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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christies signs legislation to revamp Rutgers," Asbury Park Press, 8-23-12

"Governor savors a hard-fought win on college merger," The star-ledger, 8-23-12

"Christie signs colleges' overhaul," The Philadelphia Inquirer, 8-23-12

"Governor signs plan creating Rutgers 'powerhouse'," The Record, 8-23-12

"Merger bill officially becomes law," Courier-Post, 8-23-12

"Christie signs higher-education overhaul into law," Burlington County Times, 8-23-12

"Gov. Chris Christie signs higher education bill to restructure Rowan, Rutgers universities," Gloucester County Times, 8-23-12

"Christie Signs Changes to NJ Higher Education," New Jersey 101.5, 8-23-12

"Rutgers Merger Signed into Law," The Wall Street Journal, 8-23-12

"Christie approves higher education overhaul, merger," The Press of Atlantic City, 8-23-12

"Christie signs NJ university merger bill," The Trentonian, 8-23-12

LAW/KR

Title 18A.  
Subtitle 9.  
Chapter 64M.  
(New)  
New Jersey  
Medical and  
Health Sciences  
Education  
Restructuring Act;  
Rowan  
University.  
§§1, 2, 35-62, 8-  
13, 33, 34, 138-  
140, 142, 143 –  
C.18A:64M-1 to  
18A:64M-43  
§§33, 34 - Note to  
C.18A:65-14.6  
Chapter 65.  
Article 19. (New)  
New Jersey  
Medical and  
Health Sciences  
Education  
Restructuring Act.  
§§3-7, 24, 141,  
144, 148 -  
C.18A:65-94 to  
18A:65-102  
§§14-19, 149-  
151 -  
C.18A:64G-6.1a  
to 18A:64G-6.1i  
§§20-23, 25-32,  
146, 147, 145 -  
C.18A:65-14.1 to  
18A:65-14.15  
§152 - Repealer  
§153 - Note

P.L.2012, CHAPTER 45, *approved August 22, 2012*  
Assembly, No. 3102 (*Second Reprint*)

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>**Assembly ABU committee amendments adopted June 25, 2012.**

<sup>2</sup>**Assembly floor amendments adopted June 28, 2012.**

1 AN ACT concerning the public system of higher education, revising  
2 various parts of the statutory law, and supplementing Title 18A  
3 of the New Jersey Statutes.

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “New Jersey Medical and Health Sciences Education  
10 Restructuring Act.”

11  
12 <sup>1</sup>2. (New section) The Legislature finds and declares that:

13 a. Rutgers, The State University (“Rutgers”), is a body  
14 corporate and politic that operates schools and colleges in the State  
15 of New Jersey and offers degrees in undergraduate studies, graduate  
16 studies, and professional studies such as medical, legal and  
17 business, operating pursuant to the authority granted to it by the  
18 Rutgers, the state university law, P.L.1956, c.61;

19 b. Rutgers was designated as the State university in 1945, but it  
20 was not until 1956 under the Rutgers Compact that the State  
21 assumed managerial control and financial responsibility over the  
22 school. Upon reorganization in 1956, Rutgers’ formerly private  
23 governing board – the Board of Trustees – transferred all  
24 management, control, administration and policy-making functions  
25 to the publicly controlled Board of Governors. The Board of  
26 Trustees retained the power to manage and invest certain pre-1956  
27 private assets or private gifts and maintained an advisory role at the  
28 school in support of the University;

29 c. Rutgers was established as the “instrumentality of the state  
30 for the purpose of operating the state university” and whose primary  
31 purpose is as a public trust for the provision of higher education  
32 pursuant to N.J.S.18A:65-2. To this end, the law provided for its  
33 liberal construction “necessary for the welfare of the state and the  
34 people of New Jersey to provide for the development of public  
35 higher education in the state and thereby to increase the efficiency  
36 of the public school system of the state...” Rutgers is the only  
37 comprehensive public research university in New Jersey and  
38 currently consists of three campuses in New Brunswick, Newark,  
39 and Camden;

40 d. The University of Medicine and Dentistry of New Jersey  
41 (“UMDNJ”) is a body corporate and politic that operates programs  
42 of medical, dental, nursing, public health and health-related  
43 professions and health sciences education in the State of New  
44 Jersey, currently operating pursuant to the authority granted to it by

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<sup>2</sup>Assembly floor amendments adopted June 28, 2012.

1 the “Medical and Dental Education Act of 1970,” P.L.1970, c.102,  
2 and “The University of Medicine and Dentistry of New Jersey  
3 Flexibility Act of 1992,” P.L.1992, c.84. One of its founding  
4 institutions was the former Rutgers Medical School. UMDNJ was  
5 established to serve the interests of the State by establishing  
6 programs of medical, dental, nursing, public health, health sciences  
7 and health-related professions. It was charged with providing a  
8 greater number of trained medical personnel to assist in staffing  
9 hospitals and public institutions and agencies and to prepare a  
10 greater number of students for the general practice of health-related  
11 professions in New Jersey. To that end UMDNJ was provided  
12 authority to form relationships with health care organizations,  
13 research institutions and private individuals, firms and corporations.  
14 Such public-private relationships would supplement the resources  
15 available from the State, thereby providing an economic and  
16 efficient means for developing and offering a full range of health  
17 care services;

18 e. It is the intent of this legislation to recognize and maintain  
19 the spirit and intent of the “Agreements Reached Between  
20 Community and Government Negotiators Regarding New Jersey  
21 College of Medicine and Dentistry and Related Matters of April 30,  
22 1968”;

23 f. Currently, UMDNJ operates two allopathic medical schools  
24 in the State of New Jersey: one located in Newark (New Jersey  
25 Medical School) and the other located in New  
26 Brunswick/Piscataway (Robert Wood Johnson Medical School). In  
27 addition, UMDNJ operates an osteopathic medical school at  
28 Stratford, New Jersey. There are no other osteopathic medical  
29 schools located in the State;

30 g. The University of Medicine and Dentistry of New Jersey-  
31 School of Osteopathic Medicine (“UMDNJ-SOM”) is a major  
32 source of primary care physicians for the State and South Jersey.  
33 The school offers several post-graduate residency and fellowship  
34 positions for approximately 600 students through affiliate hospitals  
35 including endocrinology, cardiology, critical care, gastroenterology,  
36 nephrology, infectious disease, and many others. UMDNJ-SOM is  
37 at the forefront of addressing the need for more physicians and has  
38 expanded its class size by 50% over the past two years. Of the more  
39 than 1,700 graduates of UMDNJ-SOM, 55% practice in the State,  
40 about half of whom deliver primary care;

41 h. Rowan University (“Rowan”) is a State university located in  
42 Glassboro, New Jersey, with a campus in Camden, New Jersey,  
43 currently operating pursuant to the authority granted to State  
44 colleges by N.J.S.18A:64-1 et seq., and P.L.1994, c.48 (C.18A:3B-1  
45 et seq.). Rowan is presently considered a major regional higher  
46 education institution. Currently it is comprised of seven academic  
47 colleges: Business, Communication, Education, Engineering, Fine  
48 & Performing Arts, Liberal Arts & Sciences, and the College of

1 Professional and Continuing Education, and a Graduate School.  
2 Rowan's nearly 11,000 students may pursue degrees in 36  
3 undergraduate majors, seven teacher certification programs, 26  
4 master's degree programs and a doctorate in educational leadership.  
5 Rowan University's main campus is located just 20 miles from  
6 Cooper University Hospital with a satellite campus in Camden.  
7 Rowan University has a reputation as a top regional university and  
8 is home to a newly-constructed, state-of-the-art science building for  
9 programs focusing on science and technology;

10 i. 20 years ago, Hank and Betty Rowan gave the former  
11 Glassboro State College a gift of \$100 million, then the largest  
12 private gift to a public university in the United States. Thereafter, in  
13 addition to increasing capacity and quality throughout all the  
14 programs of the university, Rowan University created an  
15 engineering school which has quickly become one of the top-rated  
16 undergraduate engineering schools in the country with rankings of  
17 3rd in the country for chemical engineering and 16th overall for  
18 public engineering schools. In addition, the engineering school has  
19 led the way in developing relationships in southern New Jersey with  
20 the private business community, providing a qualified workforce as  
21 an attraction for companies to locate in the area. The gift  
22 transformed the college into a comprehensive regional university  
23 which is poised to take the next step as a research institution;

24 j. In June 2009, Rowan University and The Cooper Health  
25 System partnered to establish Cooper Medical School of Rowan  
26 University (CMSRU), the first new medical school in New Jersey in  
27 30 years. The establishment of CMSRU, a four-year medical school  
28 located in Camden, will help address the current local and national  
29 shortage of physicians and improve healthcare throughout the  
30 region. Its inaugural class will begin in August 2012;

31 k. The goals of this legislation are to create and enhance the  
32 essential higher education opportunities for the residents of the  
33 State and to create vibrant educational institutions and communities  
34 that attract business to the State and which will allow the State to  
35 retain its residents in terms of college placement and workforce.  
36 The future economic development of the country will be a  
37 knowledge-based economy which will put a premium on an  
38 educated workforce and advanced degrees. This legislation  
39 restructures the higher education system in the State to provide for  
40 more vigorous educational communities that will provide  
41 opportunities for students and the workforce necessary to attract  
42 crucial private sector jobs as this century unfolds;

43 l. The Legislature has the ultimate responsibility for balancing  
44 the functions of public higher education institutions in New Jersey.  
45 The State has a responsibility for improving and expanding higher  
46 education opportunities for its residents and in that regard it has  
47 established a multi-level higher education system for which it has  
48 the responsibility to assess from time-to-time and to restructure as

1 needed to improve higher education opportunities. This legislation  
2 reflects a thorough and intense review of the higher education  
3 system in the State and makes rational changes the Legislature  
4 believes are necessary to provide residents with access to a high-  
5 quality in-State education. Higher education is vital for a thriving  
6 economy because our State's sophisticated economy -- home to  
7 many pharmaceutical, biological science and other complex  
8 industries -- demands a well-trained workforce;

9 m. This legislation also renews the State's commitment to  
10 sustaining and growing its universities and to help them achieve  
11 greater success on the national and international stage. New Jersey  
12 must stem the persistent historical fact of seeing its brightest high  
13 school students leave the State to attend college, and then not return  
14 after college. As a State, we lead the nation in net <sup>2</sup>[out-migration]  
15 outmigration<sup>2</sup> of college-bound students. This <sup>2</sup>[out-migration]  
16 outmigration<sup>2</sup> of students leads to the <sup>2</sup>[out-migration]  
17 outmigration<sup>2</sup> of a well-trained workforce and prevents the State  
18 from attracting crucial private sector jobs. This legislation will  
19 allow for the development of a system to cultivate better  
20 collaboration between its businesses and its institutions of higher  
21 education. New Jersey's economy will benefit from increased and  
22 integrated coordination between public and private research;

23 n. For the State's students to receive the quality higher  
24 education necessary for future growth and for the State to achieve  
25 its economic goals, Rutgers, as the State's preeminent institution of  
26 higher education, for all that it has achieved in its history, must  
27 become a great university and enter the top tier of public research  
28 universities. To this end, the relationship between Rutgers and the  
29 State has evolved to meet changing times, from 1770 when it was  
30 chartered as Queen's College, through several amendments to the  
31 charter in the late 1700's, to amending the charter in 1825 to change  
32 the name of the school to Rutgers University, to the 1945 legislation  
33 declaring Rutgers as the state university of New Jersey, to the 1956  
34 Compact whereby the Board of Trustees of Rutgers ceded  
35 management and operational control of the school to the State in the  
36 form of the Board of Governors in return for substantial financial  
37 assistance, and to the subsequent amendments to the Rutgers  
38 Compact in 1967, 1970, 1988 and 1994. The Legislature has an  
39 obligation to the State and its students to ensure the relationship is  
40 still working and thriving. As evidenced by the storied past between  
41 the State and Rutgers, the Legislature has periodically examined the  
42 role of Rutgers in the State's higher education system and made  
43 necessary legislative changes to that relationship to reflect and  
44 address the evolving educational needs of the State;

45 o. As the relationship with Rutgers has evolved, the State has  
46 become more involved both financially and in creating a growing  
47 higher education system for its residents. The State has provided in  
48 excess of \$10 billion in support to Rutgers since fiscal year 1990 for

1 its operations as The State University of New Jersey and the State  
2 has a responsibility to ensure its funding is leading to greater higher  
3 education opportunities and jobs;

4 p. There has been widespread recognition for some time that  
5 Rutgers needs to take steps with the State's assistance to transform  
6 it from a middle- to a first-ranked public institution. In the last  
7 decade, an intense discussion about how to elevate Rutgers into a  
8 top-tier school has taken place in the State, starting with the  
9 Vagelos Report in 2002 and 2004, the Kean Report in 2010 and the  
10 Barer Report in 2012. These reports reflect that Rutgers' role in the  
11 State's system of higher education has been the subject of intense  
12 scrutiny and debate. This legislation is the product and culmination  
13 of this decade-long assessment of Rutgers' educational mission;

14 q. This legislation continues Rutgers as The State University of  
15 New Jersey and the pre-eminent governance role of its Board of  
16 Governor's as a public body. The legislation mandates that the  
17 Board of Governors shall continue to have authority over the  
18 granting of tenure and promotions, establishing standards for  
19 academic programs and for the awarding of tenure to faculty at its  
20 Newark and Camden campuses. The Board of Governors shall be  
21 represented on the Rutgers-Camden Board of <sup>2</sup>【Trustees】  
22 Directors<sup>2</sup> and additionally, the Rutgers-Camden Board of  
23 <sup>2</sup>【Trustees】 Directors<sup>2</sup> is represented on the Rowan University-  
24 Rutgers Camden Board of Governors. The Legislature consulted  
25 with and sought and obtained active participation of Rutgers in  
26 establishing the elements of this educational restructuring that will  
27 permit Rutgers to enhance its position. The Legislature has  
28 determined that the slight governance changes to Rutgers in this act  
29 are necessary to promote essential opportunities for higher  
30 education in the State and to improve the standing of Rutgers  
31 University as a whole;

32 r. The legislation fulfills the longstanding goal of Rutgers  
33 University to acquire a medical school and become a  
34 comprehensive public research university. Rutgers has long sought  
35 to regain a medical school as part of its curriculum; by Rutgers own  
36 public statements, acquiring a medical school will propel Rutgers  
37 into a top-tier research university, and place it at or near the top 20  
38 public universities in the nation. Very few great research  
39 universities lack a medical school. This legislation will provide for  
40 the transfer of the Newark-based UMDNJ schools (New Jersey  
41 Medical School, the New Jersey Dental School, School of Health  
42 Related Professions, the School of Nursing, and the Public Health  
43 Research Institute) to Rutgers and will transfer UMDNJ's Robert  
44 Wood Johnson Medical School located in New Brunswick to  
45 Rutgers as well. These institutions are valued at an excess of \$895.5  
46 million dollars;

47 s. Rutgers currently falls behind other public research  
48 universities in some key measures. Most importantly, the school



1 ranked 64<sup>th</sup> in 2009 in federally-financed research and development  
2 expenditures. This low ranking is primarily influenced by the lack  
3 of a medical school as part of the degree offerings at Rutgers.  
4 Having medical schools will attract top-flight researchers and thus  
5 research grants, to Rutgers. The addition of medical schools to  
6 Rutgers will also increase interdisciplinary opportunities among the  
7 academic departments of the school;

8 t. The need to reform medical education in the State has been a  
9 subject discussed for years but up until now has been left  
10 unresolved. The reports done in the past ten years have consistently  
11 come to the same conclusion regarding UMDNJ. The Barer Report  
12 noted that the present organization of UMDNJ's substantial assets is  
13 not the best structure to maximize the effectiveness of the State's  
14 investment in medical, dental, nursing and health sciences  
15 education, associated research and health care. The State is the  
16 home base for many of the world's largest pharmaceutical and  
17 biotechnical companies. As such, the State and its institutions of  
18 higher education should, but do not, lead the country in attracting  
19 federal research funding and associated clinical training. This  
20 legislation will address these issues and establish a first-class  
21 comprehensive public research university-based health science  
22 center in New Jersey through the transfer of the New Jersey  
23 Medical School and Robert Wood Johnson Medical School <sup>2</sup>[into]  
24 to<sup>2</sup> Rutgers;

25 u. Historically, the State has suffered a shortage of higher  
26 education capacity resulting in the substantial outmigration from the  
27 State of college-bound students. This outmigration has  
28 disproportionately affected the residents of the fastest growing  
29 region in the State, South Jersey. It is in the public interest that  
30 senior public education institutions in South Jersey work together to  
31 meet the demand for higher education capacity in the region. These  
32 transfers are essential to ensuring that all of the State's capable high  
33 school graduates are provided with the opportunity to obtain higher  
34 education in a New Jersey college classroom. The guarantee of a  
35 quality in-State education requires that these transfers be made in a  
36 comprehensive fashion to better enable the State to meet its  
37 growing workforce development needs;

38 v. This essential and practical expansion of the State's higher  
39 education system will help to address the educational demands of  
40 the fastest growing region in the State. The coordination of Rutgers-  
41 Camden and Rowan will spur the redevelopment of Camden by  
42 creating a long overdue residential campus, and expanding a health  
43 sciences campus anchored by the new Cooper Medical School of  
44 Rowan University, emphasizing the biosciences, biomedical  
45 engineering, nursing and allied health. Therefore, it is in the public  
46 interest that Rutgers-Camden be granted autonomy from Rutgers,  
47 that Rowan be declared a public research university, and that both  
48 schools work together with the newly formed Rowan University-

1 Rutgers Camden Board of Governors, as an efficient and cost  
2 effective means to address an historical disparity in educational  
3 capacity and opportunity between the northern and southern regions  
4 of New Jersey;

5 w. Integrating these existing higher education institutions will  
6 increase research capacity and spur the continued vitality of a  
7 region that is no longer supported by historical strengths in  
8 manufacturing and agriculture. Furthermore, this legislation will  
9 help to stop the annual escape to other states of thousands of  
10 students and patients, and millions in clinical research investment  
11 dollars from key institutions in South Jersey;

12 x. The transfer of UMDNJ-SOM to Rowan University will  
13 allow better coordination of medical education in South Jersey.  
14 UMDNJ-SOM is ranked in the top three osteopathic schools in the  
15 country, and is a leader in providing primary care physicians for the  
16 southern region of the State. After the transfer, Rowan University  
17 would have the important distinction of being only the second full-  
18 purpose university in the country to have both an osteopathic and  
19 allopathic medical school. One stated goal of the Rowan University-  
20 Rutgers University-Camden Board of Governors is to create a joint  
21 health sciences college. The addition of UMDNJ-SOM into Rowan  
22 University will benefit its faculty through providing opportunities  
23 for diverse training to students through interdisciplinary teaching  
24 and collaboration with the newly created health sciences faculty  
25 from the other universities. Integrating UMDNJ-SOM with Rowan  
26 University would add a successful, recognized enterprise to the  
27 newly designated public research university;

28 y. Adding UMDNJ-SOM to Rowan, along with the new  
29 Cooper Medical School of Rowan University, will revitalize the  
30 regional economy through a renewed commitment to higher  
31 education. This legislation will allow Rowan University to build the  
32 capacity to compete for and receive federal and private sector  
33 research grants that will drive the university, the region, and its new  
34 medical school, to new distinction;

35 z. Currently, Newark is home to many institutions of higher  
36 education including Rutgers, the University of Medicine and  
37 Dentistry of New Jersey, Seton Hall University School of Law,  
38 New Jersey Institute of Technology, Essex County College and  
39 Berkeley College. The existing educational infrastructure needs to  
40 be able to do even more to help the city and the northern region of  
41 the State with its economic development needs and to provide  
42 innovative and problem-solving leadership. This legislation will  
43 allow Rutgers University-Newark to focus on the specific higher  
44 education needs of the region and the assets of the region to attract  
45 talented students and accomplished faculty to the school. This  
46 legislation will provide for an independent University Hospital that  
47 will maintain its status as the principal teaching hospital of the New  
48 Jersey Medical School, New Jersey Dental School and any other

- 1 <sup>2</sup>[Newark-based]<sup>2</sup> medical education programs <sup>2</sup>located in  
2 Newark<sup>2</sup>;
- 3 aa. The stated goal of this legislation is to create vibrant  
4 educational institutions and communities that will not only attract  
5 students but attract private sector jobs. The increased attention to  
6 the Rutgers University-Newark campus and University Hospital  
7 will allow the city to derive not only significant financial, medical  
8 and educational benefits, but cultural and social benefits as well.  
9 The improved focus on the Newark campus will be a conduit for  
10 expanding commercial opportunities in the city and for providing  
11 greater opportunities for students in the northern region to benefit  
12 fully from the substantial public investments already made and to  
13 be made in higher education in Newark;
- 14 bb. The goal of this legislation is to enhance the critical higher  
15 education opportunities for the residents of the State and to create  
16 vibrant educational institutions and communities that will attract  
17 business to the State and will allow the State to retain its residents  
18 in terms of college placement and workforce. This legislation  
19 recognizes the State's public institutions of higher education must  
20 work together as an integrated whole and thus provides for the  
21 necessary restructuring of the higher education system in the State  
22 which will provide more vigorous educational communities that  
23 will spur opportunities for students and the workforce necessary to  
24 attract crucial private sector jobs;
- 25 cc. The higher education reform and restructuring reflected in  
26 this legislation renews the State's commitment to sustaining and  
27 growing its universities and in helping them to achieve greater  
28 success. More particularly, the legislation reaffirms the State's  
29 economic commitment to Rutgers – over \$10 billion to the  
30 University since 1990 – by the transfer of medical and related  
31 schools to Rutgers valued <sup>2</sup>[in excess of] at<sup>2</sup> nearly \$1 billion  
32 dollars. Additionally, this legislation reaffirms Rutgers' preeminent  
33 role in the State's higher education system serving as an  
34 instrumentality of the State in trust for its betterment;
- 35 dd. This comprehensive review and restructuring of the higher  
36 education institutions and the systems that serve them as evidenced  
37 by this act, dictate that all of the schools, institutions and centers,  
38 transferred pursuant to this act, be transferred together and that no  
39 transfer of a school, institution or center may be done apart from the  
40 whole. The transfers reflected in this legislation are inextricably  
41 linked and work together to promote reform and the effective  
42 restructuring of the State's higher education system <sup>2</sup>;
- 43 ee. The State has determined that the establishment of a  
44 comprehensive regional educational and research system in  
45 southern New Jersey combining the resources of Rutgers-Camden  
46 and Rowan University in the City of Camden (the "Regional  
47 University System") will promote the best interests of the residents  
48 of the State of New Jersey and will serve to further the mission of

1 education and research for the State of New Jersey;

2 ff. The State has determined that the separation of Rutgers-  
3 Camden from the larger university system of Rutgers University  
4 ("Rutgers University" or the "University") and the incorporation  
5 thereof into the Regional University System shall serve to further  
6 the goals of promoting the core educational and research goals of  
7 the State of New Jersey and, in particular, the mission of both the  
8 University and the Regional University System;

9 gg. The State has further determined that the utilization by the  
10 Regional University System of the assets of the University  
11 constituting the Rutgers-Camden campus is a valid, prudent and  
12 appropriate use of such assets of the University under the  
13 circumstances;

14 hh. As a result of the redefining of the mission the University  
15 through the realignment of the Rutgers Camden campus into the  
16 new Regional University System, the educational mission of the  
17 University has correspondingly been redefined such that the assets  
18 of the Rutgers Camden campus will no longer be independently  
19 necessary or useful to the needs of the University, will no longer be  
20 necessary or useful for the successful fiscal or educational operation  
21 of the University as a whole and the use of assets by the Regional  
22 University System will not in any way impair the standards by  
23 which the University is governed or operated;

24 ii. The Legislature finds that the leasing of the Rutgers-Camden  
25 campus by the Rutgers University Board of Governors to the  
26 Rutgers University-Camden Board of Trustees is appropriate. The  
27 Legislature further finds that the Rutgers-Camden campus is no  
28 longer needed in connection with needs of Rutgers University, as  
29 the Rutgers University-Camden Board of Trustees will be  
30 responsible for the principal administration of the Camden campus  
31 and under the terms of the lease agreement will make lease  
32 payments to the Rutgers University Board of Governors in an  
33 amount equal to any debt service directly related to the facilities  
34 and property on the Camden campus, which lease payments may be  
35 utilized by the Rutgers University Board of Governors for any of its  
36 legally authorized purposes. Nonetheless, the Board of Governors  
37 of Rutgers University does maintain significant administrative  
38 oversight of the academic standards of the Rutgers Camden campus.  
39 The Legislature finds that this act does not in any way default,  
40 hinder or impair any contract as they currently exist】<sup>2</sup>; and

41 <sup>2</sup>【jj.】 ee.<sup>2</sup> Nothing is intended to revise or nullify the rights of  
42 Rutgers, The State University under N.J.S.18A:65-1 et seq.<sup>1</sup>

43  
44 <sup>1</sup>【2.】 3.<sup>1</sup> (New section) a. In order to carry out the purposes of  
45 this act and to provide the program of medical and dental education  
46 required for the benefit of the State and the people of New Jersey,  
47 all rights to all of the schools, institutes, and centers of the  
48 University of Medicine and Dentistry of New Jersey, other than the

1 School of Osteopathic Medicine<sup>1</sup>, the entire Stratford campus, the  
2 remaining facilities in Camden, and University Hospital<sup>1</sup>, are  
3 hereby transferred to Rutgers, The State University.

