

18A:3-19.1 to 19.4

7/27/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:3-19.1 to 18A:3-19.4

(Higher education-- gifts from foreign sources-- reveal terms and conditions)

CHAPTER 53

Laws Of: 1987

Bill No: S1161

Sponsor(s): Feldman

Date Introduced: Pre-filed

Committee: Assembly: Higher Education and Regulated and Professions

Senate: Education

Amended during passage:

No

Substituted for A2123 (OCR and original-- attached)

Date of Passage:

Assembly:

January 12, 1987

Senate:

February 27, 1986

Date of Approval: February 25, 1987

Following statements are attached if available:

Sponsor statement:

Yes

(Below)

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

Sponsor's statement:

This bill requires that all institutions of higher education in New Jersey must disclose the details of any gift received from a foreign government, foreign legal entity or foreign person if the gift is in excess of \$100,000.00.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2123

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Assemblywoman COOPER and Assemblyman SINGER

AN ACT concerning the disclosure of certain gifts made to institutions of higher education and supplementing Title 18A of the New Jersey Statutes.

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

1 1. As used in this act:

2 “Foreign government” means any government other than the  
3 government of the United States or of its states, territories or  
4 possession or any political subdivision thereof.

5 “Foreign legal entity” means a. any legal entity created under  
6 the laws of a foreign government or b. any legal entity created  
7 under the laws of the United States or any of its political subdivi-  
8 sions if a majority of the ownership of that legal entity is directly  
9 or indirectly held legally or beneficially by one or more foreign  
10 governments or one or more foreign persons or one or more legal  
11 entities created under the laws of a foreign government \***[or if a**  
12 majority of the membership of the entity is composed of foreign  
13 persons or legal entities created under the laws of a foreign govern-  
14 ment]\* and includes an agent acting for the legal entity.

15 “Foreign person” means \***[an]**\* *any* individual who is not a  
16 citizen of *or resident alien of* the United States or of its territories  
17 or possessions and includes an agent acting for the foreign person.

18 “Gift” means any endowment, gift, grant, contract, award, pre-  
19 sent or property of any kind.

1 2. Every institution of higher education licensed or approved by  
2 the State Board of Higher Education to award an academic degree

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted December 8, 1986.

3 shall disclose the amount, terms, restrictions and requirements  
 4 attached to or made a part of any gift of value in excess of  
 5 \$100,000.00 made to the institution by a foreign government,  
 6 foreign legal entity or foreign person in any one fiscal year. If the  
 7 foreign government, foreign legal entity or foreign person makes  
 8 more than one gift to an institution, and the total value of those  
 9 gifts in any one fiscal year exceeds \$100,000.00, the institution shall  
 10 report all of the gifts received.

1 3. This information shall be forwarded to the Department of  
 2 Higher Education no later than 30 days after the last day of the  
 3 fiscal year. The information shall include:

4 a. The amount of the gift.

5 b. The date on which it was received.

6 c. Full details of any conditions, matching provisions, or desig-  
 7 nation of the gift for a specific purpose.

8 d. The name of the foreign government in the case of a gift by a  
 9 foreign government; the name of the foreign \***[**country in which a  
 10 foreign entity or foreign person is principally located or resides  
 11 in the case of a gift by a foreign entity or foreign person. The  
 12 name shall be disclosed if the gift contains conditions or restric-  
 13 tions regarding the control of curricula, employment or termination  
 14 of faculty, admission of students or student fees; or the gift is  
 15 contingent upon the agreement of the institution to take specific  
 16 public positions or actions or to award honorary degrees]\* *\*entity*  
 17 *in the case of a gift by a foreign entity; and the name of the foreign*  
 18 *country in which a foreign person is located or resides in the case*  
 19 *of a gift by a foreign person\*.*

20 e. The purpose or purposes for which the gift will be used.

1 4. This information shall be a matter of public record and shall  
 2 be made available by the department to the general public for  
 3 review and copying during normal business hours.

