1965 and to carry out the  
8 provisions of this act.

1 20. On or after July 1, 1970, the administration of the college shall be  
2 centralized within the State university system.

1 21. (a) There is hereby created a temporary commission to be known  
2 as the New Jersey Council on Medical and Dental Education which shall con-  
3 sist of the following members:

4 (1) 2 members of the board of trustees of the college selected by said  
5 board;

6 (2) 2 members of the Board of Governors of Rutgers, The State Uni-  
7 versity, selected by said board;

8 (3) The State Treasurer; and

9 (4) 2 public members appointed by the Governor with the advice and  
10 consent of the Senate.

11 The members of the council shall serve for a term expiring January 1,  
12 1970. Any vacancies in the membership of the council shall be filled in the  
13 same manner as the original appointees but for the unexpired term only.

14 (b) In order to encourage the orderly development of a program of  
15 medical and dental education at the college and the State University, the  
16 council, among other things, shall review the annual budget submitted by the  
17 college and by the State University insofar as such budgets shall relate to  
18 medical and dental education and shall advise the Governor and the Legis-  
19 lature thereon but such action shall not be construed to abrogate or derogate  
20 from any of the powers vested by law in the Board of Governors of the State  
21 University or the State Board of Education. It shall further be the respon-  
22 sibility of the council to review the capital development program of the col-  
23 lege and the State University relating to medical and dental education and  
24 to review the proposals of the board of trustees of the college relating to  
25 the continued operation of the college and to recommend to the Governor and  
26 Legislature, at the earliest possible date and not later than January 1, 1970,  
27 a comprehensive program which would provide for the centralization of ad-  
28 ministration of the medical and dental facilities of the college and the State  
29 University and the integration of such facilities, as separate operating enti-  
30 ties, within a common administrative system.

1 22. This act shall take effect immediately.