4 <sup>1</sup>[Rutgers, The State University is hereby authorized to acquire  
5 the] The<sup>1</sup> facilities of the schools, institutes, and centers of the  
6 University of Medicine and Dentistry of New Jersey, other than the  
7 facilities of the School of Osteopathic Medicine<sup>1</sup>, the entire  
8 Stratford campus, the remaining facilities in Camden, and  
9 University Hospital, are hereby transferred to Rutgers, The State  
10 University<sup>1</sup>, and <sup>1</sup>the university shall<sup>1</sup>devote the same to the  
11 purposes of public higher education in the State in accordance with  
12 the terms of any gift, grant, trust, contract or other agreement with  
13 the State or any of its political subdivisions or with the United  
14 States or with any public body, department or any agency of the  
15 State or the United States or with any individual, firm or  
16 corporation.

17 <sup>1</sup>Upon the transfer of the schools, institutes, and centers of the  
18 University of Medicine and Dentistry of New Jersey to Rutgers,  
19 The State University, the Cancer Institute of New Jersey shall  
20 become an independent institute at Rutgers, The State University  
21 and shall be distinct and separate from any individual school.<sup>1</sup>

22 b. <sup>1</sup>Rutgers, The State University shall maintain the public  
23 mission and commitment of the University of Medicine and  
24 Dentistry of New Jersey, including <sup>2</sup>an affiliation with<sup>2</sup> University  
25 Hospital, to provide a comprehensive healthcare program and  
26 services to the greater Newark community, including outreach and  
27 mobile health services and services provided collaboratively  
28 between University Hospital and the University of Medicine and  
29 Dentistry of New Jersey, or any of its components.

30 c. Any school, institute, or center transferred to Rutgers, The  
31 State University pursuant to subsection a. of this section based in  
32 the City of Newark shall remain in the City of Newark, including  
33 the New Jersey Medical School, the New Jersey Dental School,  
34 School of Health Related Professions, the School of Nursing, and  
35 the Public Health Research Institute. <sup>2</sup>[Rutgers, The State  
36 University shall assume and maintain existing contracts through  
37 expiration with the Department of Corrections and the Department  
38 of Children and Families to provide services under University  
39 Behavioral Healthcare and the School of Nursing. The services  
40 provided under the contracts shall continue to be provided by public  
41 employees following expiration of those contracts.]<sup>2</sup>

42 d.<sup>1</sup> <sup>2</sup>Any school, institute, or center of Rutgers, The State  
43 University based in Middlesex County shall remain in Middlesex  
44 County including, but not limited to, the Robert Wood Johnson  
45 Medical School, the School of Public Health, the Ernest Mario  
46 School of Pharmacy, the Institute of Health, Health Policy, and  
47 Aging Research, and University Behavioral Healthcare.

1 e. Rutgers, The State University shall assume and maintain  
2 existing contracts through expiration with the Department of  
3 Corrections and the Department of Children and Families to provide  
4 services under University Behavioral Healthcare and the School of  
5 Nursing. The services provided under the contracts shall continue  
6 to be provided by public employees following expiration of those  
7 contracts.

8 f.<sup>2</sup> Whenever, in any law, rule, regulation, order, contract,  
9 document, judicial or administrative proceeding or otherwise,  
10 reference is made to the University of Medicine and Dentistry of  
11 New Jersey, <sup>2</sup>other than the School of Osteopathic Medicine, the  
12 entire Stratford campus, the remaining facilities in Camden, and  
13 University Hospital,<sup>2</sup> the same shall mean and refer to Rutgers, The  
14 State University.

15 <sup>2</sup>g. The transfer of the schools, institutes, and centers of the  
16 University of Medicine and Dentistry of New Jersey, other than the  
17 School of Osteopathic Medicine, the entire Stratford campus, the  
18 remaining facilities in Camden, and University Hospital, to Rutgers,  
19 The State University shall require the accreditation approval of the  
20 appropriate accrediting bodies prior to transfer.<sup>2</sup>

21  
22 <sup>1</sup>[3.] 4.<sup>1</sup> (New section) Upon the transfer of the schools,  
23 institutes, and centers of the University of Medicine and Dentistry  
24 of New Jersey <sup>1</sup>other than the School of Osteopathic Medicine, the  
25 entire Stratford campus, the remaining facilities in Camden, and  
26 University Hospital,<sup>1</sup> to Rutgers, The State University pursuant to  
27 section <sup>1</sup>[2] 3<sup>1</sup> of this act:

28 a. all appropriations, grants, and other moneys available and to  
29 become available to the schools, institutes, and centers of the  
30 University of Medicine and Dentistry of New Jersey are hereby  
31 transferred to Rutgers, The State University, and shall be available  
32 for the objects and purposes for which appropriated subject to any  
33 terms, restrictions, limitations or other requirements imposed by the  
34 State budget or by State and federal law.

35 b. all employees of the schools, institutes, and centers of the  
36 University of Medicine and Dentistry of New Jersey are hereby  
37 transferred to Rutgers, The State University. Nothing in this act  
38 shall be considered to deprive any person of any tenure rights or of  
39 any right or protection provided him under any pension law or  
40 retirement system or any other law of this State.

41 c. all files, books, papers, records, equipment, and other  
42 property of the schools, institutes, and centers of the University of  
43 Medicine and Dentistry of New Jersey, are hereby transferred to  
44 Rutgers, The State University.

45 d. all orders, rules or regulations heretofore made or  
46 promulgated by the schools, institutes, and centers of the University  
47 of Medicine and Dentistry of New Jersey, or by the University of

1 Medicine and Dentistry of New Jersey on their behalf, shall be  
2 continued with full force and effect as the orders, rules and  
3 regulations of Rutgers, The State University until amended or  
4 repealed pursuant to law.

5  
6 **'[4.] 5.'** (New section) This act shall not affect actions or  
7 proceedings, civil or criminal, brought by or against the schools,  
8 institutes, and centers of the University of Medicine and Dentistry  
9 of New Jersey 'being transferred to Rutgers, The State University  
10 pursuant to this act', but such actions, or proceedings may be  
11 prosecuted or defended in the same manner and to the same effect  
12 by Rutgers, The State University, as if the foregoing provisions had  
13 not taken effect; nor shall any of the foregoing provisions affect  
14 any order or regulation made by, or other matters or proceedings  
15 before, the schools, institutes, and centers of the University of  
16 Medicine and Dentistry of New Jersey 'being transferred to  
17 Rutgers, The State University pursuant to this act', and all such  
18 matters or proceedings pending before the schools, institutes, and  
19 centers of the University of Medicine and Dentistry of New Jersey  
20 'being transferred to Rutgers, The State University pursuant to this  
21 act', on the effective date of this act shall be continued by Rutgers,  
22 The State University, as if the foregoing provisions had not taken  
23 effect.

24  
25 **'[5.] 6.'** (New section) All debts of the University of Medicine  
26 and Dentistry of New Jersey associated with the schools, institutes,  
27 and centers of the University of Medicine and Dentistry of New  
28 Jersey 'other than the School of Osteopathic Medicine, the entire  
29 Stratford campus, the remaining facilities in Camden, and  
30 University Hospital.' are transferred to Rutgers, The State  
31 University, and all creditors of the University of Medicine and  
32 Dentistry of New Jersey may enforce those debts against Rutgers,  
33 The State University in the same manner as they might have had  
34 against the University of Medicine and Dentistry of New Jersey,  
35 and the rights and remedies of those creditors shall not be limited or  
36 restricted in any manner by this act.

37  
38 **'[6.] 7.'** (New section) a. Nothing in this act shall be construed  
39 to deprive any officers or employees of the schools, institutes, and  
40 centers of the University of Medicine and Dentistry of New Jersey  
41 'being transferred to Rutgers, The State University.' of their rights,  
42 privileges, obligations or status with respect to any pension,  
43 retirement, or health benefits system. The employees shall, upon  
44 transfer to Rutgers, The State University, retain all of their rights  
45 and benefits under existing collective negotiations agreements or  
46 contracts until such time as new or revised agreements or contracts  
47 are agreed to. **'[All existing employee majority representatives**

1 shall be retained to act on behalf of those employees until such time  
2 as the employees shall, pursuant to law, elect to change those  
3 majority representatives] The employees shall continue to be  
4 represented by the majority representative that represented them as  
5 employees of the University of Medicine and Dentistry of New  
6 Jersey, unless the employees choose to change their majority  
7 representative pursuant to law. Rutgers, The State University shall  
8 assume all obligations under existing or expired collective  
9 negotiations agreements that covered employees of the University  
10 of Medicine and Dentistry of New Jersey on the effective date of  
11 this act.

12 Employees in an existing University of Medicine and Dentistry  
13 of New Jersey negotiations unit, who are transferred to or become  
14 employees of Rutgers, The State University shall be deemed to  
15 constitute an appropriate collective negotiations unit under the  
16 “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100  
17 (C.34:13A-1 et seq.)<sup>1</sup>.

18 Nothing in this act shall affect the civil service status, if any, of  
19 those officers or employees. Nothing in this act shall affect the  
20 tenure, rank, or academic track of any of those employees holding a  
21 faculty position.

22 <sup>1</sup>[b.] The employees shall, upon transfer to Rutgers, The State  
23 University, not be considered new employees for any purpose and  
24 shall retain any accrued seniority, rank, and tenure, which shall be  
25 applied when determining eligibility for all benefits, including all  
26 paid leave time, longevity increases, and promotions.

27 <sup>1</sup>b. (1) Within 60 days following the effective date of this act, a  
28 Labor Management Committee (LMC) shall be established which  
29 shall be comprised of one representative from each of the majority  
30 representatives representing employees employed by Rutgers, The  
31 State University and by the University of Medicine and Dentistry of  
32 New Jersey as of the effective date of this act, along with  
33 representatives of the administration of Rutgers, The State  
34 University.

35 The LMC shall review all proposed restructuring and  
36 reorganization plans and shall make recommendations to the board  
37 of governors of Rutgers, The State University regarding personnel  
38 and labor relations related to the proposed plans, including  
39 recommendations to improve service delivery and avoid duplication  
40 of services and to promote equitable and consistent policies for  
41 compensation, benefits, and other terms and conditions of  
42 employment throughout the university for employees performing  
43 substantially similar duties.

44 Following the restructuring and reorganization, the LMC shall  
45 continue to meet quarterly to address ongoing personnel and labor  
46 relations issues that arise with respect to the restructuring or  
47 reorganization.



1       (2) Nothing in this act shall be construed to prohibit Rutgers,  
2 The State University and majority representatives from voluntarily  
3 entering into collective negotiations agreements that cover more  
4 than one negotiations unit where the members of two or more  
5 negotiations units perform substantially similar duties. If Rutgers,  
6 The State University and majority representatives are unable to  
7 agree on whether a collective negotiations agreement should cover  
8 one or more negotiations units represented by different majority  
9 representatives, the Public Employment Relations Commission shall  
10 assist the parties in the voluntary resolution of such a dispute  
11 through the appointment of a super conciliator in accordance with  
12 sections 4 and 5 of P.L.2003, c.126 (C.34:13A-34 and C.34:13A-  
13 35).

14       (3) Notwithstanding the provisions of paragraphs (1) and (2) of  
15 this subsection, Rutgers, The State University, in accordance with  
16 its obligations under the “New Jersey Employer-Employee  
17 Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.), shall honor  
18 existing collective negotiations agreements and negotiate over any  
19 changes in terms and conditions of employment with the majority  
20 representative of affected employees.<sup>1</sup>

21  
22       <sup>1</sup>[7.] 8.<sup>1</sup> (New section) <sup>1</sup>a.<sup>1</sup> All <sup>1</sup>functions, powers, duties, and<sup>1</sup>  
23 rights of the University of Medicine and Dentistry of New Jersey  
24 <sup>1</sup>[in], related directly or indirectly to the establishment,  
25 maintenance, and operation as to<sup>1</sup> the School of Osteopathic  
26 Medicine<sup>1</sup>,<sup>1</sup> are hereby transferred <sup>1</sup>and assigned<sup>1</sup> to Rowan  
27 University. <sup>1</sup>[Rowan University is hereby authorized to acquire the  
28 facilities of] All of the University of Medicine and Dentistry of  
29 New Jersey’s rights, title, and interest in<sup>1</sup> the School of Osteopathic  
30 Medicine <sup>1</sup>[and devote the same], its auxiliary and supporting  
31 institutions and the campus located in Stratford including, but not  
32 limited to, all associated fixed tangible assets, real property,  
33 building and all furniture, fixtures, equipment, and personal  
34 property contained therein, are hereby transferred to Rowan  
35 University and shall be devoted<sup>1</sup> to the purposes of public higher  
36 education in the State in accordance with the terms of any gift,  
37 grant, trust, contract or other agreement with the State or any of its  
38 political subdivisions or with the United States or with any public  
39 body, department or any agency of the State or the United States or  
40 with any individual, firm or corporation.

41       <sup>1</sup>[Rowan University shall maintain any affiliation agreement  
42 with the existing integrated healthcare delivery system of the  
43 School of Osteopathic Medicine.] Rowan University shall be  
44 obligated to take any such action as may be required to ensure that  
45 the School of Osteopathic Medicine maintains proper accreditation.

46       The facilities, equipment, and fixtures shared on the effective  
47 date of this act by the School of Osteopathic Medicine and other

1 schools of the University of Medicine and Dentistry of New Jersey  
2 located on the Stratford campus shall continue to be shared until  
3 such time as the board of governors of Rutgers, The State  
4 University and the board of trustees of Rowan University reach an  
5 agreement on the shared use of facilities, equipment, and fixtures on  
6 the Stratford campus.

7 b. It is hereby stated and acknowledged that osteopathic  
8 medical education is critical to the health and welfare of the  
9 residents of the State. In order to preserve a strong osteopathic  
10 academic resource for the State, the School of Osteopathic  
11 Medicine shall maintain its own academic programs at the  
12 undergraduate and graduate medical education levels, separate and  
13 distinct from any other medical school, including without  
14 limitation, another medical school affiliated with the same  
15 university.

16 c. The School of Osteopathic Medicine shall maintain a  
17 principal clinical affiliation with at least one osteopathic hospital,  
18 clinical affiliations with other hospitals deemed necessary by the  
19 school to fulfill its mission, and shall maintain the current faculty  
20 practice plan.<sup>1</sup>

21

22 <sup>1</sup>[8.] 9.<sup>1</sup> (New section) Upon the transfer of the School of  
23 Osteopathic Medicine of the University of Medicine and Dentistry  
24 of New Jersey to Rowan University pursuant to section <sup>1</sup>[7] 8<sup>1</sup> of  
25 this act:

26 a. all appropriations, grants, <sup>1</sup>debt service, research funds,<sup>1</sup> and  
27 other moneys available and to become available to the School of  
28 Osteopathic Medicine are hereby transferred to Rowan University,  
29 and shall be available for the objects and purposes for which  
30 appropriated subject to any terms, restrictions, limitations or other  
31 requirements imposed by the State budget or by State and federal  
32 law. <sup>1</sup>Included in this provision are moneys currently received by  
33 the University of Medicine and Dentistry of New Jersey for the  
34 services and systems that provide the infrastructure for the  
35 educational, research, and clinical missions of the School of  
36 Osteopathic Medicine and for the maintenance and operation of the  
37 Stratford campus, such as specialized research equipment,  
38 information technology services that support research and clinical  
39 activities, and specialized legal services related to research and  
40 intellectual property development.<sup>1</sup>

41 b. all employees of the School of Osteopathic Medicine are  
42 hereby transferred to Rowan University. Nothing in this act shall  
43 be considered to deprive any person of any tenure rights or of any  
44 right or protection provided him under any pension law or  
45 retirement system or any other law of this State.

1 c. all files, books, papers, records, equipment, and other  
2 property of the School of Osteopathic Medicine are hereby  
3 transferred to Rowan University.

4 d. all orders, rules or regulations heretofore made or  
5 promulgated by the School of Osteopathic Medicine, or by the  
6 University of Medicine and Dentistry of New Jersey on its behalf,  
7 shall be continued with full force and effect as the orders, rules and  
8 regulations of Rowan University until amended or repealed  
9 pursuant to law.

10 <sup>1</sup>e. Rowan University shall be allocated the appropriations  
11 previously provided and received for institutional support,  
12 centralized services, State-funded personnel and budgeted positions,  
13 and grants-in-aid made available to the University of Medicine and  
14 Dentistry of New Jersey for the operations of the School of  
15 Osteopathic Medicine and the Stratford campus. In order to provide  
16 for a smooth transfer, Rutgers, The State University and Rowan  
17 University may enter into shared services agreements relating to  
18 centralized services at the schools.

19 f. all grants, appropriations, budgeted amounts, gifts, bequests,  
20 tuition, endowments, and any other funding of any type whatsoever  
21 from any source whatsoever which has been designated for use, or  
22 is used by the University of Medicine and Dentistry of New Jersey  
23 at the School of Osteopathic Medicine or which has been designated  
24 for use in connection with the establishment, construction,  
25 operation, and expansion of the School of Osteopathic Medicine  
26 shall be allocated to Rowan University.<sup>1</sup>

27  
28 <sup>1</sup>[9.] 10.<sup>1</sup> (New section) <sup>1</sup>[This act shall not affect actions or  
29 proceedings, civil or criminal, brought by or against the School of  
30 Osteopathic Medicine, but such actions, or proceedings may be  
31 prosecuted or defended in the same manner and to the same effect  
32 by Rowan University, as if the foregoing provisions had not taken  
33 effect; nor shall any of the foregoing provisions affect any order or  
34 regulation made by, or other matters or proceedings before, the  
35 School of Osteopathic Medicine, and all such matters or  
36 proceedings pending before the School of Osteopathic Medicine, on  
37 the effective date of this act shall be continued by Rowan  
38 University, as if the foregoing provisions had not taken effect.] For  
39 medical malpractice claims incurred at the School of Osteopathic  
40 Medicine before or after the effective date of this act, Rowan  
41 University shall elect within 75 days of the signing of this act  
42 whether it, and its employees, shall be represented in all such  
43 matters by the Attorney General. If Rowan University elects to be  
44 represented by the Attorney General, then the Department of the  
45 Treasury shall enter into a memorandum of agreement with Rowan  
46 University modeled on the June, 2003 memorandum of agreement  
47 between the Department of the Treasury and the University of  
48 Medicine and Dentistry concerning the Self-Insurance Reserve

1 Fund and moneys in the fund known as the Self-Insurance Reserve  
2 Fund shall be available to Rowan University solely to indemnify  
3 and defend medical malpractice claims against employees, officers,  
4 and servants of the School of Osteopathic Medicine. If Rowan  
5 University elects not to be represented by the Attorney General,  
6 then it shall be required to provide employees of the School of  
7 Osteopathic Medicine with defense and indemnification consistent  
8 with the terms and conditions of the “New Jersey Tort Claims Act,”  
9 N.J.S.59:1-1 et seq., in lieu of the defense and indemnification that  
10 such employees would otherwise seek and be entitled to from the  
11 Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972,  
12 c.48 (C.59:10A-1 et seq.).<sup>1</sup>

13

14 <sup>1</sup>[10.] <sup>1</sup>11. (New section) All debts of the University of  
15 Medicine and Dentistry of New Jersey <sup>1</sup>[associated with] incurred  
16 in the operation and administration of<sup>1</sup> the School of Osteopathic  
17 Medicine <sup>1</sup>and debt specifically and directly related to the real and  
18 personal property being transferred in Stratford<sup>1</sup> are <sup>1</sup>hereby<sup>1</sup>  
19 transferred to Rowan University, and all creditors of the University  
20 of Medicine and Dentistry of New Jersey may enforce those debts  
21 against Rowan University in the same manner as they might have  
22 had against the University of Medicine and Dentistry of New  
23 Jersey, and the rights and remedies of those creditors shall not be  
24 limited or restricted in any manner by this act.

25

26 <sup>1</sup>[11.] <sup>1</sup>12. (New section) a. Nothing in this act shall be  
27 construed to deprive any officers or employees of the School of  
28 Osteopathic Medicine <sup>1</sup>of the University of Medicine and Dentistry  
29 of New Jersey<sup>1</sup> of their rights, privileges, obligations or status with  
30 respect to any pension, retirement, or health benefits system. The  
31 employees shall, upon transfer to Rowan University, retain all of  
32 their rights and benefits under existing collective negotiations  
33 agreements or contracts until such time as new or revised  
34 agreements or contracts are agreed to. <sup>1</sup>[All existing employee  
35 majority representatives shall be retained to act on behalf of those  
36 employees until such time as the employees shall, pursuant to law,  
37 elect to change those majority representatives] Notwithstanding the  
38 limitations on the number of Statewide negotiations units set forth  
39 in section 1 of P.L.2005, c.142 (C.34:13A-5.10), employees shall  
40 continue to be represented by the majority representative that  
41 represented them as employees of the School of Osteopathic  
42 Medicine of the University of Medicine and Dentistry of New  
43 Jersey, unless the employees choose to change their majority  
44 representative pursuant to law. Rowan University shall assume all  
45 obligations under existing or expired collective negotiations  
46 agreements that covered employees of the School of Osteopathic

1 Medicine of the University of Medicine and Dentistry of New  
2 Jersey on the effective date of this act.

3 Employees in an existing University of Medicine and Dentistry  
4 of New Jersey negotiations unit employed at the School of  
5 Osteopathic Medicine on the effective date of this act, who are  
6 transferred to or become employees of Rowan University shall be  
7 deemed to constitute an appropriate collective negotiations unit  
8 under the “New Jersey Employer-Employee Relations Act,”  
9 P.L.1941, c.100 (C.34:13A-1 et seq.)<sup>1</sup>.

10 Nothing in this act shall affect the civil service status, if any, of  
11 those officers or employees. Nothing in this act shall affect the  
12 tenure, rank, or academic track of any of those employees holding a  
13 faculty position.

14 b. The employees shall, upon transfer to Rowan University, not  
15 be considered new employees for any purpose and shall retain any  
16 accrued seniority, rank, and tenure, which shall be applied when  
17 determining eligibility for all benefits, including all paid leave time,  
18 longevity increases, and promotions.

19

20 <sup>1</sup>13. New section) Notwithstanding the provisions of  
21 Reorganization Plan No. 002-2009 to the contrary, the properties  
22 referenced in paragraph 2b.ii of the plan are hereby transferred from  
23 the University of Medicine and Dentistry of New Jersey to Rowan  
24 University without monetary or other consideration on or before  
25 September 1, 2013.<sup>1</sup>

26

27 <sup>1</sup>[12.] 14.<sup>1</sup> (New section) a. University Hospital shall be the  
28 principal teaching hospital of New Jersey Medical School <sup>1</sup>and New  
29 Jersey Dental School, and any other Newark-based medical  
30 education program<sup>1</sup>. University Hospital <sup>1</sup>is hereby established as a  
31 body corporate and politic and<sup>1</sup> shall be treated and accounted for  
32 as a separate <sup>1</sup>non-profit<sup>1</sup> legal entity from <sup>1</sup>[the university]  
33 Rutgers, The State University<sup>1</sup>, and its assets, liabilities, and funds  
34 shall not be consolidated or commingled with those of <sup>1</sup>[the  
35 university] Rutgers, The State University. The exercise by  
36 University Hospital of the powers conferred by this act shall be  
37 deemed to be public and essential government functions necessary  
38 for the welfare and health of the State and the people of New  
39 Jersey<sup>1</sup> <sup>2</sup>and University Hospital shall be an instrumentality of the  
40 State<sup>2</sup>.

41 b. All monies allocated to the University of Medicine and  
42 Dentistry of New Jersey for the use of University Hospital,  
43 regardless of their source, and which remain unexpended on the  
44 effective date of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), shall be transferred to University Hospital.

46 c. All appropriations that are intended for the use of University  
47 Hospital, on or after the effective date of P.L. , c. (C. )

1 (pending before the Legislature as this bill), shall be made directly  
2 to University Hospital.

3 'd. The amount of State funding provided to University Hospital  
4 shall be sufficient to maintain the level of community services  
5 provided on the effective date of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill) and to maintain University  
7 Hospital as an acute care facility and trauma center.