1 5. This act shall take effect immediately.

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#### HIGHER EDUCATION—COLLEGES, UNIVERSITIES

Requires institutions of higher education in New Jersey to reveal  
 the terms and conditions of certain gifts received from foreign  
 governments.

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**SENATE, No. 1161**  
**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator FELDMAN

AN ACT concerning the disclosure of certain gifts made to institutions of higher education and supplementing Title 18A of the New Jersey Statutes.

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

1 1. As used in this act:

2 "Foreign government" means any government other than the  
3 government of the United States or of its states, territories or  
4 possessions or any political subdivision thereof.

5 "Foreign legal entity" means a. any legal entity created under  
6 the laws of a foreign government or b. any legal entity created  
7 under the laws of the United States or any of its political subdi-  
8 visions if a majority of the ownership of that legal entity is directly  
9 or indirectly held legally or beneficially by one or more foreign  
10 governments or one or more foreign persons or one or more legal  
11 entities created under the laws of a foreign government and in-  
12 cludes an agent acting for the legal entity.

13 "Foreign person" means any individual who is not a citizen of  
14 or resident alien of the United States or of its territories or pos-  
15 sessions and includes an agent acting for the foreign person.

15 "Gift" means any endowment, gift, grant, contract, award,  
16 present or property of any kind.

1 2. Every institution of higher education licensed or approved by  
2 the State Board of Higher Education to award an academic degree  
3 shall disclose the amount, terms, restrictions and requirements  
4 attached to or made a part of any gift of value in excess of

5 \$100,000.00 made to the institution by a foreign government, foreign  
6 legal entity or foreign person in any one fiscal year. If the foreign  
7 government, foreign legal entity or foreign person makes more than  
8 one gift to an institution, and the total value of those gifts in any  
9 one fiscal year exceeds \$100,000.00, the institution shall report all  
10 of the gifts received.

1 3. This information shall be forwarded to the Department of  
2 Higher Education no later than 30 days after the last day of the  
3 fiscal year. The information shall include:

4 a. The amount of the gift.

5 b. The date on which it was received.

6 c. Full details of any conditions, matching provisions, or designa-  
7 tion of the gift for a specific purpose.

8 d. The name of the foreign government in the case of a gift by a  
9 foreign government; the name of the foreign entity in the case of  
10 a gift by a foreign entity; and the name of the foreign country in  
11 which a foreign person is located or resides in the case of a gift  
12 by a foreign person.

13 e. The purpose or purposes for which the gift will be used.

1 4. This information shall be a matter of public record and shall  
2 be made available by the department to the general public for  
3 review and copying during normal business hours.

1 5. This act shall take effect immediately.

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#### HIGHER EDUCATION (Colleges, Universities)

Requires institutions of higher education in New Jersey to dis-  
close the details of any gift in excess of \$100,000.00 received from  
a foreign government, foreign legal entity or foreign person.

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21 Jersey State Bar Association; the President of the New Jersey  
22 League of Women Voters; the Executive Director of the New Jer-  
23 sey Taxpayers Association; the President of the New Jersey School  
24 Boards Association; the President of the New Jersey Education  
25 Association; the President of the New Jersey Business and In-  
26 dustry Association; the President of the New Jersey State Chamber  
27 of Commerce; the President of the New Jersey State AFL-CIO;  
28 the President of the New Jersey League of Municipalities; [and]  
29 the President of the New Jersey Alliance for action; the President  
30 of the New Jersey Association of Counties; and the Chairman of  
31 the Property Tax Assessment Study Commission, established pur-  
32 suant to Joint Resolution No. 3 of 1983. Six of the remaining mem-  
33 bers of the commission shall be appointed by the Governor, and  
34 six jointly by the President of the Senate and the Speaker of the  
35 General Assembly, provided that no more than half of the appoint-  
36 ments of each be of the same political party, and that in making  
37 these appointments the appointing authorities include representa-  
38 tives of State and local government, business and labor, taxpayers,  
39 professions and other persons knowledgeable in major areas of  
40 governmental services, and persons knowledgeable in the [contral]  
41 control of State spending and the revenues to support it. The  
42 members shall be reimbursed for necessary expenses incurred in  
43 the performance of their duties, subject to the availability of funds  
44 therefor.