8 e. To the maximum extent possible, consistent with applicable  
9 law, the State shall assist University Hospital in the refinancing of  
10 that portion of the debt of the University of Medicine and Dentistry  
11 of New Jersey attributable to University Hospital.'  
12

13 '[13.] 15.' (New section) a. '[The responsibility for ensuring  
14 community access to services provided at University Hospital shall  
15 be vested in] There is established' a nine-member 'advisory' board  
16 to be designated as the University Hospital Community Oversight  
17 Board. The purpose of the board shall be to ensure that the mission  
18 of the hospital and the intent of the "Agreements Reached Between  
19 Community and Government Negotiators Regarding New Jersey  
20 College of Medicine and Dentistry and Related Matters of April 30,  
21 1968" to provide a comprehensive health program to the community  
22 in the City of Newark, including, but not limited to, ensuring access  
23 to all essential health care services provided by the hospital, are  
24 upheld.

25 b. The membership of the University Hospital Community  
26 Oversight Board shall be comprised of:

27 (1) four members who shall serve ex officio, including: the  
28 President of Rutgers University; and the Chief Executive Officer,  
29 Chief Financial Officer, and Chief Medical Officer of University  
30 Hospital; and

31 (2) five public members to be appointed as follows:

32 (a) two representatives of organized labor, one appointed by the  
33 head of the largest union that is affiliated with the AFL-CIO and  
34 represents persons employed at University Hospital and one  
35 appointed by the head of the largest union that is not affiliated with  
36 the AFL-CIO and represents persons employed at University  
37 Hospital;

38 (b) one person 'who is a resident of the City of Newark'  
39 appointed by the Governor, with the advice and consent of the  
40 Senate;

41 (c) one person 'who is a resident of the City of Newark'  
42 appointed by the President of the Senate; and

43 (d) one person appointed by the Speaker of the General  
44 Assembly.

45 c. The public members of the board shall serve for a five-year  
46 term; except that of the members first appointed, three shall serve  
47 for a term of five years, one for a term of three years, and one for a

1 term of two years. A member of the board shall serve until the  
2 member's successor is appointed. A vacancy in the membership,  
3 occurring other than by expiration of term, shall be filled in the  
4 same manner as the original appointment but for the unexpired term  
5 only.

6 d. The members of the board shall select a chairperson and vice  
7 chairperson from among themselves. The board shall organize as  
8 soon as practicable following the appointment of its members. The  
9 chairperson shall appoint a secretary who need not be a member of  
10 the board.

11 e. The board shall meet at such times and places as it shall  
12 designate.

13 f. University Hospital shall provide such staff support to the  
14 board as it deems necessary to carry out its duties.

15

16 <sup>1</sup>[14.] 16. (New section) a. Nothing in this act shall be  
17 construed to deprive any officers or employees of <sup>1</sup>the University of  
18 Medicine and Dentistry of New Jersey who become employees of<sup>1</sup>  
19 University Hospital of their rights, privileges, obligations, or status  
20 with respect to any pension, retirement, or health benefits system.  
21 <sup>1</sup>[If any employees of University Hospital are transferred to, or  
22 otherwise become employees of, a new entity as a result of a  
23 restructuring or reorganization pursuant or subsequent to this act,  
24 those] The<sup>1</sup> employees shall retain all of their rights and benefits  
25 under existing collective negotiations agreements or contracts until  
26 such time as new or revised agreements or contracts are agreed  
27 to<sup>1</sup>[. All existing employee representatives shall be retained to act  
28 on behalf of those employees until such time as the employees  
29 shall, pursuant to law, elect to change those representatives] and  
30 such employees shall continue to be represented by the majority  
31 representative that represented them as employees of the University  
32 of Medicine and Dentistry of New Jersey unless the employees  
33 choose to change their majority representative pursuant to law.  
34 University Hospital shall assume all obligations under existing or  
35 expired collective negotiations agreements that covered employees  
36 of the University of Medicine and Dentistry of New Jersey on the  
37 effective date of this act and who become employees of University  
38 Hospital.

39 Employees in an existing University of Medicine and Dentistry  
40 of New Jersey negotiations unit who are transferred to or become  
41 employees of University Hospital shall be deemed to constitute an  
42 appropriate collective negotiations unit under the "New Jersey  
43 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1  
44 et seq.)<sup>1</sup>.

45 Nothing in this act shall affect the civil service status, if any, of  
46 those officers or employees. Nothing in this act shall affect the

1 tenure, rank, or academic track of any person holding a faculty  
2 position that is associated with University Hospital.

3 b. The employees of <sup>1</sup>the University of Medicine and Dentistry  
4 of New Jersey who become employees of<sup>1</sup> University Hospital <sup>1</sup>[,  
5 upon transfer to a new entity,] pursuant to the provisions of this  
6 act<sup>1</sup> shall not be considered new employees for any purpose and  
7 shall retain any accrued seniority, rank, and tenure, which shall be  
8 applied when determining eligibility for all benefits, including all  
9 paid leave time, longevity increases, and promotions.

10 <sup>1</sup>c. If employees of the University of Medicine and Dentistry of  
11 New Jersey, who become employees of University Hospital, are  
12 transferred to, or otherwise become employees of, a new entity as a  
13 result of a restructuring or reorganization pursuant or subsequent to  
14 this act, those employees shall remain “employees” within the  
15 meaning of the “New Jersey Employer-Employee Relations Act,”  
16 P.L.1941, c.100 (C.34:13A-1 et seq.) and any applicable State  
17 pension and health benefits laws, and shall retain all of their rights  
18 and benefits under existing or expired collective negotiations  
19 agreements or contracts until such time as new or revised  
20 agreements or contracts are agreed to. The new entity shall be an  
21 “employer” within the meaning of the “New Jersey Employer-  
22 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.) and  
23 any applicable State pension and health benefits laws, and shall  
24 assume all obligations under existing or expired collective  
25 negotiations agreements that covered employees while employed at  
26 University Hospital or the University of Medicine and Dentistry of  
27 New Jersey immediately prior to their transfer to the new entity.  
28 Employees in a University Hospital negotiations unit, who are  
29 transferred to a new entity, shall be deemed to constitute an  
30 appropriate collective negotiations unit under the “New Jersey  
31 Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1  
32 et seq.).

33 d. Employees of University Hospital, who become employees  
34 of a new entity pursuant to the provisions of this act, shall not be  
35 considered new employees for any purpose and shall retain any  
36 accrued seniority, rank, and tenure, which shall be applied when  
37 determining eligibility for all benefits, including all paid leave time,  
38 longevity increases, and promotions.<sup>1</sup>

39

40 <sup>1</sup>[15.] 17.<sup>1</sup> (New section) a. University Hospital shall be  
41 required to obtain approval from the Superior Court of New Jersey  
42 prior to entering into a transaction that results in the acquisition of  
43 the hospital, and shall satisfy the requirements of the “Community  
44 Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10  
45 et seq.) <sup>1</sup>[, to the maximum extent to which those provisions are  
46 determined applicable by the Attorney General, in consultation with  
47 the Commissioner of Health and Senior Services]. Any acquisition



1 of University Hospital by a new entity after the effective date of  
2 this act shall be structured so as to retain the status of University  
3 Hospital employees as public employees within the meaning of the  
4 “New Jersey Employer-Employee Relations Act,” P.L.1941, c.100  
5 (C.34:13A-1 et seq.)<sup>1</sup>.

6 b. The Attorney General, in consultation with the  
7 Commissioner of Health and Senior Services, shall adopt  
8 regulations pursuant to the "Administrative Procedure Act,"  
9 P.L.1968, c.410, (C.52:14B-1 et seq.), to carry out the purposes of  
10 subsection a. of this section.

11 <sup>1</sup>c. In determining whether the proposed acquisition is in the  
12 public interest, meaning that appropriate steps have been taken to  
13 safeguard the value of the hospital’s public assets and to ensure that  
14 any proceeds from the proposed acquisition are irrevocably  
15 dedicated for appropriate charitable health care purposes, the same  
16 criteria and process shall apply as set forth in the “Community  
17 Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10  
18 et seq.) and the Attorney General shall consider:

19 (1) whether the public entity that owns and operates the public  
20 hospital exercised due diligence in deciding to effectuate the  
21 acquisition, selecting the other party to the acquisition and  
22 negotiating the terms and conditions of the acquisition;

23 (2) the procedures used by the public entity in making its  
24 decision, including whether the appropriate expert assistance was  
25 used;

26 (3) whether conflicts of interest were disclosed, including  
27 conflicts relating to board members of the public hospital,  
28 executives of, and experts retained by, the public hospital,  
29 purchaser or other parties to the acquisition;

30 (4) whether any management contract under the acquisition is  
31 for reasonable value;

32 (5) whether the public entity will receive full and fair market  
33 value for its assets;

34 (6) whether the public entity established appropriate criteria in  
35 deciding to pursue the acquisition in relation to carrying out the  
36 mission and purpose of the public entity and the hospital;

37 (7) whether the acquisition is structured so as to retain the status  
38 of University Hospital employees as public employees within the  
39 meaning of subsection d. of section 3 of the “New Jersey Employer-  
40 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-3) and any  
41 applicable State pension and health benefits laws; and

42 (8) any other criteria set forth in the “Community Health Care  
43 Assets Protection Act” or established pursuant to that act by the  
44 Attorney General.

45 d. University Hospital shall be required to obtain approval  
46 from the Department of Health and Senior Services prior to entering  
47 into a transaction that results in the acquisition of the hospital and  
48 shall satisfy the certificate of needs requirements.

1     e. The Commissioner of Health and Senior Services shall  
2 determine whether the proposed acquisition will result in the  
3 deterioration of the quality, availability, or accessibility of health  
4 care services in the affected communities.

5     f. For a period of five years, any substantive changes to  
6 essential health care services provided by University Hospital shall  
7 be subject to review by the University Hospital Community  
8 Oversight Board and approval by the Department of Health and  
9 Senior Services through a licensing review process.

10    g. University Hospital shall provide quarterly financial  
11 statements to the Department of Health and Senior Services which  
12 shall be posted on the hospital's public Internet website.<sup>1</sup>

13  
14    <sup>1</sup>18. (New section) a. Prior to entering into a contract with a  
15 nonprofit corporation operating one or more hospitals in New  
16 Jersey to operate and manage or assist in the operation and  
17 management of University Hospital, the Department of Health and  
18 Senior Services shall review and approve all management contracts.  
19 Any management contract entered into by University Hospital shall  
20 be evaluated by the Department of Health and Senior Services  
21 based upon the following criteria:

22    (1) whether the hospital will continue its public mission and  
23 commitment to provide a comprehensive healthcare program and  
24 services to the greater Newark community, including acute care,  
25 and emergency and other essential services provided by the  
26 hospital;

27    (2) whether the cost of the management contract is fair and  
28 reasonable;

29    (3) whether the management contract provides for the full  
30 disclosure of all management and other fees;

31    (4) whether the management contract requires the hospital's  
32 annual audited financial statements be filed with the Department of  
33 Health and Senior Services and posted on the hospital website;

34    (5) whether the management contract retains status of  
35 University Hospital employees as public employees within the  
36 meaning of subsection d. of section 3 of the "New Jersey Employer-  
37 Employee Relations Act," P.L.1941, c.100 (C.34:13A-3); and

38    (6) whether the University Hospital Community Oversight  
39 Board has reviewed the terms of the agreement.

40    b. Due to the unique nature of an acute care management  
41 contract, <sup>2</sup>[the proposals submitted by those nonprofit corporations  
42 satisfying the eligibility requirements set forth in subsection a. of  
43 this section, shall not be subject the competitive bidding  
44 requirements of the "Local Public Contracts Law," P.L.1971, c.198  
45 (C.40A:11-1 et seq.). Notwithstanding this exemption from the  
46 "Local Public Contracts Law," prior] a competitive contracting  
47 method shall be used for a contract to operate and manage or assist

1 in the operation and management of University Hospital. Prior<sup>2</sup> to  
2 entering into a contract with a nonprofit corporation to operate and  
3 manage or assist in the operation or management of University  
4 Hospital, University Hospital shall prepare a Request for Proposals  
5 describing with reasonable specificity the management services to  
6 be provided by a nonprofit corporation, and shall publish the  
7 Request for Proposals on its public Internet website no less than 30  
8 days prior to the date established by University Hospital for the  
9 submission of proposals for any contract for management services  
10 <sup>2</sup>], and shall comply with the public advertising requirements of  
11 section 4 of the “Local Public Contracts Law,” P.L.1971, c.198  
12 (C.40A:11-4). In preparing a Request for Proposals, University  
13 Hospital may seek input and assistance from prospective candidates  
14 for the management contract, provided University Hospital  
15 communicates on its public Internet website that this is occurring  
16 before the Request for Proposals is published<sup>2</sup>.

17 c. No less than 60 days prior to the award of any contract for  
18 management services, a notice of the intent to award a contract to  
19 manage and operate or assist in the management and operation of  
20 University Hospital shall be published on the hospital’s public  
21 Internet website.

22 d. Any management contract entered into by University  
23 Hospital after the <sup>2</sup>[effective] enactment<sup>2</sup> date of this act shall  
24 retain the status of University Hospital bargaining unit employees  
25 as public employees within the meaning of subsection d. of section  
26 3 of the “New Jersey Employer-Employee Relations Act,”  
27 P.L.1941, c.100 (C.34:13A-3). Employees of the nonprofit  
28 corporation awarded the contract to manage and operate University  
29 Hospital shall not be required to be public employees within the  
30 meaning of subsection d. of section 3 of the “New Jersey Employer-  
31 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-3).  
32 Employees of the nonprofit corporation awarded the management  
33 contract shall not perform the duties of public employees  
34 represented by majority representatives employed by University  
35 Hospital prior to the effective date of the management contract,  
36 except to the extent that such duties are incidental to their  
37 management duties.

38 e. Any contract with a nonprofit corporation operating one or  
39 more hospitals in New Jersey to manage and operate or assist in the  
40 management or operation of University Hospital entered into after  
41 the enactment date of this act shall satisfy all conditions set forth in  
42 this section.<sup>1</sup>

43  
44 <sup>1</sup>19. (New section) University Hospital shall maintain an Internet  
45 website for the board of directors. The purpose of the website shall  
46 be to provide increased public access to board operations and

- 1 activities. The following information shall be posted on the board's  
2 website:
- 3 a. the board's rules, regulations, resolutions, and official policy  
4 statements;
- 5 b. notice, posted at least five business days prior to a meeting  
6 of the board or any of its committees, setting forth the time, date,  
7 location, and agenda of the meeting;
- 8 c. the minutes of each meeting of the board and its committees;  
9 and
- 10 d. information on any contract entered into by the board for the  
11 operation or management of the hospital.
- 12 The website shall be updated on a regular basis.<sup>1</sup>

13

14 <sup>1</sup>[16.] 20.<sup>1</sup> (New section) <sup>1</sup>[a. As used in this section, “northern  
15 counties” means Bergen, Essex, Hudson, Morris, Passaic, Union,  
16 Sussex, and Warren Counties.

17 <sup>1</sup>b.]<sup>2</sup> a. As used in this section, “northern counties” means  
18 Bergen, Essex, Hudson, Morris, Passaic, Union, Sussex, and  
19 Warren Counties.

20 <sup>2</sup>b. Effective July 1, 2013, a campus <sup>1</sup>advisory<sup>1</sup> board <sup>1</sup>[of  
21 governors]<sup>1</sup> shall be appointed for Rutgers University–Newark.  
22 The campus <sup>1</sup>advisory<sup>1</sup> board <sup>1</sup>[of governors]<sup>1</sup> shall <sup>1</sup>[be  
23 composed of eight members as follows: the chancellor of Rutgers  
24 University–Newark who shall serve as an ex-officio, nonvoting  
25 member; two members appointed by the board of governors of  
26 Rutgers University established pursuant to N.J.S.18A:65-14 from  
27 among its members; one member appointed by the board of trustees  
28 of Rutgers University established pursuant to N.J.S.18A:65-15 from  
29 among its members; and four members, who are residents of the  
30 northern counties, appointed by the Governor, and upon the  
31 expiration of the terms of the original members, with the advice and  
32 consent of the Senate.

33 The term of office of a member appointed by the board of  
34 governors or the board of trustees of Rutgers University shall be  
35 coterminous with his term on that board. The members appointed  
36 by the Governor shall serve for terms of six years beginning on July  
37 1 and ending on June 30; except that of the members first appointed  
38 by the Governor, one shall serve for a term of six years, one shall  
39 serve for a term of four years, one shall serve for a term of three  
40 years, and one shall serve for a term of two years. Each member  
41 shall serve until his successor is appointed and qualified, and  
42 vacancies shall be filled in the same manner as the original  
43 appointments for the remainder of the unexpired term. A member  
44 appointed by the Governor may succeed himself for not more than  
45 one additional term after having served one full six-year term.

46 A member shall be subject to removal, after a hearing by a  
47 majority of the campus board of trustees, for malfeasance or

1 conduct injurious to the interest of Rutgers University-Newark,  
2 subject to review and confirmation by the Governor in the case of  
3 his appointees or by the board of governors or the board of trustees,  
4 as applicable, in the case of that board's appointees.

5 c. The board shall meet and organize annually at a regular  
6 meeting held during the second week of September. The Governor  
7 shall appoint the chair of the board. The chair shall serve until the  
8 following September meeting and until his successor is appointed  
9 and qualified. Vacancies in the offices shall be filled in the same  
10 manner for the unexpired term only.

11 d. Members of the board shall serve without compensation but  
12 shall be entitled to be reimbursed for all reasonable and necessary  
13 expenses] work with the chancellor of Rutgers University-Newark  
14 in implementing the teaching, research, and service mission of  
15 Rutgers University-Newark, the engagement of the campus with its  
16 local community, its region, and the State, and its commitment to  
17 academic excellence, access, and diversity.

18 The campus advisory board shall be composed of <sup>2</sup>[11] <sup>13</sup><sup>2</sup>  
19 members as follows: the chancellor of Rutgers University-Newark  
20 who shall serve ex-officio; the member of the board of governors of  
21 Rutgers, The State University who is appointed by the board of  
22 trustees and who is, pursuant to N.J.S.18A:65-14, required to be a  
23 resident of Essex County; two Rutgers University-Newark faculty  
24 members one of whom is appointed by the faculty union and one of  
25 whom is elected by the Rutgers Newark Faculty Council; one  
26 member of the Rutgers University-Newark administration appointed  
27 by the Rutgers University-Newark chancellor; one Rutgers  
28 University-Newark staff member selected from among the staff  
29 unions; two student representatives appointed by the Rutgers  
30 University-Newark student governing association; <sup>2</sup>[and]<sup>2</sup> three  
31 members of the local community, two of whom shall be selected by  
32 the Office of Community Affairs from community organizations  
33 with one of these members being an alumnus of Rutgers  
34 University-Newark, and one of whom shall be selected by the  
35 Mayor of the City of Newark <sup>2</sup>; and two public members who are  
36 appointed by the chancellor and who are residents of a northern  
37 county<sup>2</sup>.

38 All members shall serve a term of two years, renewable by  
39 reappointment or re-election in the same manner as the initial  
40 selection. A president of the advisory board shall be selected for a  
41 one-year term by a vote of the members of the campus advisory  
42 board, and may be so elected for successive terms without limit.

43 A member shall be subject to removal, after a hearing by a  
44 majority of the campus advisory board, for malfeasance or conduct  
45 injurious to the interest of Rutgers University-Newark.

46 The board shall meet and organize annually at a regular meeting  
47 held during the second week in September. The president shall

1 serve until the following September and until his successor is  
2 appointed and qualified. Vacancies in the offices shall be filled in  
3 the same manner for the unexpired term only.

4 Members of the board shall serve without compensation but shall  
5 be reimbursed for all reasonable and necessary expenses.

6 The campus advisory board shall hold at least one public meeting  
7 each semester.<sup>1</sup>

8  
9 '[17.] 21.' (New section) Notwithstanding the provisions of  
10 N.J.S.18A:65-25 or any other section of law to the contrary, the  
11 campus 'advisory' board '[of governors] of Rutgers University-  
12 Newark' shall;

13 a. '[maintain a separate debt service account for Rutgers  
14 University-Newark] advise the president and the board of  
15 governors of Rutgers, The State University on the selection of the  
16 Rutgers University-Newark chancellor';

17 b. propose capital projects and bonding for Rutgers University-  
18 Newark to the board of governors of Rutgers University; 'and'

19 c. propose an annual budget for Rutgers University-Newark to  
20 the board of governors of Rutgers University';

21 d. recommend new academic programs and degree  
22 requirements for Rutgers University-Newark to the board of  
23 governors of Rutgers University; and

24 e. recommend candidates for promotion and tenure at Rutgers  
25 University-Newark to the board of governors of Rutgers  
26 University'.

27 'Nothing in this section shall be construed to alter, amend,  
28 modify, or diminish the authority of the board of governors of  
29 Rutgers, The State University to grant tenure and promotions to  
30 faculty at Rutgers University-Newark, establish standards for  
31 academic programs and for the awarding of degrees for Rutgers  
32 University-Newark, and make final decisions on capital projects,  
33 bonding, and the annual budget for Rutgers University-Newark.'<sup>1</sup>

34  
35 '22. (New section) State support for the continuing operations of  
36 programs operated by Rutgers University-Newark prior to the  
37 effective date of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill), including support for fringe benefit costs, shall be  
39 appropriated by the Legislature directly to Rutgers University-  
40 Newark.'<sup>1</sup>

41  
42 '23. (New section) a. The provisions of all collective  
43 negotiations agreements applicable to employees of Rutgers  
44 University-Newark in effect on the effective date of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
46 remain in full force and effect until such time as new or revised

1 agreements or contracts may be established. All persons employed  
2 at Rutgers University-Newark shall continue to be represented by  
3 the majority representative that represented them on the effective  
4 date of P.L. , c. (C. ) (pending before the Legislature as this  
5 bill), shall continue to be represented in the Rutgers University-  
6 wide collective negotiations units they were in on the effective date  
7 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
8 and shall continue to be covered by the collective negotiations  
9 agreements that were in effect on the effective date of P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill). Employees  
11 of Rutgers University-Newark shall continue to be employees of  
12 Rutgers, The State University and Rutgers, The State University  
13 shall continue to be the public employer of such employees as that  
14 term is defined by the "New Jersey Employer-Employee Relations  
15 Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

16 b. Nothing in this act shall be construed to deprive any person  
17 employed at Rutgers University-Newark of any tenure or contract  
18 rights or to in any manner affect the tenure, contract, rank, or  
19 academic track of any employees holding a faculty position. Such  
20 tenure, contract, rank, and academic track shall continue to be  
21 through Rutgers, The State University and shall be held and granted  
22 pursuant to the authority of the board of governors of Rutgers, The  
23 State University for all current and future employees employed at  
24 Rutgers University-Newark.

25 c. Nothing in this act shall be construed to deprive any officers  
26 or employees employed at Rutgers University-Newark of their  
27 rights, privileges, obligations or status under any pension,  
28 retirement, health benefits system, civil service law or any other law  
29 of the State.<sup>1</sup>

30  
31 <sup>1</sup>24. (New section) For medical malpractice claims incurred at  
32 any of the University of Medicine and Dentistry of New Jersey  
33 schools transferred to Rutgers, The State University, occurring  
34 before or after the effective date of this act, Rutgers, The State  
35 University, shall elect within 75 days of the signing of this act  
36 whether it, and its employees, shall be represented in all such  
37 matters by the Attorney General. If Rutgers, The State University  
38 elects to be represented by the Attorney General, then the  
39 Department of the Treasury shall enter into a memorandum of  
40 agreement with Rutgers, The State University modeled on the June,  
41 2003 memorandum of agreement between the Department of the  
42 Treasury and the University of Medicine and Dentistry concerning  
43 the Self-Insurance Reserve Fund and moneys in the fund known as  
44 the Self-Insurance Reserve Fund shall be available to Rutgers, The  
45 State University solely to indemnify and defend medical  
46 malpractice claims against employees, officers, and servants at the  
47 schools transferred from the University of Medicine and Dentistry  
48 of New Jersey to Rutgers, The State University. If Rutgers, The

1 State University, elects not to be represented by the Attorney  
2 General, then it shall be required to provide employees of the  
3 schools transferred from the University of Medicine and Dentistry  
4 of New Jersey to Rutgers, The State University with defense and  
5 indemnification consistent with the terms and conditions of the  
6 “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., in lieu of the  
7 defense and indemnification that such employees would otherwise  
8 seek and be entitled to from the Attorney General pursuant to  
9 N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.).<sup>1</sup>

10  
11 <sup>1</sup>25. (New section) a. The board of governors of Rutgers, The  
12 State University shall establish an annual certified public reporting  
13 process of the finances of Rutgers, The State University in order to  
14 measure the flow of resources across the campuses of the  
15 university.

16 b. The State Auditor shall develop auditing mechanisms to  
17 measure the allocation and transfer of resources across campuses  
18 including methods to account for inter-campus joint ventures, and  
19 shall annually report on the results of those mechanisms after  
20 receiving the report of Rutgers, The State University.<sup>1</sup>

21  
22 <sup>1</sup>[18.] 26.<sup>1</sup> (New section) a. As used in this section, “southern  
23 counties” means Atlantic, Burlington, Camden, Cape May,  
24 Cumberland, Gloucester, Ocean, and Salem Counties.

25 b. Effective July 1, 2013, a campus board of <sup>2</sup>[trustees]  
26 directors<sup>2</sup> shall be appointed for Rutgers University–Camden. The  
27 campus board of <sup>2</sup>[trustees] directors<sup>2</sup> shall be composed of  
28 <sup>2</sup>[eight] 10<sup>2</sup> members as follows: the chancellor of Rutgers  
29 University–Camden who shall serve as an ex-officio, nonvoting  
30 member; <sup>2</sup>[two] three<sup>2</sup> members appointed by the board of  
31 governors of Rutgers University <sup>2</sup>[established pursuant to  
32 N.J.S.18A:65-14 from among its members]<sup>2</sup>; <sup>2</sup>[one member] two  
33 members<sup>2</sup> appointed by the board of trustees of Rutgers <sup>2</sup>, The  
34 State<sup>2</sup> University <sup>2</sup>[established pursuant to N.J.S.18A:65-15]<sup>2</sup> from  
35 among its <sup>2</sup>non-public<sup>2</sup> members; and four members, who are  
36 residents of the southern counties, appointed by the Governor with  
37 the advice and consent of the Senate.

38 The terms of office of a member appointed by the board of  
39 governors or the board of trustees of Rutgers University shall be  
40 coterminous with his term on that board. The members appointed  
41 by the Governor shall serve for terms of six years beginning on July  
42 1 and ending on June 30; except that of the members first appointed  
43 by the Governor, one shall serve for a term of six years, one shall  
44 serve for a term of four years, one shall serve for a term of three  
45 years, and one shall serve for a term of two years. Each member  
46 shall serve until his successor is appointed and qualified, and  
47 vacancies shall be filled in the same manner as the original



1 appointments for the remainder of the unexpired term. A <sup>2</sup>[trustee]  
2 director<sup>2</sup> appointed by the Governor may succeed himself for not  
3 more than one additional term after having served one full six-year  
4 term.

5 A <sup>2</sup>[trustee] director<sup>2</sup> shall be subject to removal, after a hearing  
6 by a majority of the campus board of <sup>2</sup>[trustees] directors<sup>2</sup>, for  
7 malfeasance or conduct injurious to the interest of Rutgers  
8 University-Camden, subject to review and confirmation by the  
9 Governor in the case of his appointees or by the board of governors  
10 or the board of trustees, as applicable, in the case of that board's  
11 appointees.

12 c. The board shall meet and organize annually at a regular  
13 meeting held during the second week of September, by the election  
14 of a chair, vice-chair, and such other officers as the board shall  
15 determine. The officers shall serve until the following September  
16 meeting and until their successors are elected and qualified.  
17 Vacancies in the offices shall be filled in the same manner for the  
18 unexpired term only.

19 d. Members of the board shall serve without compensation but  
20 shall be entitled to be reimbursed for all reasonable and necessary  
21 expenses.

22

23 <sup>1</sup>[19.] 27.<sup>1</sup> (New section) Notwithstanding the provisions of  
24 N.J.S.18A:65-25 or any other section of law to the contrary, the  
25 campus board of <sup>2</sup>[trustees] directors<sup>2</sup> shall have general  
26 supervision over and shall be vested with the conduct of Rutgers  
27 University-Camden. It shall have the following powers, subject to  
28 the approval of the <sup>1</sup>[Joint]<sup>1</sup> Rowan University-Rutgers Camden  
29 Board of Governors which shall be subject to the limitations set  
30 forth in section 34 of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill)<sup>2</sup>:

32 a. subject to the policies of Rutgers, The State University<sup>2</sup>  
33 determine policies for the organization, administration, and  
34 development of Rutgers University-Camden;

35 b. study the educational and financial needs of Rutgers  
36 University-Camden; and<sup>2</sup> annually acquaint the Governor and  
37 Legislature with the condition of Rutgers University-Camden <sup>2</sup>[;  
38 and prepare and present an annual budget to the Governor, the  
39 Division of Budget and Accounting in the Department of the  
40 Treasury, and the Legislature in accordance with the law;

41 c. set tuition and fees;

42 d.] c.<sup>2</sup> disburse all moneys appropriated to Rutgers University-  
43 Camden by the Legislature, including appropriations for fringe  
44 benefit costs, and all moneys <sup>2</sup>[received] allocated to Rutgers  
45 University-Camden<sup>2</sup> from tuition, fees, auxiliary services, and other  
46 sources;

1       <sup>2</sup>[e.] d.<sup>2</sup> direct and control expenditures and transfers of funds  
2 appropriated <sup>2</sup>and allocated<sup>2</sup> to Rutgers University-Camden, in  
3 accordance with the State budget and appropriation acts of the  
4 Legislature, <sup>2</sup>[reporting changes and additions thereto and transfers  
5 thereof to the Director of the Division of Budget and Accounting in  
6 the Department of the Treasury]<sup>2</sup> and as to funds received <sup>2</sup>and  
7 allocated<sup>2</sup> from other sources, direct and control expenditures and  
8 transfers in accordance with the terms and conditions of any  
9 applicable trusts, gifts, bequests, or other special provisions. All  
10 accounts of Rutgers University-Camden shall be subject to audit by  
11 the State at any time;

12       <sup>2</sup>[f. borrow money for the needs of Rutgers University-Camden,  
13 <sup>1</sup>and projects of the Rowan University-Rutgers Camden Board of  
14 Governors.<sup>1</sup> as deemed requisite by the board, in such amounts and  
15 for such time and upon such terms as may be determined by the  
16 board; provided that no such borrowing shall be deemed or  
17 construed to create or constitute a debt, liability, or a loan or pledge  
18 of the credit, or be payable out of property or funds, other than  
19 moneys appropriated for that purpose, of the State;

20       g. purchase all lands, buildings, equipment, materials, and  
21 supplies;

22       h.] e. subject to the signatory delegation, procurement, and other  
23 applicable policies of Rutgers, The State University.<sup>2</sup> employ  
24 architects to plan buildings, secure bids for the construction of  
25 buildings and for the equipment thereof, make contracts for the  
26 construction of buildings and for equipment, and supervise the  
27 construction of buildings;

28       <sup>2</sup>[i.] f.<sup>2</sup> manage and maintain and provide for the payment of all  
29 charges on and expenses in respect of, all properties utilized by  
30 Rutgers University-Camden;

31       <sup>2</sup>[j.] g.<sup>2</sup> in accordance with the provisions of the State budget  
32 and appropriations acts of the Legislature, <sup>2</sup>[appoint and]<sup>2</sup> fix the  
33 compensation of the chancellor of Rutgers University-Camden <sup>2</sup>[,  
34 who shall be the executive] in accordance with the compensation  
35 guidelines and policies of Rutgers, The State University. The  
36 chancellor, who shall be appointed by the president of Rutgers, The  
37 State University, shall be the chief academic and administrative<sup>2</sup>  
38 officer of Rutgers University-Camden and an ex-officio member of  
39 the Rutgers University-Camden board of <sup>2</sup>[trustees] directors<sup>2</sup>,  
40 without vote <sup>2</sup>[, and shall serve at the pleasure of that board]<sup>2</sup>;

41       <sup>2</sup>[k.] h.<sup>2</sup> in accordance with the provisions of the State budget,  
42 have the power to elect, appoint, remove, promote, or transfer all  
43 corporate, official, educational, and civil administrative personnel,  
44 and fix and determine their salaries <sup>1</sup>consistent with the terms of  
45 any <sup>2</sup>applicable<sup>2</sup> collective negotiations agreements entered into

1 between Rutgers, The State University and a majority  
 2 representative<sup>1</sup>;

3 <sup>2</sup>[l.] i.<sup>2</sup>in accordance with the State budget, appoint, remove,  
 4 promote, and transfer all other officers, agents, or employees,  
 5 assign their duties, determine their salaries, and prescribe  
 6 qualifications for all positions, and in accordance with <sup>2</sup>[the salary  
 7 schedules of the Civil Service Commission whenever possible]  
 8 policies of Rutgers, The State University<sup>2</sup> <sup>1</sup>and consistent with the  
 9 terms of any <sup>2</sup>applicable<sup>2</sup> collective negotiations agreements  
 10 entered into between Rutgers, The State University and a majority  
 11 representative<sup>1</sup>; and

12 <sup>2</sup>[m.] j. subject to the signatory delegation, procurement, and  
 13 other applicable policies of Rutgers, The State University,<sup>2</sup> enter  
 14 into contracts and agreements with the State or any of its political  
 15 subdivisions or with the United States, or with any public body,  
 16 department, or other agency of the State or the United States, or  
 17 with any individual.

18 <sup>1</sup>Nothing in this section shall be construed to alter, amend,  
 19 modify or diminish the authority of the board of governors of  
 20 Rutgers, The State University to grant tenure and promotions to  
 21 faculty at Rutgers University-Camden <sup>2</sup>[and] <sup>2</sup>, establish standards  
 22 for academic programs and for the awarding of degrees for Rutgers  
 23 University-Camden <sup>2</sup>, and make final decisions on capital projects,  
 24 bonding, and the annual budget of Rutgers University-Camden<sup>2</sup> .<sup>1</sup>  
 25

26 <sup>1</sup>[20.] 28.<sup>1</sup> (New section) Rutgers University-Camden shall  
 27 maintain an Internet website for the board of <sup>2</sup>[trustees] directors<sup>2</sup>.  
 28 The purpose of the website shall be to provide increased public  
 29 access to board operations and activities. The following  
 30 information shall be posted on the board's website:

31 a. the board's rules, regulations, resolutions, and official policy  
 32 statements;

33 b. notice, posted at least five business days prior to a meeting  
 34 of the board or any of its committees, setting forth the time, date,  
 35 location, and agenda of the meeting;

36 c. the minutes of each meeting of the board and its committees;  
 37 and

38 d. information on any contract entered into by the board that  
 39 was not competitively bid and the statutory authority for the  
 40 contracting process.

41 The website shall be updated on a regular basis.  
 42

43 <sup>1</sup>[21.]<sup>2</sup>[ 29.<sup>1</sup> (New section) a. The board of governors of  
 44 Rutgers University shall enter into a <sup>1</sup>[99-year]<sup>1</sup> lease<sup>1</sup>, use and  
 45 occupancy, or other<sup>1</sup> agreement with the board of trustees of  
 46 Rutgers University-Camden <sup>1</sup>[,subject to the approval of the Joint

1 Rowan University-Rutgers Camden Board of Governors,] for a  
2 term of 99 years<sup>1</sup> pursuant to which <sup>1</sup>[all property and assets of]<sup>1</sup>  
3 Rutgers University-Camden shall <sup>1</sup>be permitted to use and occupy  
4 all property and assets real or personal constituting the Rutgers  
5 University-Camden campus; provided, however, that all such  
6 property and assets subject to the utilization agreement shall<sup>1</sup>  
7 remain the property and assets of Rutgers University; except that  
8 Rutgers University shall have no responsibility or control over the  
9 property and assets or over the maintenance, insurance, and  
10 development of the property and assets <sup>1</sup>during such use and  
11 occupancy by Rutgers University-Camden<sup>1</sup>. The <sup>1</sup>[lease  
12 agreement] utilization agreement<sup>1</sup> shall provide<sup>1</sup>, among other  
13 things<sup>1</sup>, for an annual payment of \$1 per year by Rutgers  
14 University-Camden to the board of governors of Rutgers University  
15 and shall also include the payment by Rutgers University-Camden  
16 of <sup>1</sup>[any] the allocable portion of<sup>1</sup> debt service <sup>1</sup>[associated with]  
17 on bonds, notes, or other obligations issued by Rutgers University  
18 directly related to<sup>1</sup> the facilities and property of Rutgers University-  
19 Camden <sup>1</sup>subject to the utilization agreement<sup>1</sup>. At the end of the  
20 <sup>1</sup>[lease agreement] term of the utilization agreement<sup>1</sup>, Rutgers  
21 University-Camden shall have the option to purchase the property at  
22 fair market value, exclusive of any improvements, buildings, or  
23 fixed assets thereon.

24 b. The board of governors of Rutgers University and the board  
25 of trustees of Rutgers University-Camden shall enter into an  
26 agreement for the participation of Rutgers University-Camden in  
27 the central administrative services and systems provided by Rutgers  
28 University including, but not limited to:

- 29 (1) the library system;
- 30 (2) information technology systems; and
- 31 (3) university administration and public safety including  
32 construction code services, emergency services, environmental and  
33 health services, and the police department.

34 The agreement shall include a <sup>1</sup>[negotiated rate] proportional  
35 amount<sup>1</sup> of reimbursement to be paid by Rutgers University-  
36 Camden to Rutgers University for <sup>1</sup>[the] its use of<sup>1</sup> central  
37 administrative services and systems provided pursuant to the  
38 agreement <sup>1</sup>that are directly related to Rutgers University-  
39 Camden<sup>1</sup>.]<sup>2</sup>

40  
41 <sup>2</sup>29. (New section) State support for the operation of Rutgers  
42 University-Camden, including support for fringe benefits costs,  
43 shall be appropriated by the Legislature directly to Rutgers  
44 University-Camden.<sup>2</sup>

1       <sup>1</sup>[22.] 30.<sup>1</sup> (New section) <sup>2</sup>[<sup>1</sup>a.]<sup>2</sup> The board of governors of  
2 Rutgers University shall establish:

3       <sup>2</sup>[<sup>1</sup>a.] (1)<sup>1</sup> a.<sup>2</sup> standards for the establishment and evaluation  
4 of academic programs of Rutgers University-Camden;

5       <sup>2</sup>[<sup>1</sup>b.] (2)<sup>1</sup> b.<sup>2</sup> standards for the award of degrees to students  
6 enrolled in the academic degree programs of Rutgers University-  
7 Camden; and

8       <sup>2</sup>[<sup>1</sup>c.] (3)<sup>1</sup> c.<sup>2</sup> standards for the promotion and award of tenure  
9 to faculty employed at Rutgers University-Camden.

10       <sup>2</sup>[<sup>1</sup>b. In the event that the board of trustees of Rutgers  
11 University-Camden takes any action that would violate the  
12 provisions of subsection a. of this section, then that university shall  
13 no longer use the designation “Rutgers.”]<sup>1</sup><sup>2</sup>

14  
15       <sup>1</sup>[23.] 31.<sup>1</sup> (New section) <sup>1</sup>a.<sup>1</sup> The provisions of all collective  
16 negotiations agreements applicable to employees of Rutgers  
17 University-Camden in effect on the effective date of P.L.     ,     ,  
18 c. (C.     ) (pending before the Legislature as this bill) shall remain  
19 in full force and effect until such time as new or revised agreements  
20 or contracts may be established. <sup>1</sup>All persons employed at Rutgers  
21 University-Camden shall continue to be represented by the majority  
22 representative that represented them on the effective date of this act,  
23 shall continue to be represented in the Rutgers University-wide  
24 collective negotiations units they were in on the effective date of  
25 this act, and shall continue to be covered by the collective  
26 negotiations agreements that were in effect on the effective date of  
27 this act. Persons employed at Rutgers University-Camden shall  
28 continue to be employees of Rutgers, The State University and  
29 Rutgers, The State University shall continue to be the public  
30 employer of such employees as that term is defined by the “New  
31 Jersey Employer-Employee Relations Act,” P.L.1941, c.100  
32 (C.34:13A-1 et seq.).

33       b. Nothing in this act shall be construed to deprive any person  
34 employed at Rutgers University-Camden of any tenure or contract  
35 rights or to in any manner affect the tenure, contract, rank, or  
36 academic track of any employees holding a faculty position. Such  
37 tenure, contract, rank, and academic track shall continue to be  
38 through Rutgers, The State University and shall be held and granted  
39 pursuant to the authority of the board of governors of Rutgers, The  
40 State University for all current and future employees employed at  
41 Rutgers University-Camden.

42       c. Nothing in this act shall be construed to deprive any officers  
43 or employees employed at Rutgers University-Camden of their  
44 rights, privileges, obligations, or status under any pension,  
45 retirement, health benefits system, civil service law or any other law  
46 of this State.<sup>1</sup>

1       <sup>1</sup>[24.] 32.<sup>1</sup> (New section) <sup>2</sup>[a.]<sup>2</sup> All monies <sup>1</sup>and funding  
2 including, but not limited to, grants, gifts, bequests, tuition,  
3 endowments, appropriations, capital improvement expenditures,  
4 debt service, research funds, State-funded personnel and budgeted  
5 positions, institutional support, centralized services, and grants-in-  
6 aid,<sup>1</sup> previously allocated or otherwise provided to Rutgers  
7 University for the use of Rutgers University-Camden, regardless of  
8 source, which remain unexpended on the effective date of P.L.   ,  
9 c. (C.   ) (pending before the Legislature as this bill), shall be  
10 transferred to Rutgers University-Camden.

11       <sup>2</sup>[b. State support for the operation of Rutgers University–  
12 Camden, including support for fringe benefit costs, shall be  
13 appropriated by the Legislature directly to Rutgers University–  
14 Camden.]<sup>2</sup>

15  
16       <sup>1</sup>[25.] 33.<sup>1</sup> (New section) There is established the <sup>1</sup>[Joint]<sup>1</sup>  
17 Rowan University-Rutgers Camden Board of Governors.  
18 <sup>2</sup>[Notwithstanding any other provision of law to the contrary , the  
19 board shall have full authority over all matters concerning the  
20 supervision and operations of Rowan University and Rutgers  
21 University-Camden.]<sup>2</sup>

22       a. The board shall be composed of seven members as follows:  
23 two members appointed by the board of trustees of Rowan  
24 University from among its members; two members appointed by the  
25 board of <sup>2</sup>[trustees] directors<sup>2</sup> of Rutgers University-Camden from  
26 among its members; and three members appointed by the Governor  
27 with the advice and consent of the Senate. The board shall elect a  
28 chairperson from among its membership.

29       b. The term of office of a member of the <sup>1</sup>[joint]<sup>1</sup> board  
30 appointed by the board of trustees of Rowan University or the board  
31 of <sup>2</sup>[trustees] directors<sup>2</sup> of Rutgers University-Camden shall be  
32 coterminous with his term on that board <sup>2</sup>[of trustees]<sup>2</sup>. The term  
33 of office of the Governor’s appointees shall be six years. An  
34 appointed member may be removed for cause by the board of  
35 trustees <sup>2</sup>or the board of directors<sup>2</sup> that appointed the member, or  
36 by the Governor in the case of his appointees.

37       c. Each member shall serve until his successor is appointed and  
38 qualified, and vacancies shall be filled in the same manner as the  
39 original appointments for the remainder of the unexpired term.

40       d. Members of the board shall serve without compensation but  
41 shall be entitled to be reimbursed for all reasonable and necessary  
42 expenses.

43       e. The <sup>1</sup>[joint]<sup>1</sup> board shall be staffed by employees of Rowan  
44 University and Rutgers University-Camden.

1       <sup>1</sup>[26.] 34.<sup>1</sup> (New section) The <sup>1</sup>[Joint]<sup>1</sup> Rowan University-  
2 Rutgers Camden Board of Governors shall have the authority and  
3 responsibility to:

4       a. approve or disapprove of <sup>2</sup>[any decision of] the  
5 establishment or expansion of any schools, programs, or  
6 departments after the effective date of this act in the area of the  
7 health sciences proposed by either<sup>2</sup> the board of trustees of Rowan  
8 University or the board of <sup>2</sup>[trustees] directors<sup>2</sup> of Rutgers  
9 University-Camden;

10       b. determine policies for the organization, administration, and  
11 development of curriculum and programs of Rowan University and  
12 Rutgers University-Camden <sup>2</sup>in the area of the health sciences<sup>2</sup>,  
13 including dual degree programs and partnerships between the  
14 institutions;

15       c. make <sup>2</sup>recommendations to Rowan University and to  
16 Rutgers, The State University for<sup>2</sup> joint faculty appointments to  
17 Rowan University and Rutgers University-Camden;

18       d. <sup>2</sup>[determine policies for the shared utilization of each  
19 institution's resources including housing, student affairs, and  
20 security;

21       e.]<sup>2</sup> provide curricular oversight of joint programs <sup>2</sup>in the area of  
22 the health sciences<sup>2</sup> of Rowan University and Rutgers University-  
23 Camden; and

24       <sup>2</sup>[f.] e.<sup>2</sup> develop plans <sup>2</sup>[and policies]<sup>2</sup> for the operation and  
25 governance of health science facilities, including <sup>2</sup>[policies] plans<sup>2</sup>  
26 concerning the development and financing of capital improvements  
27 or expansions of health science facilities.

28       <sup>2</sup>“Health sciences” for purposes of this section shall include, but  
29 not be limited to, nursing, medicine, dentistry, pharmacy,  
30 pharmacology, biochemistry, biomedicine, genetics,  
31 bioengineering, public health, and physician-related studies.<sup>2</sup>

32       <sup>1</sup>The board shall not take any action to use, transfer, commit, or  
33 control the endowment funds <sup>2</sup>or any other funds<sup>2</sup> provided to or  
34 accumulated by and under the control of either institution without  
35 the respective approval of the Rowan University Board of Trustees  
36 or the Rutgers <sup>2</sup>[Camden]<sup>2</sup> Board of <sup>2</sup>[Trustees] Governors<sup>2</sup>. The  
37 board shall have no authority over the tenure or contract rights of  
38 faculty at either Rutgers, The State University or Rowan University.

39       The board shall <sup>2</sup>[be authorized to]<sup>2</sup> not take any action that  
40 would violate any of the bond covenants of Rutgers, The State  
41 University or Rowan University.<sup>1</sup>

42       <sup>2</sup>Rowan University and Rutgers University-Camden shall each  
43 appropriate \$2,500,000 per year to the Rowan University-Rutgers  
44 Camden Board of Governors for administration and other necessary  
45 expenses.<sup>2</sup>

1       <sup>1</sup>[27.] 35.<sup>1</sup> (New section) a. As used in sections <sup>1</sup>[28 through  
2 56] 36 through 62<sup>1</sup> of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) "Rowan University" shall, unless the  
4 context clearly indicates to the contrary, include and mean the  
5 public research university herein designated "Rowan University" as  
6 presently and hereafter constituted, including all departments,  
7 colleges, schools, centers, branches, educational and other units and  
8 extensions thereof, extension and cooperative education programs,  
9 continuing education programs, and all other departments of higher  
10 education maintained by the educational entity of the university.

11       b. As used in sections <sup>1</sup>[28 through 56] 36 though 62<sup>1</sup> of  
12 P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 "university" shall mean "Rowan University."  
14

15       <sup>1</sup>[28.] 36.<sup>1</sup> (New section) There is hereby established a body  
16 corporate and politic to be known as Rowan University. The  
17 exercise by the university of the powers conferred by this act,  
18 including the presentation and operation of a four-year allopathic  
19 medical school, shall be deemed to be public and essential  
20 governmental functions necessary for the welfare of the State and  
21 the people of New Jersey.  
22

23       <sup>1</sup>[29.] 37.<sup>1</sup> (New section) It is declared to be the public policy  
24 of the State that the university shall be given a high degree of self-  
25 government and that the governance and conduct of the university  
26 shall be free of partisanship.  
27

28       <sup>1</sup>[30.] 38.<sup>1</sup> (New section) The board of trustees of the university  
29 is continued and shall have and exercise the powers, authority,  
30 rights and privileges and shall be subject to the duties, obligations,  
31 and responsibilities set forth in this act.  
32

33       <sup>1</sup>[31.] 39.<sup>1</sup> (New section) a. The composition and size of the  
34 board of trustees shall be determined by the board; however, the  
35 board shall have not less than seven nor more than 15 members.  
36 The members shall be appointed by the Governor with the advice  
37 and consent of the Senate. The board of trustees shall recommend  
38 potential new members to the Governor. The terms of office of  
39 appointed members shall be for six years beginning on July 1 and  
40 ending on June 30. Each member shall serve until his successor  
41 shall have been appointed and qualified and vacancies shall be  
42 filled in the same manner as the original appointments for the  
43 remainders of the unexpired terms. Any member of a board of  
44 trustees may be removed by the Governor for cause upon notice and  
45 opportunity to be heard.



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

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

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

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

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

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

32

33       **'[32.] 40.'**<sup>1</sup> (New section) The board of trustees of the university  
34 shall provide for the election of two student representatives, who  
35 shall be full-time, regularly matriculated students in good academic  
36 standing, and who shall be 18 years of age or older and citizens of  
37 the United States. The student representatives shall be elected by  
38 the members of the student government association to serve on the  
39 board of trustees for terms of two years commencing at the next  
40 organization of the board.

41      a. A student shall be elected for a two-year term, but shall  
42 serve during the first year as an alternate member, and as a voting  
43 member during the second year.

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

46      b. The standards for eligibility for student representatives on  
47 the board of trustees shall be the same as those required for other  
48 student government officers.