1 2. Section 5 of P. L. 1984, c. 213 is amended to read as follows:

2 5. The commission may meet and hold hearings at any place  
3 as it shall designate during the sessions and recesses of the Legis-  
4 lature and shall report its findings and recommendations to the  
5 Governor and to the Legislature by January 15, [1986] 1988, ac-  
6 companying the same with any legislative bills which it may desire  
7 to recommend for adoption by the Legislature.

1 3. In addition to the amount appropriated by section 6 of P. L.  
2 1984, c. 213, there is appropriated to the commission from the  
3 General Fund \$1,000,000.00 to effectuate the purposes of P. L.  
4 1984, c. 213.

1 4. This act shall take effect immediately.

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#### STATEMENT

This bill amends the law establishing the State and Local Ex-  
penditure and Revenue Policy Commission to clarify that the  
commission is within the Executive Branch of State Government  
and to increase its membership to 34 from 32. It establishes the

commission in, but not of the Department of the Treasury and adds to the membership the President of the New Jersey Association of Counties and the Chairman of the Property Tax Assessment Study Commission, created by Joint Resolution No. 3 of 1983.

The bill also extends the deadline for the commission to issue its report from January 15, 1986 to January 15, 1988. Finally, it appropriates an additional \$1,000,000.00 for commission expenses.

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**ASSEMBLY HIGHER EDUCATION AND  
REGULATED PROFESSIONS COMMITTEE**

**Statement to**

**SENATE BILL No. 1161**

**DATED: December 8, 1986**

The Assembly Higher Education and Regulated Professions Committee favorably reports Senate Bill No. 1161.

This bill requires an institution of higher education to disclose the terms of any gift in excess of \$100,000.00 made to the institution by a foreign government, foreign legal entity or foreign person.

Under the bill's provisions, the institution is to report to the Department of Higher Education information regarding the amount, terms, restrictions and requirements attached to the gift. This information is to be forwarded to the department within 30 days of the end of the fiscal year.



ASSEMBLY HIGHER EDUCATION AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2123**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 8, 1986

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 2123 with committee amendments.

As amended by committee, this bill requires an institution of higher education to disclose the terms of any gift in excess of \$100,000.00 made to the institution by a foreign government, foreign legal entity or foreign person.

Under the bill's provisions, the institution is to report to the Department of Higher Education information regarding the amount, terms, restrictions and requirements attached to the gift. This information is to be forwarded to the department within 30 days of the end of the fiscal year.

The committee amended the bill to (1) delete from the definition of foreign legal entity one in which the majority of the membership as opposed to the ownership of the entity is composed of foreign persons or legal entities created under the laws of a foreign government; and (2) to require the name of the foreign legal entity be reported in all cases of gifts over \$100,000.00 and not just when special conditions or restrictions are attached to the gift.

As amended by committee this bill is identical to Senate Bill No. 1161.

SENATE EDUCATION COMMITTEE  
STATEMENT TO  
**SENATE, No. 1161**  

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**STATE OF NEW JERSEY**  

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DATED: FEBRUARY 24, 1986

The Senate Education Committee favorably reports this bill.

This bill requires that all institutions of higher education in New Jersey must disclose the details of any gift received from a foreign government, foreign legal entity or foreign person if the gift is in excess of \$100,000.00.

The institution must inform the Department of Higher Education of the amount of the gift, the date received, the purpose for which it shall be used and any terms, conditions or restrictions attached to the gift.

The information would be available for review and copying by the general public.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.