1 c. The student members shall be entitled to full participation in  
2 all activities of the board except that they shall not participate in:

3 (1) Any matter involving the employment, appointment,  
4 termination of employment, terms and conditions of employment,  
5 evaluation of the performance of, promotion or disciplining of any  
6 specific prospective officer or employee or current officer or  
7 employee employed or appointed by the board, unless all the  
8 individual employees or appointees whose rights could be adversely  
9 affected request in writing that the matter or matters be discussed at  
10 a public meeting;

11 (2) Any matter involving the purchase, lease, acquisition or sale  
12 of real property with public funds, the setting of banking rates or  
13 investment of public funds, where it could adversely affect the  
14 public interest if discussion of these matters were disclosed; and

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

21 d. Upon assuming office, the students shall agree to adhere to  
22 such standards of responsibility and confidentiality as are  
23 established by the board of trustees.  
24

25 <sup>1</sup>[33.] 41.<sup>1</sup> (New section) The board of trustees of Rowan  
26 University shall have the general supervision over and be vested  
27 with the conduct of the university. It shall have the power and duty,  
28 subject to the approval of the <sup>1</sup>[Joint]<sup>1</sup> Rowan University-Rutgers  
29 Camden Board of Governors <sup>2</sup>which shall be subject to the  
30 limitations set forth in section 34 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill)<sup>2</sup>, to:

32 a. Adopt and use a corporate seal;

33 b. Determine the educational curriculum and program of the  
34 university;

35 c. Determine policies for the organization, administration, and  
36 development of the university;

37 d. Study the educational and financial needs of the university,  
38 annually acquaint the Governor and Legislature with the condition  
39 of the university, and prepare and submit an annual request for  
40 appropriation to the Division of Budget and Accounting in the  
41 Department of the Treasury in accordance with law;

42 e. Disburse all moneys appropriated to the university by the  
43 Legislature and all moneys received from tuition, fees, auxiliary  
44 services and other sources;

45 f. Direct and control expenditures and transfers of funds  
46 appropriated to the university in accordance with the provisions of  
47 the State budget and appropriation acts of the Legislature, and, as to  
48 funds received from other sources, direct and control expenditures

1 and transfers in accordance with the terms of any applicable trusts,  
2 gifts, bequests, or other special provisions, reporting changes and  
3 additions thereto and transfers thereof to the Director of the  
4 Division of Budget and Accounting in the Department of the  
5 Treasury. All accounts of the university shall be subject to audit by  
6 the State at any time;

7 g. In accordance with the provisions of the State budget and  
8 appropriation acts of the Legislature, appoint and fix the  
9 compensation and term of office of a president of the university  
10 who shall be the executive officer of the university and an ex officio  
11 member of the board of trustees, without vote, and shall serve at the  
12 pleasure of the board of trustees;

13 h. In accordance with the provisions of the State budget and  
14 appropriation acts of the Legislature, appoint, upon nomination of  
15 the president, such deans and other members of the academic,  
16 administrative, and teaching staffs as shall be required and fix their  
17 compensation and terms of employment;

18 i. Consistent with the provisions of its budget, this act and any  
19 and all controlling collective bargaining agreements, have the  
20 power, upon nomination or recommendation of the president, to  
21 appoint, remove, promote and transfer all other officers, agents, or  
22 employees which may be required to carry out the provisions of this  
23 act and prescribe qualifications for those positions, and assign  
24 requisite duties and determine and fix respective compensation for  
25 those positions in accordance with duly adopted salary program  
26 parameters;

27 j. Grant diplomas, certificates or degrees;

28 k. Enter into contracts and agreements with the State or any of  
29 its political subdivisions or with the United States, or with any  
30 public body, department or other agency of the State or the United  
31 States or with any individual, firm or corporation which are deemed  
32 necessary or advisable by the board for carrying out the provisions  
33 of this act. A contract or agreement pursuant to this subsection may  
34 require a municipality to undertake obligations and duties to be  
35 performed subsequent to the expiration of the term of office of the  
36 elected governing body of such municipality which initially entered  
37 into or approved said contract or agreement, and the obligations and  
38 duties so incurred by such municipality shall be binding and of full  
39 force and effect, notwithstanding that the term of office of the  
40 elected governing body of such municipality which initially entered  
41 into or approved said contract or agreement, shall have expired;

42 l. Exercise the right of eminent domain, pursuant to the  
43 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
44 (C.20:3-1 et seq.), to acquire any property or interest therein;

45 m. Adopt, after consultation with the president and faculty,  
46 bylaws and make and promulgate such rules, regulations, and  
47 orders, not inconsistent with the provisions of this act as are

- 1 necessary and proper for the administration and operation of the  
2 university and the carrying out of its purposes;
- 3 n. Establish fees for room and board sufficient for the  
4 operation, maintenance, and rental of student housing and food  
5 services facilities;
- 6 o. Fix and determine tuition rates and other fees to be paid by  
7 students;
- 8 p. Accept from any government or governmental department,  
9 agency or other public or private body or from any other source  
10 grants or contributions of money or property which the board may  
11 use for or in aid of any of its purposes;
- 12 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
13 lease, dispose of, use and operate property, whether real, personal  
14 or mixed, or any interest therein, which is necessary or desirable for  
15 university purposes;
- 16 r. Employ architects to plan buildings; secure bids for the  
17 construction of buildings and for the equipment thereof; make  
18 contracts for the construction of buildings and for equipment; and  
19 supervise the construction of buildings;
- 20 s. Manage and maintain, and provide for the payment of all  
21 charges on and expenses in respect of, all properties utilized by the  
22 university;
- 23 t. Borrow money and to secure the same by a mortgage on its  
24 property or any part thereof, and to enter into any credit agreement  
25 for the needs of the university 'and projects of the Rowan  
26 University-Rutgers Camden Board of Governors', as deemed  
27 requisite by the board, in such amounts and for such time and upon  
28 such terms as may be determined by the board, provided that no  
29 such borrowing shall be deemed or construed to create or constitute  
30 a debt, liability, or a loan or pledge of the credit or be payable out  
31 of property or funds, other than moneys appropriated for that  
32 purpose, of the State;
- 33 u. Authorize any new program, educational department or  
34 school consistent with the programmatic mission of the institution  
35 or approved by the Secretary of Higher Education;
- 36 v. Adopt standing operating rules and procedures for the  
37 purchase of all equipment, materials, supplies and services;  
38 however, no contract on behalf of the university shall be entered  
39 into for the purchase of services, materials, equipment and supplies,  
40 for the performance of any work, or for the hiring of equipment or  
41 vehicles, where the sum to be expended exceeds \$30,700 or the  
42 amount determined by the Governor as provided herein, unless the  
43 university shall first publicly advertise for bids and shall award the  
44 contract to that responsible bidder whose bid, conforming to the  
45 invitation for bids, will be most advantageous to the university,  
46 price and other factors considered. Such advertising shall not be  
47 required in those exceptions created by the board of trustees of the  
48 university, which shall be in substance those exceptions contained

1 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the  
2 supplying of any product or the rendering of any service by a public  
3 utility subject to the jurisdiction of the Board of Public Utilities of  
4 this State and tariffs and schedules of the charges made, charged, or  
5 exacted by the public utility for any such products to be supplied or  
6 services to be rendered are filed with the said board. Commencing  
7 July 1, 2013 and every two years thereafter, the Governor, in  
8 consultation with the Department of the Treasury, shall adjust the  
9 threshold amount set forth in this paragraph in direct proportion to  
10 the rise or fall of the consumer price index for all urban consumers  
11 in the New York City and the Philadelphia areas as reported by the  
12 United States Department of Labor. The Governor shall notify the  
13 university of the adjustment. The adjustment shall become effective  
14 on July 1 of the year in which it is reported.

15 This subsection shall not prevent the university from having any  
16 work performed by its own employees, nor shall it apply to repairs,  
17 or to the furnishing of materials, supplies or labor, or the hiring of  
18 equipment or vehicles, when the safety or protection of its or other  
19 public property or the public convenience requires or the exigency  
20 of the university's service will not admit of such advertisement. In  
21 such case, the university shall, by resolution passed by the  
22 affirmative vote of its board of trustees, declare the exigency or  
23 emergency to exist, and set forth in the resolution the nature and  
24 approximate amount to be expended; shall maintain appropriate  
25 records as to the reason for such awards; and shall report regularly  
26 to its board of trustees on all such purchases, the amounts and the  
27 reasons therefor;

28 w. Invest certain moneys in such obligations, securities and  
29 other investments as the board shall deem prudent, consistent with  
30 the purposes and provisions of this act and in accordance with State  
31 and federal law, as follows:

32 Investment in not-for-profit corporations or for-profit  
33 corporations organized and operated pursuant to the provisions of  
34 subsection x. of this section may utilize income realized from the  
35 sale or licensing of intellectual property as well as the reinvestment  
36 of earnings on intellectual property. Investment in not-for-profit  
37 corporations may also utilize income from the operation of faculty  
38 practice plans of the university and income from overhead grant  
39 fund recovery as permitted by federal law as well as other  
40 university funds except those specified in paragraph 5 of subsection  
41 x. of this section;

42 x. (1) Participate as the general partner or as a limited partner,  
43 either directly or through a subsidiary corporation created by the  
44 university, in limited partnerships, general partnerships, or joint  
45 ventures engaged in the development, manufacture, or marketing of  
46 products, technology, scientific information or health care services  
47 and create or form for-profit or not-for-profit corporations to  
48 engage in such activities; provided that any such participation shall

- 1 be consistent with the mission of the university and the board shall  
2 have determined that such participation is prudent;
- 3 (2) The decision to participate in any activity described in  
4 paragraph (1) of this subsection, including the creation or formation  
5 of for-profit or not-for-profit corporations, shall be articulated in the  
6 minutes of the board of trustees meeting in which the action was  
7 approved;
- 8 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
9 shall continue to apply to the university, its employees, and  
10 officers;
- 11 (4) Nothing herein shall be deemed or construed to create or  
12 constitute a debt, liability, or a loan or pledge of the credit or be  
13 payable out of property or funds of the State;
- 14 (5) Funds directly appropriated to the university from the State  
15 or derived from the university's academic programs or derived from  
16 payment for coverage provided by the self insurance fund for claims  
17 accruing prior to the effective date of this act shall not be utilized  
18 by the for-profit or not-for-profit corporations organized and  
19 operated pursuant to this subsection in the development,  
20 manufacture, or marketing of products, technology or scientific  
21 information;
- 22 (6) Employees of any joint venture, subsidiary corporation,  
23 partnership, or other jural entity entered into or owned wholly or in  
24 part by the university shall not be deemed public employees;
- 25 (7) A joint venture, subsidiary corporation, partnership, or other  
26 jural entity entered into or owned wholly or in part by the university  
27 shall not be deemed an instrumentality of the State of New Jersey;
- 28 (8) Income realized by the university as a result of participation  
29 in the development, manufacture, or marketing of products,  
30 technology, or scientific information may be invested or reinvested  
31 pursuant to subsection w. of this section or any other provision of  
32 this act or State or federal law or retained by the board for use in  
33 furtherance of any of the purposes of this act or of other applicable  
34 statutes;
- 35 (9) The board shall annually report to the State Treasurer on the  
36 operation of all joint ventures, subsidiary corporations,  
37 partnerships, or such other jural entities entered into or owned  
38 wholly or in part by the university;
- 39 y. Sue and be sued in its own name;
- 40 z. Retain independent counsel including representation by the  
41 Attorney General in accordance with subsection h. of section 6 of  
42 P.L.1994, c.48 (C.18A:3B-6);
- 43 aa. (1) Procure and enter into contracts for any type of insurance  
44 and indemnify against loss or damage to property from any cause,  
45 including loss of use and occupancy, against death or injury of any  
46 person, against employees' liability, against any act of any member,  
47 officer, employee or servant of the university, whether part-time,  
48 full-time, compensated or non-compensated in the performance of

1 the duties of his office or employment or any other insurable risk.  
2 In addition, the university shall carry its own liability insurance or  
3 maintain an actuarially sound program of self insurance. Any joint  
4 venture, subsidiary corporation, or partnership or such other jural  
5 entity entered into or owned wholly or in part by the university shall  
6 carry insurance or maintain reserves in such amounts as are  
7 determined by an actuary to be sufficient to meet its actual or  
8 accrued claims;

9 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
10 administered by the State Treasurer shall continue to be available to  
11 the university solely to indemnify and defend claims against the  
12 university and its employees, officers and servants but only to the  
13 extent that the university has elected on behalf of itself and its  
14 employees to obtain representation from the Attorney General  
15 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
16 6) and such entity or individuals would have been entitled to  
17 defense and indemnification pursuant to the "New Jersey Tort  
18 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
19 employee but for the provision of subsection z. of this section.  
20 Any expenditure of such funds shall be made only in accordance  
21 with the provisions of the "New Jersey Tort Claims Act,"  
22 N.J.S.59:1-1 et seq., including but not limited to the provisions of  
23 chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes.  
24 Nothing herein shall be construed to authorize the use of the Self-  
25 Insurance Trust Fund to indemnify or insure in any way, directly or  
26 indirectly the activities of any joint venture, partnership or  
27 corporation entered into or created by the university pursuant to  
28 subsection x. of this section;

29 bb. Create auxiliary organizations subject to the provisions of  
30 P.L.1982, c.16 (C.18A:64-26 et seq.);

31 cc. Adopt a code of ethics that complies with the requirements  
32 of all statutes applicable to the institution, including, but not  
33 limited, to the "Higher Education Restructuring Act of 1994,"  
34 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
35 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
36 the State Ethics Commission, and any applicable executive orders;  
37 and

38 dd. Establish a procedure for the confidential, anonymous  
39 submission of employee concerns regarding alleged wrongdoing at  
40 the university.

41

42 <sup>1</sup>[34.] 42.<sup>1</sup> (New section) All functions, powers and duties  
43 relating to the investment or reinvestment of funds other than those  
44 funds specified in subsection w. of section <sup>1</sup>[33] 41<sup>1</sup> of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill) within the  
46 jurisdiction of the board of trustees including the purchase, sale, or  
47 exchange of any investments or securities may be exercised and  
48 performed by the Director of the Division of Investment in the

1 Department of the Treasury in accordance with the provisions of  
2 P.L.1950, c.270 (C.52:18A-79 et seq.) if so authorized by the board.  
3 **1** [Sections 35 and 36 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill) shall only be applicable in the event of such  
5 an election.]**1** Before any such investment, reinvestment, purchase,  
6 sale, or exchange shall be made by the director for or on behalf of  
7 the board of trustees, the Director of the Division of Investment  
8 shall submit the details thereof to the board, which shall, itself or by  
9 its finance committee, within 48 hours, exclusive of Sundays and  
10 public holidays, after such submission to it, file with the director its  
11 written acceptance or rejection of such proposed investment,  
12 reinvestment, purchase, sale, or exchange; and the director shall  
13 have authority to make such investment, reinvestment, purchase,  
14 sale, or exchange for or on behalf of the board, unless there shall  
15 have been filed with him a written rejection thereof by the board or  
16 its finance committee as herein provided. The board of trustees  
17 shall determine from time to time the cash requirements of the  
18 various funds and accounts established by it and the amount  
19 available for investment, all of which shall be certified to the State  
20 Treasurer and the Director of the Division of Investment.

21 The finance committee of the board of trustees shall consist of  
22 three members of the board who shall be appointed in the same  
23 manner and for the same term as other committees of the board are  
24 appointed.  
25

26 **1** [35. (New section) The Director of the Division of Investment  
27 in the Department of the Treasury, in addition to other investments,  
28 presently or from time to time hereafter authorized by law, shall  
29 have authority, subject to any acceptance required, to invest and  
30 reinvest such funds in, and to acquire for or on behalf of the board  
31 such bonds or other evidence of indebtedness or capital stock or  
32 other securities issued by any company incorporated within the  
33 United States or within the Dominion of Canada, which shall be  
34 authorized or approved for investment by regulation of the State  
35 Investment Council and in which life insurance companies  
36 organized under the laws of this State may legally invest.]**1**  
37

38 **1** [36. (New section) The State Treasurer shall be the custodian  
39 of the board's investment funds, shall select all depositories and  
40 custodians and shall negotiate and execute custody agreements in  
41 connection with the assets or investments of any said funds.]**1**  
42

43 **1** [37.] 43.**1** (New section) The university shall maintain an  
44 Internet website for the board of trustees. The purpose of the  
45 website shall be to provide increased public access to board  
46 operations and activities. The following information shall be posted  
47 on the board's website:



- 1 a. the board's rules, regulations, resolutions, and official policy
- 2 statements;
- 3 b. notice, posted at least five business days prior to a meeting
- 4 of the board or any of its committees, setting forth the time, date,
- 5 location, and agenda of the meeting;
- 6 c. the minutes of each meeting of the board and its committees;
- 7 and
- 8 d. information on any contract entered into by the board that
- 9 was not competitively bid and the statutory authority for the
- 10 contracting process.

11 The website shall be updated on a regular basis.

12

13 <sup>1</sup>[38.] 44. (New section) The board of trustees, in addition to

14 the other powers and duties provided herein, shall be vested with

15 the right of perpetual succession and shall have and exercise all the

16 powers, rights, and privileges that are incident to the proper

17 governance, conduct, and management of the university and the

18 control of its properties and funds and such powers granted to the

19 university or the board or reasonably implied, may be exercised

20 without recourse or reference to any department or agency of the

21 State, except as otherwise provided by this act.

22

23 <sup>1</sup>[39.] 45. (New section) The board shall appoint and fix the

24 compensation of a president of the university. The president shall

25 be responsible to the board of trustees and shall have such powers

26 as shall be requisite for the executive management and conduct of

27 the university in all departments, branches and divisions, and for the

28 execution and enforcement of bylaws, ordinances, rules,

29 regulations, statutes, and orders governing the management,

30 conduct and administration of the university.

31

32 <sup>1</sup>[40.] 46. (New section) No trustee or officer of the university

33 shall be personally liable for any debt, obligation, or other liability

34 of the university or incurred by or on behalf of the university or any

35 constituent unit thereof.

36

37 <sup>1</sup>[41.] 47. (New section) The board of trustees shall advise the

38 Governor and Legislature, in consultation with the Secretary of

39 Higher Education and the President's Council and successor bodies,

40 on the manner in which the facilities and services of the university

41 may be utilized so as to increase the efficiency of the public

42 education system and provide, maintain, and improve upon the

43 quality of higher education for the people of the State. The board of

44 trustees shall make recommendations to the Governor and the

45 Legislature respecting the needs for the facilities and services of the

46 university as an educational instrumentality of the State for that

47 purpose.

1       <sup>1</sup>[42.] 48.<sup>1</sup> (New section) Subject to the provisions of P.L.1969,  
2 c.242 (C.18A:66-167 et seq.) and except as otherwise provided by  
3 law, the university shall be deemed to be an employer for the  
4 purposes of the "Public Employees' Retirement System Act,"  
5 P.L.1954, c.84 (C.43:15A-1 et seq.), and shall also be deemed to be  
6 a "public agency or organization" within the meaning of section 71  
7 of that act (C.43:15A-71). Further, the university's commissioned  
8 police officers shall be eligible for participation in and subject to  
9 the provisions of the "Police and Firemen's Retirement Systems  
10 Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall  
11 be deemed an employer within the meaning of that act.

12  
13       <sup>1</sup>[43.] 49.<sup>1</sup> (New section) Nothing herein contained shall be  
14 construed to impair, annul or affect any vested rights, grants,  
15 privileges, exemptions, immunities, powers, prerogatives,  
16 franchises, or advantages heretofore obtained or enjoyed by the  
17 university or any constituent unit thereof, under any authority or  
18 any act of this State or under any grant, deed, conveyance, transfer,  
19 lease, estate, remainder, expectancy, trust, gift, donation, legacy,  
20 devise, endowment or fund, all of which are hereby ratified and  
21 confirmed except insofar as the same may have expired, be or have  
22 been repealed or altered, or may be inconsistent with this act or  
23 with existing provisions of law; subject however, thereto and to all  
24 of the rights, obligations, relations, conditions, terms, trust, duties,  
25 and liabilities to which the same are subject.

26  
27       <sup>1</sup>[44.] 50.<sup>1</sup> (New section) The enactment and adoption of this  
28 act shall not, of itself, affect the official, operational, or  
29 organizational status of any officer of the university or any and all  
30 outstanding authorizations of any officer, agent, or employee to  
31 take specified action, or any and all outstanding commitments or  
32 undertakings of or by the university, except and only to the extent  
33 that any of the same may be inconsistent with this act.

34  
35       <sup>1</sup>[45.] 51.<sup>1</sup> (New section) Upon the establishment of the body  
36 corporate and politic known as Rowan University:

37       a. All appropriations<sup>1</sup>, grants, debt service, research funds, and  
38 other monies<sup>1</sup> available to Rowan University prior to the effective  
39 date of this act and to become available shall be transferred to the  
40 university by the Director of the Division of Budget and Accounting  
41 in the Department of the Treasury and shall be available for the  
42 objects and purposes for which appropriated, subject to any terms,  
43 restrictions, limitations or other requirements imposed by the State  
44 budget;

45       b. All other grants, gifts, other moneys and property available  
46 to Rowan University prior to the effective date of this act and to  
47 become available to or for Rowan University shall be transferred to

1 the university and shall be available for the objects and purposes of  
2 the university, subject to any terms, restrictions, limitations or other  
3 requirements imposed by State and federal law or otherwise;

4 c. All employees of Rowan University prior to the effective  
5 date of this act shall become employees of the university. Nothing  
6 in this act shall be construed so as to deprive any person of any  
7 right of tenure or under any retirement system or to any pension,  
8 disability, social security or similar benefit, to which the person is  
9 entitled by law or contractually<sup>1</sup>. All persons employed at Rowan  
10 University shall continue to be represented by the majority  
11 representative that represented them on the effective date of this act,  
12 shall continue to be represented by the executive branch Statewide  
13 collective negotiations units they were in on the effective date of  
14 this act, and shall continue to be covered by the collective  
15 negotiations agreements that were in effect on the effective date of  
16 this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1),  
17 the Governor shall continue to function as the public employer  
18 under the "New Jersey Employer-Employee Relations Act,"  
19 P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at  
20 Rowan University. The executive branch Statewide collective  
21 negotiations units referenced in this section are the units specified  
22 in subsection b. section 1 of P.L.2005, c.142 (C.34:13A-5.10). The  
23 employees of Rowan University employed on the effective date of  
24 this act shall not be considered new employees for any purpose and  
25 shall retain any accrued seniority, rank, and tenure, which shall be  
26 applied when determining eligibility for all benefits, including all  
27 paid leave time, longevity increases, promotions and health  
28 benefits. Nothing in this act shall be construed to deprive any  
29 person employed at Rowan University of any tenure rights or to in  
30 any manner affect the tenure, rank, or academic track of any  
31 employees holding a faculty position. Such tenure, rank and  
32 academic track shall continue to be through Rowan University and  
33 shall be held or granted pursuant to the authority of the board of  
34 trustees of Rowan University for all current and future employees  
35 employed at Rowan University. Nothing in this act shall be  
36 construed to deprive any officers or employees employed at Rowan  
37 University of their rights, privileges, obligations or status under any  
38 pension, retirement, health benefits system, civil service law or any  
39 other law of this State<sup>1</sup>;

40 d. All files, papers, records, equipment and other personal  
41 property of Rowan University shall be transferred to the university;  
42 and

43 e. All orders, rules or regulations theretofore made or  
44 promulgated by Rowan University shall continue in full force and  
45 effect as the orders, rules and regulations of the university until  
46 amended or repealed by the university.

1       **'[46.] 52.'**<sup>1</sup> (New section) This act shall not affect actions or  
2 proceedings, civil or criminal, brought by or against Rowan  
3 University, but such actions or proceedings may be prosecuted or  
4 defended in the same manner and to the same effect by the  
5 university as if the foregoing provisions had not taken effect; nor  
6 shall any of the foregoing provisions affect any order or regulation  
7 made by, or other matters or proceedings before, Rowan University,  
8 and all such matters or proceedings pending before Rowan  
9 University on the effective date of this act shall be continued by the  
10 university, as if the foregoing provisions had not taken effect.

11

12       **'[47.] 53.'**<sup>1</sup> (New section) Whenever in any law, rule, regulation,  
13 contract, document, judicial or administrative proceeding or  
14 otherwise, reference is made to Rowan University, the same shall  
15 mean and refer to Rowan University, herein referred to as  
16 "university," established as a public research university pursuant to  
17 the provisions of this act.

18

19       **'[48.] 54.'**<sup>1</sup> (New section) The general powers of supervision  
20 and control of the Secretary of Higher Education at the request of  
21 the Governor over Rowan University include the power to visit the  
22 university to examine into its manner of conducting its affairs and  
23 to enforce an observance of its laws and regulations and the laws of  
24 the State.

25

26       **'[49.] 55.'**<sup>1</sup> (New section) Notwithstanding any of the provisions  
27 of the "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et  
28 seq.) to the contrary, contract claims and suits against the university  
29 shall be governed by that act.

30

31       **[50.] 56.'**<sup>1</sup> (New section) Every contract or agreement  
32 negotiated, awarded or made pursuant to this act shall contain a  
33 suitable warranty by the contractor that no person or selling agency  
34 has been employed or retained to solicit or secure such contract  
35 upon an agreement or understanding for a commission, percentage,  
36 brokerage or contingent fee, except bona fide employees or bona  
37 fide established commercial or selling agencies maintained by the  
38 contractor for the purpose of securing business, for the breach or  
39 violation of which warranty the university shall have the right to  
40 annul such contract without liability or in its discretion to deduct  
41 from the contract price or consideration the full amount of such  
42 commission, percentage, brokerage or contingent fee.

43

44       **'[51.] 57.'**<sup>1</sup> (New section) Any person willfully authorizing,  
45 consenting to, making or procuring to be made payment of  
46 university funds for or on account of any purchase, contract or  
47 agreement known to him to have been made or entered into in

1 violation of any of the provisions of this act shall be guilty of a  
2 misdemeanor.

3  
4 **<sup>1</sup>[52.] 58.** (New section) The payment of any fee, commission  
5 or compensation of any kind or the granting of any gift or gratuity  
6 of any kind, either directly or indirectly, whether or not in  
7 connection with any purchase, sale or contract, to any person  
8 employed by Rowan University, having any duties or  
9 responsibilities in connection with the purchase or acquisition of  
10 any property or services by the university, by or on behalf of any  
11 seller or supplier who has made, negotiated, solicited or offered to  
12 make and contract to sell or furnish real or personal property or  
13 services to the university is hereby prohibited. Any person offering,  
14 paying, giving, soliciting or receiving any fee, commission,  
15 compensation, gift or gratuity in violation of this section shall be  
16 guilty of a misdemeanor.

17  
18 **<sup>1</sup>[53.] 59.** (New section) The provisions of this act shall not  
19 alter the term of any member of the board, not specifically  
20 abolished herein, lawfully in office as of the effective date of this  
21 act, or require the reappointment thereof.

22  
23 **<sup>1</sup>[54.] 60.** (New section) No provision of this act shall be  
24 deemed or construed to create or constitute a debt, liability, or a  
25 loan or pledge of the credit, of the State of New Jersey.

26  
27 **<sup>1</sup>[55.] 61.** (New section) This act, being deemed and declared  
28 necessary for the welfare of the State and the people of New Jersey  
29 to provide for the development of public higher education in the  
30 State and thereby to improve the quality and increase the efficiency  
31 of the public system of educational services of the State, shall be  
32 liberally construed to effectuate the purposes and intent thereof.

33  
34 **<sup>1</sup>[56.] 62.** (New section) In accordance with the provisions of  
35 section 27 of P.L.1994, c.48 (C.18A:3B-27), the university is  
36 allocated to the Department of State for the purposes of complying  
37 with the provisions of Article V, Section IV, Paragraph 1 of the  
38 New Jersey Constitution. Notwithstanding this allocation, the  
39 university shall be independent of any supervision or control of the  
40 Department of State or any board, commission, or officer thereof  
41 and the allocation shall not in any way affect the principles of  
42 institutional autonomy established by that act and as otherwise  
43 enumerated herein.

44  
45 **<sup>1</sup>[57.] 63.** Section 2 of P.L.1991, c.387 (C.2A:14-1.2) is  
46 amended to read as follows:

1       2. a. Except where a limitations provision expressly and  
2 specifically applies to actions commenced by the State or where a  
3 longer limitations period would otherwise apply, and subject to any  
4 statutory provisions or common law rules extending limitations  
5 periods, any civil action commenced by the State shall be  
6 commenced within ten years next after the cause of action shall  
7 have accrued.

8       b. For purposes of determining whether an action subject to the  
9 limitations period specified in subsection a. of this section has been  
10 commenced within time, no such action shall be deemed to have  
11 accrued prior to January 1, 1992.

12       c. As used in this act, the term "State" means the State, its  
13 political subdivisions, any office, department, division, bureau,  
14 board, commission or agency of the State or one of its political  
15 subdivisions, and any public authority or public agency, including,  
16 but not limited to, the New Jersey Transit Corporation~~]~~ and the  
17 University of Medicine and Dentistry of New Jersey~~]~~.

18       The provisions of this section shall not apply to any civil action  
19 commenced by the State concerning the remediation of a  
20 contaminated site or the closure of a sanitary landfill facility, or the  
21 payment of compensation for damage to, or loss of, natural  
22 resources due to the discharge of a hazardous substance, and subject  
23 to the limitations period specified in section 5 of P.L.2001, c.154  
24 (C.58:10B-17.1).

25 (cf: P.L.2001, c.154, s.7)

26

27       ~~'[58.] 64.'~~<sup>1</sup> N.J.S.11A:6-6 is amended to read as follows:

28       11A:6-6. State administrative leave. Administrative leave for  
29 personal reasons including religious observances for full-time State  
30 employees or those employees of Rutgers, The State University,  
31 New Jersey Institute of Technology and ~~the University of~~  
32 ~~Medicine and Dentistry of New Jersey]~~ Rowan University who  
33 perform services similar to those performed by employees of the  
34 New Jersey State colleges who are in the career service shall be  
35 three working days per calendar year. Administrative leave shall  
36 not be cumulative and any administrative leave unused by an  
37 employee at the end of any year shall be cancelled.

38 (cf: N.J.S.11A:6-6)

39

40       ~~'[59.] 65.'~~<sup>1</sup> N.J.S.11A:6-17 is amended to read as follows:

41       11A:6-17. Supplemental compensation; employees of Rutgers,  
42 The State University, New Jersey Institute of Technology, and ~~the~~  
43 ~~University of Medicine and Dentistry of New Jersey]~~ Rowan  
44 University. The supplemental compensation provided under this  
45 chapter shall also be paid to each employee of Rutgers, The State  
46 University, New Jersey Institute of Technology, ~~and the University~~  
47 ~~of Medicine and Dentistry of New Jersey]~~ , and Rowan University

1 who performs services similar to those performed by employees of  
2 the New Jersey State colleges who are in the career service or who  
3 have been granted sick leave under terms and conditions similar to  
4 career service employees, including those employees of **[the**  
5 **University of Medicine and Dentistry of New Jersey]** Rutgers, The  
6 State University who are members of the Newark Employees'  
7 Retirement System.  
8 (cf: N.J.S.11A:6-17)

9  
10 <sup>1</sup>**[60.] 66.** Section 4 of P.L.2003, c.193 (C.17B:27D-4) is  
11 amended to read as follows:

12 4. The commission shall consist of 17 voting members as  
13 follows: the Commissioners of Health and Senior Services, Human  
14 Services and Banking and Insurance or their designees, who shall  
15 serve ex officio; three public members appointed by the President  
16 of the Senate, who shall include a representative of a commercial  
17 health insurance company, a physician licensed in this State who is  
18 a member of the Medical Society of New Jersey, and a  
19 representative of the New Jersey Business and Industry Association,  
20 no more than two of whom shall be from the same political party;  
21 three public members appointed by the Speaker of the General  
22 Assembly, who shall include a representative of a health service  
23 corporation, a physician licensed in this State, and a representative  
24 of organized labor, no more than two of whom shall be from the  
25 same political party; and eight public members appointed by the  
26 Governor, who shall include a medical educator from **[the**  
27 **University of Medicine and Dentistry of New Jersey]** Rutgers, The  
28 State University whose major field of expertise is the study and  
29 evaluation of the cost of health care and health insurance, a  
30 representative of the New Jersey Association of Health Plans, a  
31 representative of the New Jersey Hospital Association, a  
32 representative of the New Jersey State Nurses Association, a  
33 representative of the New Jersey Dental Association, a  
34 representative of a consumer advocacy organization and two  
35 representatives of the general public who are knowledgeable about  
36 health benefits plans.

37 The President of the Senate may appoint two members of the  
38 Senate, no more than one of whom shall be from the same political  
39 party, to serve as nonvoting members of the commission. The  
40 Speaker of the General Assembly may appoint two members of the  
41 General Assembly, no more than one of whom shall be from the  
42 same political party, to serve as nonvoting members of the  
43 commission. The legislative members shall serve during their  
44 legislative term of office.

45 Of the voting members first appointed, four shall serve for a term  
46 of two years, four for a term of three years and three for a term of  
47 four years.

1 Voting members appointed thereafter shall serve four-year terms,  
2 and any vacancy shall be filled by appointment for the unexpired  
3 term only. A member is eligible for reappointment. Vacancies in  
4 the membership of the commission shall be filled in the same  
5 manner as the original appointments were made.

6 (cf: P.L.2003, c.193, s.4)

7  
8 <sup>1</sup>~~61.~~ 67. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is  
9 amended to read as follows:

10 3. For the purposes of this act, unless the context clearly  
11 requires a different meaning:

12 "Authority" means the Higher Education Student Assistance  
13 Authority established pursuant to N.J.S.18A:71A-3;

14 "Commission" means the New Jersey Commission on Higher  
15 Education established by this act;

16 "Council" means the New Jersey Presidents' Council established  
17 by this act;

18 "Programmatic Mission" means all program offerings consistent  
19 within those levels of academic degrees or certificates that the  
20 institution has been authorized to grant by the State Board of  
21 Higher Education prior to the effective date of this act or approved  
22 thereafter by the commission;

23 "Public Research University" means Rutgers, The State  
24 University of New Jersey, ~~the University of Medicine and~~  
25 ~~Dentistry of New Jersey~~ Rowan University, and the New Jersey  
26 Institute of Technology;

27 "State college" means any of the State colleges or universities  
28 established pursuant to chapter 64 of Title 18A of the New Jersey  
29 Statutes including any State college designated as a teaching  
30 university.

31 (cf: P.L.1999, c.46, s.27)

32  
33 <sup>1</sup>~~62.~~ 68. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is  
34 amended to read as follows:

35 12. a. There shall be established an executive board which  
36 performs such duties as determined by the council. The executive  
37 board shall be composed of 15 members as follows:

38 The president of Rutgers, The State University;

39 ~~The president of the University of Medicine and Dentistry of~~  
40 ~~New Jersey~~];

41 The president of New Jersey Institute of Technology;

42 The president of Rowan University;

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

45 Five presidents of county colleges who shall be selected by the  
46 presidents of this sector;



1 Three presidents of independent institutions who shall be  
2 selected by the presidents of this sector;

3 One president of the proprietary schools which have been  
4 authorized to offer licensed degree programs who shall be selected  
5 by the presidents of these proprietary schools.

6 b. The chair of the executive board shall be rotated among the  
7 following: one of the presidents of Rutgers, The State University of  
8 New Jersey, the president of **【the University of Medicine and  
9 Dentistry of New Jersey】** Rowan University, and the president of  
10 New Jersey Institute of Technology; a president selected by the  
11 presidents of the State Colleges; a president selected by the  
12 presidents of the county colleges; and a president selected by the  
13 presidents of the independent institutions. The chair of the  
14 executive board shall serve for a two-year period. Biennially, the  
15 executive board shall select the chair in the manner provided above,  
16 but not necessarily in the order provided above.

17 c. The chair of the executive board shall also serve as the chair  
18 of the council.

19 (cf: P.L.2009, c.246, s.2)

20

21 <sup>1</sup>**【63.】** 69.<sup>1</sup> Section 1 of P.L.2009, c.308 (C.18A:3B-46) is  
22 amended to read as follows:

23 1. As used in this act:

24 "Commission" means the New Jersey Commission on Higher  
25 Education established pursuant to section 13 of P.L.1994, c.48  
26 (C.18A:3B-13);

27 "Public research university" means Rutgers, The State University  
28 of New Jersey, **【the University of Medicine and Dentistry of New  
29 Jersey】** Rowan University, and the New Jersey Institute of  
30 Technology;

31 "State college" means the State colleges or universities  
32 established pursuant to chapter 64 of Title 18A of the New Jersey  
33 Statutes.

34 (cf: P.L.2009, c.308, s.1)

35

36 <sup>1</sup>**【64.】** 70.<sup>1</sup> Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is  
37 amended to read as follows:

38 2. a. The Commissioner of Education shall develop  
39 recommendations for autism and other developmental disabilities  
40 awareness instruction and methods of teaching students with autism  
41 and other developmental disabilities for teacher preparation  
42 programs in accordance with section 1 of this act and shall submit  
43 the recommendations to the State Board of Education. In  
44 developing the recommendations, the commissioner shall consult  
45 with the Commissioner of Health and Senior Services,  
46 representatives from entities that promote awareness about autism  
47 and other developmental disabilities and provide programs and

1 services to people with autism and other developmental disabilities,  
2 including, but not limited to Autism Speaks, The Autism Center of  
3 New Jersey Medical School at [the University of Medicine and  
4 Dentistry of New Jersey] Rutgers, The State University, and The  
5 New Jersey Center for Outreach and Services for the Autism  
6 Community, and representatives of the education community,  
7 including, but not limited to the New Jersey Education Association,  
8 the New Jersey School Boards Association, the New Jersey  
9 Principals and Supervisors Association, and the New Jersey  
10 Professional Teaching Standards Board.

11 b. The Commissioner of Education shall develop  
12 recommendations to incorporate autism and other developmental  
13 disabilities awareness instruction and methods of teaching students  
14 with autism and other developmental disabilities for teacher and  
15 paraprofessional in-service and other training programs, where  
16 appropriate, and shall submit the recommendations to the State  
17 board. In developing the recommendations, the commissioner shall  
18 consult with the Commissioner of Health and Senior Services,  
19 representatives from entities that promote awareness about autism  
20 and other developmental disabilities and provide programs and  
21 services to people with autism and other developmental disabilities,  
22 including, but not limited to Autism Speaks, The Autism Center of  
23 New Jersey Medical School at [the University of Medicine and  
24 Dentistry of New Jersey] Rutgers, The State University, and The  
25 New Jersey Center for Outreach and Services for the Autism  
26 Community, and representatives of the education community,  
27 including, but not limited to the New Jersey Education Association,  
28 the New Jersey School Boards Association, the New Jersey  
29 Principals and Supervisors Association, and the New Jersey  
30 Professional Teaching Standards Board.

31 c. The recommendations developed by the commissioner  
32 pursuant to subsections a. and b. of this section shall address the  
33 following:

34 (1) characteristics of students with autism and other  
35 developmental disabilities;

36 (2) curriculum planning, curricular and instructional  
37 modifications, adaptations, and specialized strategies and  
38 techniques;

39 (3) assistive technology; and

40 (4) inclusive educational practices, including collaborative  
41 partnerships.

42 (cf: P.L.2007, c.171, s.2)

43

44 '[65.] 71.' Section 1 of P.L.1985, c.161 (C.18A:64-45) is  
45 amended to read as follows:

46 1. There is established a body corporate and politic, with  
47 corporate succession, to be known as the New Jersey Association of

1 State Colleges and Universities. New Jersey City University, Kean  
 2 University, Montclair State University, Ramapo College of New  
 3 Jersey, Richard Stockton College of New Jersey, [Rowan  
 4 University,] Thomas Edison State College, The College of New  
 5 Jersey and The William Paterson University of New Jersey shall  
 6 constitute the membership of the association.  
 7 (cf: P.L.1999, c.46, s.35)

8  
 9 '66.] 72.' Section 2 of P.L.1985, c.161 (C.18A:64-46) is  
 10 amended to read as follows:

11 2. The association shall consist of [nine] eight voting members  
 12 to be appointed as follows: one member from each member  
 13 institution's boards of trustees, appointed by the members thereof.  
 14 In addition the presidents of the member institutions shall serve as  
 15 ex officio, nonvoting members.

16 Members shall serve without compensation but shall be entitled  
 17 to be reimbursed for all reasonable and necessary expenses.  
 18 (cf: P.L.1999, c.46, s.36)

19  
 20 '67.] 73.' Section 3 of P.L.2006, c.95 (C.18A:64G-6.1) is  
 21 amended to read as follows:

22 3. a. The management, supervision, and administration of  
 23 University Hospital shall be vested in 'a [nine-member] 12-  
 24 member ] an 11-member' board of directors of University Hospital.  
 25 The board shall be comprised of [four members of the board of  
 26 trustees of the University of Medicine and Dentistry of New Jersey  
 27 who shall serve ex officio and be appointed by the chairman of the  
 28 board and five];

29 (1) 'three] four' members who shall serve ex-officio '[, without  
 30 vote,]' including: the Dean of New Jersey Medical School, the  
 31 Dean of New Jersey Dental School, [and the Commissioner of  
 32 Health and Senior Services] the President of Rutgers, The State  
 33 University or a designee, and the Chancellor of the School of  
 34 Biomedical and Health Sciences of Rutgers University'; and

35 (2) 'nine] seven' public members, <sup>2</sup>[who] three of whom<sup>2</sup>  
 36 shall be appointed by the Governor, with the advice and consent of  
 37 the Senate, for a five-year term['; except that in the case of the  
 38 initial gubernatorial appointments to the board of directors, two  
 39 shall serve for a term of two years, one for a term of three years,  
 40 one for a term of four years, and one for a term of five years] <sup>2</sup>with  
 41 one of these members being a resident of the City of Newark; and  
 42 four of whom shall be appointed by the Governor without the  
 43 advice and consent of the Senate, for a five-year term, except that  
 44 upon the expiration of the term of these initial four members  
 45 appointed pursuant to P.L. , c. (C. ) (pending before the

1 Legislature as this bill), all seven public members appointed by the  
2 Governor shall require the advice and consent of the Senate<sup>2</sup>.

3 <sup>2</sup>[<sup>1</sup>The first additional appointments made by the Governor  
4 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
5 this bill), shall not require the advice and consent of the Senate, but  
6 thereafter such advice and consent shall be required.<sup>1</sup>

7 A person who is a member of the board of directors on the  
8 effective date of P.L. , c. (C. )(pending before the Legislature  
9 as this bill) shall be permitted to serve for the balance of the term  
10 for which that person was appointed.]<sup>2</sup>

11 A member of the board of directors shall serve until **[his]** the  
12 member's successor is appointed and has qualified. Any vacancies  
13 in the membership occurring other than by expiration of term shall  
14 be filled in the same manner as the original appointment but for the  
15 unexpired term only. Each member of the board of directors before  
16 entering upon **[his]** the member's duties shall take and subscribe an  
17 oath to perform the duties of **[his]** the office faithfully, impartially,  
18 and justly to the best of **[his]** the member's ability. A record of the  
19 oath shall be filed in the office of the Secretary of State. Each  
20 member of the board may be removed from office by the Governor,  
21 for cause, after a public hearing.

22 b. The members of the board of directors shall meet at the call  
23 of the Governor for purposes of organizing. The board shall  
24 thereafter meet at such times and places as it shall designate.

25 c. The Governor shall designate one of the members as  
26 chairman of the board of directors. The board shall select the other  
27 officers from among its members as shall be deemed necessary.

28 d. The board of directors shall have the power to appoint and  
29 regulate the duties and procedures of committees, standing or  
30 special, from its members and such advisory committees or bodies,  
31 as it may deem necessary or conducive to the efficient management  
32 and operation of the hospital.

33 e. The board shall have the power and duty to <sup>1</sup>exercise general  
34 oversight over the affairs of University Hospital to ensure the  
35 fulfillment of its mission and to<sup>1</sup>:

36 (1) direct and control expenditures of University Hospital funds;

37 (2) borrow money;

38 (3) enter into contracts with the State or federal government, or  
39 any individual, firm, or corporation;

40 (4) solicit and accept grant moneys;

41 (5) acquire, own, lease, dispose of, use, and operate property;

42 (6) sue and be sued;

43 (7) enter into a contract or other agreement with a <sup>1</sup>[for-profit  
44 or]<sup>1</sup> nonprofit corporation operating one or more hospitals in New  
45 Jersey to operate and manage or assist in the operation and  
46 management of University Hospital<sup>1</sup>[, without engaging in a  
47 competitive bidding process]<sup>1</sup>; and

1       (8) hire, fire, and fix salaries for all employees of University  
2 Hospital.

3 (cf: P.L.2006, c.95, s.3)

4  
5       '~~68.] 74.~~' Section 1 of P.L. 1999, c.353 (C.18A:64G-35) is  
6 amended to read as follows:

7       1. There is established a "Physician-Dentist Fellowship and  
8 Education Program to Provide Health Care to Persons with  
9 Developmental Disabilities" within ~~the University of Medicine and~~  
10 ~~Dentistry of New Jersey]~~ Rutgers, The State University. The  
11 purpose of the program is to provide physicians and dentists with  
12 graduate and fellowship training through academic institutions in  
13 the State and continuing medical and dental education on a  
14 Statewide basis, in the provision of medical and dental services to  
15 persons with developmental disabilities to ensure that these services  
16 are accessible and adequately available to persons with  
17 developmental disabilities in the State.

18 (cf: P.L.1999,c.353,s.1)

19

20       '~~69.] 75.~~' Section 2 of P.L.1999, c.353 (C.18A:64G-36) is  
21 amended to read as follows:

22       2. There is established a 17-member Consortium on Physician  
23 and Dentist Training in Health Care for Persons with  
24 Developmental Disabilities to advise the director of the program on  
25 the implementation of this act.

26       a. The members of the consortium shall include: one  
27 representative each from the pediatric medicine, family medicine,  
28 internal medicine, neurology and psychiatry programs at ~~the~~  
29 ~~University of Medicine and Dentistry of New Jersey]~~ Rutgers, The  
30 State University, one representative from the New Jersey Dental  
31 School, and one representative of the University Affiliated  
32 Program, to be appointed by the President of ~~the University of~~  
33 ~~Medicine and Dentistry of New Jersey]~~ Rutgers, The State  
34 University; the director of the Mainstreaming Medical Care  
35 program of The Arc of New Jersey, who shall serve ex officio; the  
36 Director of the Division of Developmental Disabilities in the  
37 Department of Human Services, who shall serve ex officio; the  
38 Director of the Division of Medical Assistance and Health Services  
39 in the Department of Human Services, who shall serve ex officio;  
40 the Commissioner of Health and Senior Services or the  
41 commissioner's designee, who shall serve ex officio; three health  
42 care provider public members appointed by the Commissioner of  
43 Human Services, one each upon the recommendation of the Medical  
44 Society of New Jersey, the New Jersey Association of Osteopathic  
45 Physicians and Surgeons and the New Jersey Dental Association;  
46 and three public members appointed by the Commissioner of  
47 Human Services, two of whom shall represent community

1 organizations that advocate for persons with developmental  
2 disabilities and one of whom shall be a family member of a person  
3 with a developmental disability or a person with a developmental  
4 disability who is a self advocate.

5 The President of <sup>2</sup>【the University of Medicine and Dentistry of  
6 New Jersey】 Rutgers, The State University<sup>2</sup> and the Commissioner  
7 of Human Services shall make the appointments to the consortium  
8 within 60 days of the effective date of this act.

9 Members of the consortium shall serve for a term of three years  
10 and are eligible for reappointment, but of the members first  
11 appointed, five shall serve for a term of one year, four for a term of  
12 two years and four for a term of three years. Vacancies shall be  
13 filled in the same manner as the original appointments were made.

14 b. Members shall serve without compensation, but the public  
15 members shall be entitled to reimbursement for necessary expenses  
16 incurred in the performance of their duties and within the limits of  
17 funds appropriated to the program.

18 c. The consortium shall organize as soon as may be practicable  
19 after the appointment of its members. The Director of the Division  
20 of Developmental Disabilities shall serve as the chairman of the  
21 consortium. The members of the consortium shall elect a vice-  
22 chairman from among the members. All members, including ex  
23 officio members, shall be eligible to vote on all matters before the  
24 consortium. The director of the program, appointed pursuant to  
25 section 5 of this act, shall serve as secretary to the consortium.

26 d. The consortium shall assist the director of the program in  
27 establishing policies and procedures for the nomination and  
28 selection of physicians and dentists as program fellows. The  
29 consortium shall otherwise advise the director on the operation of  
30 the program as the director deems necessary, and as specified in this  
31 act.

32 (cf: P.L.1999, c.353, s.2)

33

34 <sup>1</sup>【70.】 76.<sup>1</sup> Section 5 of P.L.1999, c.353 (C.18A:64G-39) is  
35 amended to read as follows:

36 5. The President of 【the University of Medicine and Dentistry  
37 of New Jersey】 Rutgers, The State University shall, in consultation  
38 with the consortium, appoint a director for the program who shall  
39 be a State licensed physician. The director of the program need not  
40 be solely responsible for the program and may continue to have  
41 other duties. The director may, in consultation with the consortium,  
42 appoint regional chairmen or chairmen of medical or dental practice  
43 specialties, as the director deems necessary for the operation of the  
44 program.

45 (cf: P.L.1999,c.353,s.5)

1        '[71.] 77.' Section 4 of P.L.1977, c.390 (C.18A:64H-4) is  
2 amended to read as follows:

3        4. The council shall consist of 15 members, 12 voting members  
4 and three nonvoting members; four members of the council shall be  
5 appointed by the Governor and 11 shall be ex officio members. The  
6 appointments shall consist of three representatives of the public and  
7 one student currently enrolled in a graduate medical training  
8 program; the appointed members shall be voting members of the  
9 council. The president of [the University of Medicine and  
10 Dentistry of New Jersey] Rutgers, The State University, who shall  
11 serve as chairperson; a dean from one of the medical schools of  
12 [the University of Medicine and Dentistry of New Jersey] Rutgers,  
13 The State University, to be selected by the president of [the  
14 University of Medicine and Dentistry of New Jersey] Rutgers, The  
15 State University; the dean of the School of Graduate Medical  
16 Education of Seton Hall University; the president of the New Jersey  
17 Hospital Association; the president of the Association of Hospital  
18 Directors of Medical Education of New Jersey; the president of the  
19 New Jersey Association of Osteopathic Physicians and Surgeons;  
20 the president of the Medical Society of New Jersey; and the  
21 president of the New Jersey Council of Teaching Hospitals or their  
22 designated representatives shall be ex officio, voting members of  
23 the council. The Commissioner of Health and Senior Services; the  
24 president of the State Board of Medical Examiners and the  
25 Commissioner of Human Services or their designated  
26 representatives shall be ex officio, nonvoting members. The  
27 appointed members shall serve for a three-year term or until a  
28 successor is appointed. For those first appointed, two shall be  
29 appointed for a one-year term; one shall be appointed for a two-year  
30 term; and one shall be appointed for a three-year term. Any  
31 vacancies in the voting membership other than by expiration of term  
32 shall be filled in the same manner as the original appointment but  
33 for the unexpired term only. To assist the council in carrying out  
34 the intent of this act:

35        a. The council may appoint advisory committees representative  
36 of the medical and health care professions, educators, and students,  
37 representatives of medical and health care facilities and consumers.  
38 The advisory committees shall provide advice and assistance to the  
39 council for the council's performance of its designated functions.

40        b. The council may employ an executive director and  
41 additional staff to provide expertise in the gathering and analysis of  
42 data and administration. The executive director shall have the right  
43 to speak on all matters at meetings of the council but shall have no  
44 vote. The council and the advisory committees shall serve without  
45 compensation, but shall be reimbursed for necessary expenses  
46 incurred in the performance of their duties.

47 (cf: P.L.2008, c.5, s.1)

1       '【72.】 78.' Section 1 of P.L.2003, c.133 (C.18A:64H-9) is  
2 amended to read as follows:

3       1.1a. There is created, within the 【Commission on Higher  
4 Education】 Office of the Secretary of Higher Education, the  
5 "Advisory Committee on Alternatively Accredited Medical School  
6 Clinical Clerkships."

7       The advisory committee shall consist of 11 members as follows:  
8 the Commissioner of Health and Senior Services or his designee,  
9 who shall serve ex officio; four members appointed by the  
10 Governor who include one representative of the Medical Society of  
11 New Jersey, one representative of the New Jersey Association of  
12 Osteopathic Physicians and Surgeons, one representative of the  
13 New Jersey Hospital Association and one representative of an  
14 alternatively accredited medical school; two members appointed by  
15 the President of the Senate who include one representative of the  
16 New Jersey Council of Teaching Hospitals and one representative  
17 of a teaching hospital in New Jersey that has students from an  
18 alternatively accredited medical school participating in a clinical  
19 clerkship program; two members appointed by the Speaker of the  
20 General Assembly who include one representative of an  
21 alternatively accredited medical school and one representative of a  
22 teaching hospital in New Jersey that has students from a medical  
23 school of 【the University of Medicine and Dentistry of New Jersey】  
24 Rutgers, The State University in a clinical clerkship program; one  
25 member appointed by the State Board of Medical Examiners; and  
26 one member appointed by the President of 【the University of  
27 Medicine and Dentistry of New Jersey】 Rutgers, The State  
28 University. No two members of the advisory committee shall be  
29 representatives of the same medical school or hospital.

30       b. Members shall serve for a term of three years from the date  
31 of their appointment and until their successors are appointed and  
32 qualified, except that of the members first appointed, four members  
33 shall serve for a term of one year, three members shall serve for a  
34 term of two years and three members shall serve for a term of three  
35 years. Vacancies shall be filled for the balance of the unexpired  
36 term in the same manner as the original appointments were made.  
37 A member of the advisory committee shall be eligible for  
38 reappointment.

39       c. The members of the advisory committee shall serve without  
40 compensation, but shall be reimbursed for necessary and reasonable  
41 expenses actually incurred in the performance of their duties, within  
42 the limits of funds appropriated or otherwise made available to the  
43 advisory committee for this purpose.

44       d. The advisory committee shall select a chairman from among  
45 its members, who shall serve a one-year term but may serve  
46 successive terms. The advisory committee shall meet upon the call  
47 of the chairman or of a majority of its members. A majority of the



1 members of the advisory committee shall constitute a quorum, and  
2 no action of the advisory committee shall be taken except upon the  
3 affirmative vote of a majority of the members of the entire advisory  
4 committee.

5 e. As used in this act, "alternatively accredited medical school"  
6 means a medical school located outside the United States: (1) in a  
7 country that applies accreditation standards that have been  
8 determined by the National Committee on Foreign Medical  
9 Education and Accreditation within the United States Department of  
10 Education to be comparable to the accreditation standards applied to  
11 medical schools located within the United States; (2) that continues  
12 to meet the accreditation standards of that country; and (3) has  
13 medical school students participating in a clinical clerkship program  
14 in New Jersey prior to the effective date of this act, or is approved  
15 by the Advisory Graduate Medical Education Council of New  
16 Jersey pursuant to section 4 of this act to operate a clinical clerkship  
17 program in this State.

18 (cf: P.L.2003, c.133, s.1)

19

20 '[73.] 79.' Section 2 of P.L.1985, c.103 (C.18A:64J-2) is  
21 amended to read as follows:

22 2. For the purposes of this act:

23 a. "Advanced technology center" means one or more  
24 outstanding programs or departments at New Jersey's public and  
25 private institutions of higher education, which are provided  
26 substantial and concentrated financial support to promote their  
27 development into national-level bases for innovative technology  
28 research.

29 b. "Business incubation facilities" means low-cost, short-term  
30 occupancy, rental spaces wherein assistance is granted to a targeted  
31 network of new companies employing selected technologies  
32 congruent with the strengths of the State's public and private  
33 institutions of higher education.

34 c. "Commission" means the Governor's Commission on  
35 Science and Technology as created by Executive Order No. 12 of  
36 1982 or its successor which is established by the Legislature.

37 d. "Consortium" means a cooperative arrangement between two  
38 or more institutions of higher education to pursue a program for  
39 strengthening academic programs, improving administration or  
40 providing for other special needs.

41 e. "Innovation partnership grants" means matching grants to  
42 academic researchers performing applied research in emerging  
43 technologies at any of the State's public and private institutions of  
44 higher education, which are of strategic importance to the New  
45 Jersey economy, under regulations adopted by the commission  
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
47 (C.52:14B-1 et seq.).

1 f. "Private institutions of higher education" means independent  
2 colleges, universities or institutes incorporated and located in New  
3 Jersey, which by virtue of law or character or license are nonprofit  
4 educational institutions authorized to grant academic degrees and  
5 which provide a level of education which is equivalent to the  
6 education provided by the State's public institutions of higher  
7 education as attested by the receipt of and continuation of regional  
8 accreditation by the Middle States Association of Colleges and  
9 Schools, and which are eligible to receive State aid under the  
10 provisions of the Constitution of the United States and the  
11 Constitution of the State of New Jersey, but does not include any  
12 educational institution dedicated primarily to the education or  
13 training of ministers, priests, rabbis or other professional persons in  
14 the field of religion.

15 g. "Public institutions of higher education" means Rutgers, The  
16 State University, the State colleges, the New Jersey Institute of  
17 Technology, [the University of Medicine and Dentistry of New  
18 Jersey] Rowan University, the county colleges and any other public  
19 university or college now or hereafter established or authorized by  
20 law.

21 h. "Technology extension services" means programs that not  
22 only accelerate the application and transfer of technological  
23 innovations by the State's public and private institutions of higher  
24 education to existing industry, but also adapt these innovations to  
25 the requirements of individual business operations.

26 (cf: P.L.1985, c.103, s.2)

27

28 <sup>1</sup>[74.] 80.<sup>1</sup> Section 3 of P.L.1985, c.103 (C.18A:64J-3) is  
29 amended to read as follows:

30 3. There is established the Advanced Technology Center in  
31 Hazardous and Toxic Substance Management, hereinafter referred  
32 to as the center, at the New Jersey Institute of Technology in the  
33 City of Newark, County of Essex with the cooperation of a research  
34 and public policy consortium led by the New Jersey Institute of  
35 Technology and including Stevens Institute of Technology, [the  
36 University of Medicine and Dentistry of New Jersey] and Rutgers,  
37 The State University. Various other public and private institutions  
38 of higher education and their faculties may be considered for  
39 participation in the work of the center in the future by the  
40 commission.

41 (cf: P.L.1985, c.103, s.3)

42

43 <sup>1</sup>[75.] 81.<sup>1</sup> Section 2 of P.L.1985, c.104 (C.18A:64J-9) is  
44 amended to read as follows:

45 2. For the purposes of this act:

46 a. "Advanced technology center" means one or more  
47 outstanding programs or departments at New Jersey's public and

1 private institutions of higher education, which are provided  
2 substantial and concentrated financial support to promote their  
3 development into national-level bases for innovative technology  
4 research.

5 b. "Business incubation facilities" means low-cost, short-term  
6 occupancy, rental spaces wherein assistance is granted to a targeted  
7 network of new companies employing selected technologies  
8 congruent with the strengths of the State's public and private  
9 institutions of higher education.

10 c. "Commission" means the Governor's Commission on  
11 Science and Technology as created by Executive Order No. 12 of  
12 1982 or its successor which is established by the Legislature.

13 d. "Innovation partnership grants" means matching grants to  
14 academic researchers performing applied research in emerging  
15 technologies at any of the State's public and private institutions of  
16 higher education, which are of strategic importance to the New  
17 Jersey economy, under regulations adopted by the commission  
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
19 (C.52:14B-1 et seq.).

20 e. "Private institutions of higher education" means independent  
21 colleges or universities incorporated and located in New Jersey,  
22 which by virtue of law or character or license are nonprofit  
23 educational institutions authorized to grant academic degrees and  
24 which provide a level of education which is equivalent to the  
25 education provided by the State's public institutions of higher  
26 education as attested by the receipt of and continuation of regional  
27 accreditation by the Middle States Association of Colleges and  
28 Schools, and which are eligible to receive State aid under the  
29 provisions of the Constitution of the United States and the  
30 Constitution of the State of New Jersey, but does not include any  
31 educational institution dedicated primarily to the education or  
32 training of ministers, priests, rabbis or other professional persons in  
33 the field of religion.

34 f. "Public institutions of higher education" means Rutgers, The  
35 State University, the State colleges, the New Jersey Institute of  
36 Technology, [the University of Medicine and Dentistry of New  
37 Jersey] Rowan University, the county colleges and any other public  
38 university or college now or hereafter established or authorized by  
39 law.

40 g. "Technology extension services" means programs that not  
41 only accelerate the application and transfer of technological  
42 innovations by the State's public and private universities to existing  
43 industry, but also adapt these innovations to the requirements of  
44 individual business operations.

45 (cf: P.L.1985, c.104, s.2)

46

47 <sup>1</sup>[76.] 82.<sup>1</sup> Section 2 of P.L.1985, c.105 (C.18A:64J-16) is  
48 amended to read as follows:

1       2. For the purposes of this act:

2       a. "Advanced technology center" means one or more  
3 outstanding programs or departments at New Jersey's public and  
4 private institutions of higher education, which are provided  
5 substantial and concentrated financial support to promote their  
6 development into national-level bases for innovative technology  
7 research.

8       b. "Business incubation facilities" means low-cost, short-term  
9 occupancy, rental spaces wherein assistance is granted to a targeted  
10 network of new companies employing selected technologies  
11 congruent with the strengths of the State's public and private  
12 institutions of higher education.

13       c. "Commission" means the Governor's Commission on  
14 Science and Technology as created by Executive Order No. 12 of  
15 1982 or its successor which is established by the Legislature.

16       d. "Innovation partnership grants" means matching grants to  
17 academic researchers performing applied research in emerging  
18 technologies at any of the State's public and private institutions of  
19 higher education, which are of strategic importance to the New  
20 Jersey economy, under regulations adopted by the commission  
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.).

23       e. "Private institutions of higher education" means independent  
24 colleges or universities incorporated and located in New Jersey,  
25 which by virtue of law or character or license are nonprofit  
26 educational institutions authorized to grant academic degrees and  
27 which provide a level of education which is equivalent to the  
28 education provided by the State's public institutions of higher  
29 education as attested by the receipt of and continuation of regional  
30 accreditation by the Middle States Association of Colleges and  
31 Schools, and which are eligible to receive State aid under the  
32 provisions of the Constitution of the United States and the  
33 Constitution of the State of New Jersey, but does not include any  
34 educational institution dedicated primarily to the education or  
35 training of ministers, priests, rabbis or other professional persons in  
36 the field of religion.

37       f. "Public institutions of higher education" means Rutgers, The  
38 State University, the State colleges, the New Jersey Institute of  
39 Technology, [the University of Medicine and Dentistry of New  
40 Jersey] Rowan University, the county colleges and any other public  
41 university or college now or hereafter established or authorized by  
42 law.

43       g. "Technology extension services" means programs that not  
44 only accelerate the application and transfer of technological  
45 innovations by the State's public and private institutions of higher  
46 education to existing industry, but also adapt these innovations to  
47 the requirements of individual business operations.

48 (cf: P.L.1985, c.105, s.2)

1       '【77.】 83.' Section 3 of P.L.1985, c.105 (C.18A:64J-17) is  
2 amended to read as follows:

3       3. There is established the Advanced Technology Center in  
4 Biotechnology (hereinafter referred to as the center) under the  
5 **【joint】** governance of Rutgers, The State University **【and the**  
6 **University of Medicine and Dentistry of New Jersey】** and with the  
7 participation of other public and private institutions of higher  
8 education and faculties who may be considered for participation in  
9 the work of the center in the future by the commission. The center  
10 shall be composed of various units at locations designated by the  
11 participating institutions, with the approval of the commission.  
12 (cf: P.L.1985, c.105, s.3)

13

14       '【78.】 84.' Section 2 of P.L.1985, c.106 (C.18A:64J-23) is  
15 amended to read as follows:

16       2. For the purposes of this act:

17       a. "Advanced technology center" means one or more  
18 outstanding programs or departments at New Jersey's public and  
19 private institutions of higher education, which are provided  
20 substantial and concentrated financial support to promote their  
21 development into national-level bases for innovative technology  
22 research.

23       b. "Business incubation facility" means low-cost, short-term  
24 occupancy, rental spaces wherein assistance is granted to a targeted  
25 network of new companies employing selected technologies  
26 congruent with the strengths of the State's public and private  
27 institutions of higher education.

28       c. "Commission" means the Governor's Commission on  
29 Science and Technology as created by Executive Order No. 12 of  
30 1982 or its successor which is established by the Legislature.

31       d. "Innovation partnership grants" means matching grants to  
32 academic researchers performing applied research in emerging  
33 technologies at any of the State's public and private institutions of  
34 higher education, which are of strategic importance to the New  
35 Jersey economy, under regulations adopted by the commission  
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
37 (C.52:14B-1 et seq.).

38       e. "Private institutions of higher education" means independent  
39 colleges or universities incorporated and located in New Jersey,  
40 which by virtue of law or character or license are nonprofit  
41 educational institutions authorized to grant academic degrees and  
42 which provide a level of education which is equivalent to the  
43 education provided by the State's public institutions of higher  
44 education as attested by the receipt of and continuation of regional  
45 accreditation by the Middle States Association of Colleges and  
46 Schools, and which are eligible to receive State aid under the  
47 provisions of the Constitution of the United States and the  
48 Constitution of the State of New Jersey, but does not include any

1 educational institution dedicated primarily to the education or  
2 training of ministers, priests, rabbis or other professional persons in  
3 the field of religion.

4 f. "Public institutions of higher education" means Rutgers, The  
5 State University, the State colleges, the New Jersey Institute of  
6 Technology, [the University of Medicine and Dentistry of New  
7 Jersey] Rowan University, the county colleges and any other public  
8 university or college now or hereafter established or authorized by  
9 law.

10 g. "Technology extension services" means programs that not  
11 only accelerate the application and transfer of technological  
12 innovations by the State's public and private institutions of higher  
13 education to existing industry, but also adapt these innovations to  
14 the requirements of individual business operations.

15 (cf: P.L.1985, c.106, s.2)

16

17 '[79.] 85.' Section 2 of P.L.1985, c.366 (C.18A:64J-30) is  
18 amended to read as follows:

19 2. For the purposes of this act:

20 a. "Advanced technology center" means one or more  
21 outstanding programs or departments at New Jersey's public and  
22 private institutions of higher education which are provided  
23 substantial and concentrated financial support to promote their  
24 development into national level bases for innovative technology  
25 research;

26 b. "Business incubation facilities" means low cost, short-term  
27 occupancy rental spaces wherein assistance is granted to a targeted  
28 network of new companies employing selected technologies  
29 congruent with the strengths of the State's public and private  
30 institutions of higher education;

31 c. "Commission" means the New Jersey Commission on  
32 Science and Technology as created by P.L.1985, c.102 (C.52:9X-1  
33 et seq.);

34 d. "Innovation partnership grants" means matching grants to  
35 academic researchers performing applied research in emerging  
36 technologies at any of the State's public and private institutions of  
37 higher education which are of strategic importance to the New  
38 Jersey economy under regulations adopted by the commission  
39 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
40 (C.52:14B-1 et seq.);

41 e. "Private institutions of higher education" means independent  
42 colleges or universities incorporated and located in New Jersey,  
43 which by virtue of law or character or license, are nonprofit  
44 educational institutions authorized to grant academic degrees and  
45 provide a level of education which is equivalent to the education  
46 provided by the State's public institutions of higher education as  
47 attested by the receipt of and continuation of regional accreditation  
48 by the Middle States Association of Colleges and Schools, and

1 which are eligible to receive State aid under the provisions of the  
2 Constitution of the United States and the Constitution of the State  
3 of New Jersey, but does not include any educational institution  
4 dedicated primarily to the education or training of ministers, priests,  
5 rabbis or other professional persons in the field of religion;

6 f. "Public institutions of higher education" means Rutgers, The  
7 State University, the State colleges, the New Jersey Institute of  
8 Technology, [the University of Medicine and Dentistry of New  
9 Jersey] Rowan University, the county colleges and any other public  
10 university or college now or hereafter established or authorized by  
11 law;

12 g. "Technology extension services" means programs that not  
13 only accelerate the application and transfer of technological  
14 innovations by the State's public and private institutions of higher  
15 education to existing industry, but also adapt these innovations to  
16 the requirements of individual business operations.

17 (cf: P.L.1985, c.366, s.2)

18

19 '【80.】 86.<sup>1</sup> Section 2 of P.L.1985, c.397 (C.18A:64J-39) is  
20 amended to read as follows:

21 2. For the purposes of this act:

22 a. "Advanced technology center" means one or more  
23 outstanding programs or departments at New Jersey's public and  
24 private institutions of higher education, which are provided  
25 substantial and concentrated financial support to promote their  
26 development into national-level bases for innovative technology  
27 research;

28 b. "Business incubation facilities" means low-cost, short-term  
29 occupancy rental spaces wherein assistance is granted to a targeted  
30 network of new companies employing selected technologies  
31 congruent with the strengths of the State's public and private  
32 institutions of higher education;

33 c. "Commission" means the New Jersey Commission on  
34 Science and Technology as created by P.L.1985, c.102 (C.52:9X-1  
35 et seq.);

36 d. "Innovation partnership grants" means matching grants to  
37 academic researchers performing applied research in emerging  
38 technologies at any of the State's public and private institutions of  
39 higher education, which are of strategic importance to the New  
40 Jersey economy, under regulations adopted by the commission  
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
42 (C.52:14B-1 et seq.);

43 e. "Private institutions of higher education" means independent  
44 colleges or universities incorporated and located in New Jersey,  
45 which by virtue of law or character or license are nonprofit  
46 educational institutions authorized to grant academic degrees and  
47 provide a level of education which is equivalent to the education  
48 provided by the State's public institutions of higher education as

1 attested by the receipt of and continuation of regional accreditation  
 2 by the Middle States Association of Colleges and Schools, and  
 3 which are eligible to receive State aid under the provisions of the  
 4 Constitution of the United States and the Constitution of the State  
 5 of New Jersey, but does not include any educational institution  
 6 dedicated primarily to the education or training of ministers, priests,  
 7 rabbis or other professional persons in the field of religion;

8 f. "Public institutions of higher education" means Rutgers, The  
 9 State University, the State colleges, the New Jersey Institute of  
 10 Technology, ~~the University of Medicine and Dentistry of New~~  
 11 ~~Jersey~~ Rowan University, the county colleges and any other public  
 12 university or college now or hereafter established or authorized by  
 13 law;

14 g. "Technology extension services" means programs that not  
 15 only accelerate the application and transfer of technological  
 16 innovations by the State's public and private institutions of higher  
 17 education to existing industry, but also adapt these innovations to  
 18 the requirements of individual business operations.

19 (cf: P.L.1985, c.397, s.2)

20

21 <sup>1</sup>~~[81.] 87.~~ N.J.S.18A:65-14 is amended to read as follows:

22 18A:65-14. The membership of the board of governors shall be  
 23 classified as follows and consist of:

24 a. the president of the corporation, serving as an ex officio  
 25 non-voting member; and

26 b. ~~[11]~~ 15 voting members,

27 i. ~~[six]~~ <sup>1</sup>~~[nine]~~ seven<sup>1</sup> of whom shall be appointed by the  
 28 Governor of the State, with the advice and consent of the Senate,  
 29 <sup>2</sup>with one of these members being a resident of Camden County,<sup>2</sup>  
 30 ~~[and]~~ <sup>1</sup>[two of whom shall be from a northern county in the State,]  
 31 and one of whom shall be appointed by the Governor upon the  
 32 recommendation of President of the Senate and the Speaker of the  
 33 General Assembly and who shall be a resident of Essex County,  
 34 and<sup>1</sup>

35 ii. ~~[five]~~ seven<sup>1</sup> of whom shall be appointed by the board of  
 36 trustees, from among their members<sup>1</sup>, one of whom shall be a  
 37 resident of Essex County and one of whom shall be a resident of  
 38 Middlesex County,<sup>1</sup> elected and serving under the provisions of  
 39 subsection I.c. or I.d. of 18A:65-15 <sup>1</sup>~~[, and~~

40 iii. the chairperson of the Rutgers-Newark board of  
 41 governors]<sup>1</sup>.

42 <sup>1</sup>The first additional appointments made by the Governor  
 43 pursuant to P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as  
 44 this bill), shall not require the advice and consent of the Senate, but  
 45 thereafter such advice and consent shall be required.<sup>1</sup>



1 All members shall serve for terms of six years, except that the  
2 terms of those initially appointed by the Governor which began on  
3 September 1, 1956, shall expire respectively (as designated by him)  
4 one, two, three, four, five and six years after June 30, 1956, and  
5 terms of those initially appointed by the board of trustees which  
6 began on September 1, 1956, shall expire respectively (as  
7 designated by the board) two, three, four, five and six years after  
8 June 30, 1956; all of whose respective successors shall be appointed  
9 to serve six-year terms. Governors may succeed themselves for not  
10 more than one additional term after having served one full six-year  
11 term (including an initial term beginning on September 1, 1956, and  
12 expiring on June 30, 1962).  
13 (cf: P.L.1994, c.48, s.177)  
14

15 **'[82.] 88.'** Section 4 of P.L.2009, c.4 (C.18A:65A-1) is  
16 amended to read as follows:

17 4. a. The board of trustees of a public institution of higher  
18 education may implement an energy savings improvement program  
19 in the manner provided by this section whenever it determines that  
20 the savings generated from reduced energy use from the program  
21 will be sufficient to cover the cost of the program's energy  
22 conservation measures as set forth in an energy savings plan. Under  
23 such a program, a board of trustees may enter into an energy  
24 savings services contract with an energy services company to  
25 implement the program or the board may authorize separate  
26 contracts to implement the program. The provisions of:  
27 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,  
28 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey  
29 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of  
30 Rutgers, the State University; **[P.L.1970, c.102 (C.18A:64G-1 et**  
31 **al.), in the case of the University of Medicine and Dentistry of New**  
32 **Jersey]**; P.L. , c. (C. ) (pending before the Legislature as this  
33 bill), in the case of Rowan University; and N.J.S.18A:64A-1 et seq.,  
34 in the case of the county colleges; shall apply to any contracts  
35 awarded pursuant to this section to the extent that the provisions of  
36 such law are not inconsistent with any provision of this section.

37 In the case of Rutgers, the State University, references in this  
38 section to the board of trustees shall mean the Rutgers board of  
39 governors.

40 b. (1) To be eligible to enter into an energy savings services  
41 contract, an energy services company shall be a commercial entity  
42 that is qualified to provide energy savings services in accordance  
43 with the provisions of this section. A public institution of higher  
44 education may enter into an energy savings services contract  
45 through public advertising for bids and the receipt of bids therefor.

46 (2) (a) Public works activities performed under an energy  
47 savings improvement program shall be subject to all requirements  
48 regarding public bidding, bid security, performance guarantees,

1 insurance and other public contracting requirements that are  
2 applicable to public works contracts, to the extent not inconsistent  
3 with this section. A general contractor, energy services company  
4 serving as general contractor, or any subcontractor hired for the  
5 furnishing of plumbing and gas fitting and all kindred work, and of  
6 steam and hot water heating and ventilating apparatus, steam power  
7 plants and kindred work, and electrical work, structural steel and  
8 ornamental iron work, shall be classified by the Division of  
9 Property Management and Construction in the Department of the  
10 Treasury in order to perform public works activities under an  
11 energy savings improvement program.

12 (b) Individuals or organizations performing energy audits,  
13 acting as commissioning agents, or conducting verification of  
14 energy savings plans, implementation of energy conservation  
15 measures, or verifying guarantees shall be prequalified by the  
16 Division of Property Management and Construction in the  
17 Department of the Treasury to perform their work under an energy  
18 savings improvement program.

19 (c) Where there is a need for compatibility of a direct digital  
20 control system with previously installed control systems and  
21 equipment, the bid specifications may include a requirement for  
22 proprietary goods, and if so included, the bid specification shall set  
23 forth an allowance price for its supply which shall be used by all  
24 bidders in the public bidding process.

25 (3) An energy services company may be designated as the  
26 general contractor for improvements to be made pursuant to an  
27 energy savings plan, provided that the hiring of subcontractors that  
28 are required to be classified pursuant to subparagraph (a) of  
29 paragraph (2) of this subsection shall be performed pursuant to the  
30 public bidding requirements of the board of trustees. A contract  
31 with an energy savings company shall include, but not be limited to:  
32 preparation of an energy savings plan, the responsibilities of the  
33 parties for project schedules, installations, performance and quality,  
34 payment of subcontractors, project completion, commissioning,  
35 savings implementation; a requirement that the savings to be  
36 achieved by energy conservation measures be verified upon  
37 commissioning of the improvements; allocation of State and federal  
38 rebates and tax credits; and any other provisions deemed necessary  
39 by the parties.

40 (4) Except as provided in paragraph (5) of this subsection, a  
41 subsidiary or wholly-owned or partially-owned affiliate of the  
42 energy services company shall not be an eligible contractor or  
43 subcontractor under an energy savings services contract.

44 (5) When the energy services company is the manufacturer of  
45 direct digital control systems and contracts with the board of  
46 trustees to provide a guaranteed energy savings option pursuant to  
47 subsection f. of this section, the specification of such direct digital  
48 control systems may be treated as proprietary goods and if so

1 treated, the bid specification shall set forth an allowance price for  
2 its supply by the energy services company which shall be used by  
3 all bidders in the public bidding process. Direct digital controls  
4 shall be open protocol format and shall meet the interoperability  
5 guidelines established by the American Society of Heating,  
6 Refrigerating and Air-Conditioning Engineers.

7 c. An energy savings improvement program may be financed  
8 through a lease-purchase agreement or through the issuance of  
9 energy savings obligations pursuant to this subsection.

10 (1) An energy savings improvement program may be financed  
11 through a lease-purchase agreement between a board of trustees and  
12 an energy services company or other public or private entity. Under  
13 a lease-purchase agreement, ownership of the energy savings  
14 equipment or improved facilities shall pass to the board of trustees  
15 when all lease payments have been made. Notwithstanding the  
16 provisions of any other law to the contrary, the duration of such a  
17 lease-purchase agreement shall not exceed 15 years, except that the  
18 duration of a lease purchase agreement for a combined heat and  
19 power or cogeneration project shall not exceed 20 years.

20 (2) Any lease-purchase or other agreement entered into in  
21 connection with an energy savings improvement program may be a  
22 general obligation of the public institution of higher education  
23 pursuant to this subsection, and may contain: a clause making it  
24 subject to the availability and appropriation annually of sufficient  
25 funds as may be required to meet the extended obligation; and a  
26 non-substitution clause maintaining that if the agreement is  
27 terminated for non-appropriation, the board of trustees may not  
28 replace the leased equipment or facilities with equipment or  
29 facilities that perform the same or similar functions.

30 (3) A board of trustees may arrange for incurring energy savings  
31 obligations to finance an energy savings improvement program and  
32 may enter into any agreement with the New Jersey Educational  
33 Facilities Authority or other persons in connection with the issuance  
34 by the authority of its obligations on behalf of the public institution  
35 of higher education in order to finance the institution's energy  
36 savings improvement program. Energy savings obligations may be  
37 funded through appropriations for utility services in the annual  
38 budget of the board, or incurred as a general obligation of the public  
39 institution of higher education in connection with the issuance by  
40 the New Jersey Educational Facilities Authority of bonds or notes  
41 pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county  
42 college, by a sponsoring county as a refunding bond pursuant to  
43 N.J.S.40A:2-52 et seq., including the issuance of bond anticipation  
44 notes as may be necessary, provided that all such bonds and notes  
45 mature within the periods authorized for such energy savings  
46 obligations.

47 (4) Lease-purchase agreements and energy savings obligations  
48 shall not be used to finance maintenance, guarantees, or verification

1 of guarantees of energy conservation measures. Lease-purchase  
2 agreements and energy savings obligations may be used to finance  
3 the cost of an energy audit or the cost of verification of energy  
4 savings as part of adopting an energy savings plan. Maturity  
5 schedules of lease-purchase agreements or energy savings  
6 obligations must exceed the estimated useful life of the individual  
7 energy conservation measures.

8 d. (1) The energy audit component of an energy savings  
9 improvement program shall be conducted either by the board of  
10 trustees or by a qualified third party retained by the board for that  
11 purpose. It shall not be conducted by an energy services company  
12 subsequently hired to develop an energy savings improvement  
13 program. The energy audit shall identify the current energy use of  
14 any or all facilities and energy conservation measures that can be  
15 implemented in which the energy savings and energy efficiency  
16 could be realized and maximized.

17 (2) To implement an energy savings improvement program, a  
18 board of trustees shall develop an energy savings plan that consists  
19 of one or more energy conservation measures. The plan shall:

20 (a) contain the results of an energy audit;

21 (b) describe the energy conservation measures that will  
22 comprise the program;

23 (c) estimate greenhouse gas reductions resulting from those  
24 energy savings;

25 (d) identify all design and compliance issues that require the  
26 professional services of an architect or engineer and identify who  
27 will provide these services;

28 (e) include an assessment of risks involved in the successful  
29 implementation of the plan;

30 (f) identify the eligibility for, and costs and revenues associated  
31 with the PJM Independent System Operator for demand response  
32 and curtailable service activities;

33 (g) include schedules showing calculations of all costs of  
34 implementing the proposed energy conservation measures and the  
35 projected energy savings;

36 (h) identify maintenance requirements necessary to ensure  
37 continued energy savings, and describe how they will be fulfilled;  
38 and

39 (i) if developed by an energy services company, a description  
40 of, and cost estimates of an energy savings guarantee.

41 All professionals providing engineering services under the plan  
42 shall have errors and omissions insurance.

43 (3) Prior to the adoption of the plan, the board of trustees shall  
44 contract with a qualified third party to verify the projected energy  
45 savings to be realized from the proposed program have been  
46 calculated as required by subsection e. of this section.

47 (4) Upon adoption, the plan shall be submitted to the Board of  
48 Public Utilities, which shall post it on the Internet on a public

1 webpage maintained for such purpose. If the board of trustees  
2 maintains its own website, it shall also post the plan on that site.  
3 The Board of Public Utilities may require periodic reporting  
4 concerning the implementation of the plan.

5 (5) Verification by a qualified third party shall be required when  
6 energy conservation measures are placed in service or  
7 commissioned, to ensure the savings projected in the energy savings  
8 plan shall be achieved.

9 (6) Energy-related capital improvements that do not reduce  
10 energy usage may be included in an energy savings improvement  
11 program but the cost of such improvements shall not be financed as  
12 a lease-purchase or through energy savings obligations authorized  
13 by subsection c. of this section. Nothing herein is intended to  
14 prevent the financing of such capital improvements through  
15 otherwise authorized means.

16 (7) A qualified third party when required by this subsection may  
17 include an employee of the public institution of higher education  
18 who is properly trained and qualified to perform such work.

19 e. (1) The calculation of energy savings for the purposes of  
20 determining that the energy savings resulting from the program will  
21 be sufficient to cover the cost of the program's energy conservation  
22 measures, as provided in subsection a. of this section, shall involve  
23 determination of the dollar amount saved through implementation  
24 of an energy savings improvement program using the guidelines of  
25 the International Performance Measurement and Verification  
26 Protocol or other protocols approved by the Board of Public  
27 Utilities and standards adopted by the Board of Public Utilities  
28 pursuant to this section. The calculation shall include all applicable  
29 State and federal rebates and tax credits, but shall not include the  
30 cost of an energy audit and the cost of verifying energy savings.  
31 The calculation shall state which party has made application for  
32 rebates and credits and how these applications translate into energy  
33 savings.

34 (2) For the purposes of this section, the Board of Public Utilities  
35 shall adopt standards and uniform values for interest rates and  
36 escalation of labor, electricity, oil, and gas, as well as standards for  
37 presenting these costs in a life cycle and net present value format,  
38 standards for the presentation of obligations for carbon reductions,  
39 and other standards that the board may determine necessary.

40 f. (1) When an energy services company is awarded an energy  
41 savings services contract, it shall offer the board of trustees the  
42 option to purchase, for an additional amount, an energy savings  
43 guarantee. The guarantee, if accepted by a separate vote of the  
44 board of trustees, shall insure that the energy savings resulting from  
45 the energy savings improvement program, determined periodically  
46 over the duration of the guarantee, will be sufficient to defray all  
47 payments required to be made pursuant to the lease-purchase  
48 agreement or energy savings obligation, and if the savings are not

1 sufficient, the energy services company will reimburse the board of  
2 trustees for any additional amounts. Annual costs of a guarantee  
3 shall not be financed or included as costs in an energy savings plan  
4 but shall be fully disclosed in an energy savings plan.

5 (2) When a guaranteed energy savings option is purchased, the  
6 contract shall require a qualified third party to verify the energy  
7 savings at intervals established by the parties.

8 g. As used in this section:

9 "direct digital control systems" means the devices and  
10 computerized control equipment that contain software and computer  
11 interfaces that perform the logic that control a building's heating,  
12 ventilating, and air conditioning system. Direct digital controls  
13 shall be open protocol format and shall meet the interoperability  
14 guidelines established by the American Society of Heating,  
15 Refrigerating and Air-Conditioning Engineers;

16 "educational facility" means a structure suitable for use as a  
17 dormitory, dining hall, student union, administrative building,  
18 academic building, library, laboratory, research facility, classroom,  
19 athletic facility, health care facility, teaching hospital, and parking,  
20 maintenance, storage or utility facility or energy conservation  
21 measures and other structures or facilities related thereto or required  
22 or useful for the instruction of students or the conducting of  
23 research or the operation of an institution for higher education, and  
24 public libraries, and the necessary and usual attendant and related  
25 facilities and equipment, but shall not include any facility used or to  
26 be used for sectarian instruction or as a place for religious worship;

27 "energy conservation measure" means an improvement that  
28 results in reduced energy use, including, but not limited to,  
29 installation of energy efficient equipment; demand response  
30 equipment; combined heat and power systems; facilities for the  
31 production of renewable energy; water conservation measures,  
32 fixtures or facilities; building envelope improvements that are part  
33 of an energy savings improvement program; and related control  
34 systems for each of the foregoing;

35 "energy related capital improvement" means a capital  
36 improvement that uses energy but does not result in a reduction of  
37 energy use;

38 "energy saving obligation" means a bond, note or other  
39 agreement evidencing the obligation to repay borrowed funds  
40 incurred in order to finance energy saving improvements;

41 "energy savings" means a measured reduction in fuel, energy,  
42 operating or maintenance costs resulting from the implementation  
43 of one or more energy conservation measures services when  
44 compared with an established baseline of previous fuel, energy,  
45 operating or maintenance costs, including, but not limited to, future  
46 capital replacement expenditures avoided as a result of equipment  
47 installed or services performed as part of an energy savings plan;

1 "energy savings improvement program" means an initiative of a  
2 public institution of higher education to implement energy  
3 conservation measures in existing facilities, provided that the value  
4 of the energy savings resulting from the program will be sufficient  
5 to cover the cost of the program's energy conservation measures;

6 "energy savings plan" means the document that describes the  
7 actions to be taken to implement the energy savings improvement  
8 program;

9 "energy savings services contract" means a contract with an  
10 energy savings company to develop an energy savings plan, prepare  
11 bid specifications, manage the performance, provision,  
12 construction, and installation of energy conservation measures by  
13 subcontractors, to offer a guarantee of energy savings derived from  
14 the implementation of an energy savings plan, and may include a  
15 provision to manage the bidding process;

16 "energy services company" means a commercial entity that is  
17 qualified to develop and implement an energy savings plan in  
18 accordance with the provisions of this section;

19 "public works activities" means any work subject to the  
20 provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and

21 "water conservation measure" means an alteration to a facility or  
22 equipment that reduces water consumption, maximizes the  
23 efficiency of water use, or reduces water loss.

24 h. (1) The State Treasurer and the Board of Public Utilities  
25 may take such action as is deemed necessary and consistent with the  
26 intent of this section to implement its provisions.

27 (2) The State Treasurer and the Board of Public Utilities may  
28 adopt implementation guidelines or directives, and adopt such  
29 administrative rules, pursuant to the "Administrative Procedure  
30 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the  
31 implementation of those agencies' respective responsibilities under  
32 this section, except that notwithstanding any provision of P.L.1968,  
33 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and  
34 the Board of Public Utilities may adopt, immediately upon filing  
35 with the Office of Administrative Law, such rules and regulations  
36 as deemed necessary to implement the provisions of this act which  
37 shall be effective for a period not to exceed 12 months and shall  
38 thereafter be amended, adopted or re-adopted in accordance with  
39 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

40 (cf: P.L.2009, c.4, s.4)

41

42 <sup>1</sup>**[83.] 89.** Section 2 of P.L.1969, c.242 (C.18A:66-168) is  
43 amended to read as follows:

44 2. Repeal of the act and parts of acts, and all amendments and  
45 supplements thereto, pursuant to section 1 of this act, is subject to  
46 the following provisos:

47 a. The alternate benefit programs established by **[the Board of**  
48 **Trustees of the University of Medicine and Dentistry,]** the Board of

1 Governors of Rutgers, The State University of New Jersey, the  
2 Board of Trustees of the New Jersey Institute of Technology and  
3 the Board of Higher Education for certain employees of State and  
4 county colleges, are continued except as the benefit and  
5 contribution schedules are revised by this act.

6 b. The timely filing of applications for transfer from the Public  
7 Employees' Retirement System, the Teachers' Pension and Annuity  
8 Fund and the Group Annuity Plan as specified in such acts shall be  
9 deemed to have not been revised by this act.

10 c. The transfer of employee and employer contributions from  
11 the Public Employees' Retirement System, the Teachers' Pension  
12 and Annuity Fund and the Group Annuity Plan to the insurers or  
13 mutual fund companies of the alternate benefit programs shall be  
14 considered as having met the requirements of said acts and shall be  
15 continued as provided by this act.

16 d. Any contributions made by a member of the alternate benefit  
17 program for any additional death benefit coverage established under  
18 said acts shall not be returnable to the member or his beneficiary in  
19 any manner, or for any reason whatsoever, nor shall any  
20 contributions made for the additional death benefit coverage be  
21 included in any annuity payable to any such member or to his  
22 beneficiary.

23 (cf: P.L.1993, c.385, s.1)

24

25 <sup>1</sup>[84.] 90.<sup>1</sup> Section 3 of P.L.1969, c.242 (C.18A:66-169) is  
26 amended to read as follows:

27 3. As used in this act:

28 a. "Accumulated deductions" means those contributions as  
29 defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84  
30 (C.43:15A-6).

31 b. "Base salary" means a participant's regular base or  
32 contractual salary. It shall exclude bonus, overtime or other forms  
33 of extra compensation such as (1) longevity lump sum payments,  
34 (2) lump sum terminal sick leave or vacation pay, (3) the value of  
35 maintenance, (4) individual pay adjustments made within or at the  
36 conclusion of the participant's final year of service, (5) retroactive  
37 salary adjustments or other pay adjustments made in the  
38 participant's final year of service unless such adjustment was made  
39 as a result of a general pay adjustment for all personnel of the  
40 department or institution, (6) any unscheduled individual  
41 adjustment made in the final year to place the member at the  
42 maximum salary level within his salary range and (7) any pay for  
43 services rendered during the summer vacation period by a  
44 participant who is required to work only 10 months of the year.

45 c. "Base annual salary" means the base salary upon which  
46 contributions by the member and his employer to the alternate  
47 benefit program were based during the last year of creditable  
48 service.



- 1 d. (Deleted by amendment, P.L.1994, c.48).
- 2 e. ["University of Medicine and Dentistry" means the  
3 University of Medicine and Dentistry of New Jersey established  
4 pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-  
5 3).] Deleted by amendment, P.L. , c. (pending before the  
6 Legislature as this bill)
- 7 f. "County colleges" means the colleges so defined in  
8 N.J.S.18A:64A-1.
- 9 g. "Division of Pensions" means the division established in the  
10 Department of the Treasury pursuant to section 1 of P.L.1955, c.70  
11 (C.52:18A-95) and is the agency responsible for the administration  
12 of the alternate benefit program of the State and county colleges  
13 and for the administration of the group life and disability insurances  
14 of all alternate benefit programs established in the State for public  
15 employees.
- 16 h. "Full-time officers" and "full-time members of the faculty"  
17 shall include the president, vice president, secretary and treasurer of  
18 the respective school. "Full-time" shall also include eligible full-  
19 time officers and full-time members of the faculty who are granted  
20 sabbaticals or leaves of absence with pay where the compensation  
21 paid is 50% or more of the base salary at the time the leave  
22 commences and the period of eligibility terminates with the end of  
23 the school year following the year in which the sabbatical began.  
24 "Part-time" shall be defined as an appointment where the employee  
25 receives a salary or wages for a period of less than 50% of the  
26 normal work week. These definitions shall apply to teaching or  
27 administrative staff members or to employees serving in a dual  
28 capacity where the appointment includes teaching as well as  
29 administrative duties.
- 30 i. "Group Annuity Plan" refers to the Group Annuity Contract  
31 R-134 between the Board of Trustees of the New Jersey Institute of  
32 Technology and the Prudential Insurance Company of America.
- 33 j. "Member" or "participant" means a full-time officer or a  
34 full-time member of the faculty participating in the alternate benefit  
35 program, and after the effective date of P.L.2008, c.89, means an  
36 adjunct faculty member or a part-time instructor whose employment  
37 agreement begins after that effective date.
- 38 k. "New Jersey Institute of Technology" means the Newark  
39 College of Engineering.
- 40 l. "Pension reserve" means those moneys as defined in  
41 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).
- 42 m. "Rutgers, The State University" means the institution of  
43 higher education described in chapter 65 of Title 18A of the New  
44 Jersey Statutes.
- 45 n. "State Colleges" means the colleges so described in chapter  
46 64 of Title 18A of the New Jersey Statutes and any former State  
47 college designated as a public research university pursuant to  
48 P.L. , c. (C. ) (pending before the Legislature as this bill).

1 o. "Mutual fund company" means an investment company or  
2 trust regulated by the federal "Investment Company Act of 1940,"  
3 15 U.S.C.s. 80a-1 et seq.  
4 (cf: P.L.2008, c.89, s.12)  
5

6 <sup>1</sup>[85.] 91. Section 4 of P.L.1969, c.242 (C.18A:66-170) is  
7 amended to read as follows:

8 4. All full-time officers and all full-time members of the  
9 faculty of **[**the University of Medicine and Dentistry of New  
10 Jersey,**]** Rutgers, The State University, the Newark College of  
11 Engineering, Rowan University, the State and county colleges and  
12 all regularly appointed teaching and administrative staff members in  
13 applicable positions, as determined by the Director of the Division  
14 of Pensions in the Department of the Treasury, shall be eligible and  
15 shall participate in the alternate benefit program, except those  
16 persons appointed in a part-time or temporary capacity, physicians  
17 and dentists holding employment in positions titled intern, resident  
18 or fellow on or after the effective date of this amendatory act,  
19 persons compensated on a fee basis, persons temporarily in the  
20 United States under an F or J visa and members of the Teachers'  
21 Pension and Annuity Fund, the Public Employees' Retirement  
22 System, the Police and Firemen's Retirement System or the Group  
23 Annuity Plan, who did not elect to transfer to the alternate benefit  
24 program in accordance with the provisions of chapter 64C or 65 of  
25 Title 18A of the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-  
26 130 et seq.), or c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181  
27 (C.18A:66-154 et seq.). An eligible person who has been enrolled in  
28 the alternate benefit program for at least one year pursuant to this  
29 section may continue to be enrolled in the program, notwithstanding  
30 promotion or transfer to a position within the institution not  
31 otherwise eligible for the program.

32 Any person participating in the alternate benefit program shall be  
33 ineligible for membership in the Teachers' Pension and Annuity  
34 Fund, the Public Employees' Retirement System, the Police and  
35 Firemen's Retirement System or the Group Annuity Plan and any  
36 person electing to participate in the alternate benefit program shall  
37 thereby waive all rights and benefits provided by the Teachers'  
38 Pension and Annuity Fund, the Public Employees' Retirement  
39 System, the Police and Firemen's Retirement System or the Group  
40 Annuity Plan as a member of said fund, system or plan, except as  
41 herein and otherwise provided by law or under terms of the Group  
42 Annuity Plan.

43 Any person required to participate in the alternate benefit  
44 program by reason of employment, who at the time of such  
45 employment is a member of the Teachers' Pension and Annuity  
46 Fund, shall be permitted to transfer his membership in said fund to  
47 the Public Employees' Retirement System, by waiving all rights and  
48 benefits which would otherwise be provided by the alternate benefit

1 program. Any such new employee who is a member of the Public  
2 Employees' Retirement System will be permitted to continue his  
3 membership in that system, by waiving all rights and benefits which  
4 would otherwise be provided by the alternate benefit program.  
5 Such waivers shall be accomplished by filing forms satisfactory to  
6 the Division of Pensions within 30 days of the beginning date of  
7 employment.

8 Any person receiving a benefit by reason of his retirement from  
9 any retirement or pension system of the State of New Jersey or any  
10 political subdivision thereof shall be ineligible to participate in the  
11 alternate benefit program.

12 No person eligible for participation in the alternate benefit  
13 program shall be eligible for, or receive, benefits under chapters 4  
14 and 8B of Title 43 of the Revised Statutes.

15 The alternate benefit programs established pursuant to this act  
16 are deemed to be pension funds or retirement systems for purposes  
17 of P.L.1968, c.23 (C.43:3C-1 et seq.).

18 (cf: P.L.1994, c.48, s.188)

19

20 **'[86.] 92.'** Section 7 of P.L.1969, c.242 (C.18A:66-173) is  
21 amended to read as follows:

22 7. (a) When a member of the Teachers' Pension and Annuity  
23 Fund or the Public Employees' Retirement System or the Police and  
24 Firemen's Retirement System elects to transfer to an alternate  
25 benefit program by filing the proper application form declaring his  
26 election to participate in such alternate benefit program, the  
27 respective retirement system shall transfer the amount of his  
28 accumulated deductions as of the date of transfer to his individual  
29 account in the program.

30 (b) There shall also be transferred from the contingent reserve  
31 fund or the pension fund of the Teachers' Pension and Annuity Fund  
32 or the Public Employees' Retirement System or the Police and  
33 Firemen's Retirement System or from the Group Annuity Plan to the  
34 individual's account in the alternate benefit program, the pension  
35 reserve required as of the date of his transfer to provide a pension  
36 for each year of service credited to the account of the member as set  
37 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in  
38 section 38 or section 48 of P.L.1954, c. 84 as such sections have  
39 been amended and supplemented as of July 1, 1969 (C.43:15A-38,  
40 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241  
41 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
42 for each year of service credited under the Group Annuity Plan.  
43 Such transfer from the contingent reserve fund or the pension fund  
44 of the Teachers' Pension and Annuity Fund or the Public  
45 Employees' Retirement System or the Police and Firemen's  
46 Retirement System or the Group Annuity Plan shall be made at the  
47 time of the member's transfer to the alternate benefit program in the  
48 case of any such member who has then met the eligibility

1 requirements for a pension under the aforementioned N.J.S.18A:66-  
2 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,  
3 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
4 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
5 the Group Annuity Plan. In the case of any member who elects to  
6 participate in the alternate benefit program who has not then met  
7 the eligibility requirements for a pension under N.J.S.18A:66-36 or  
8 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,  
9 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
10 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
11 under the Group Annuity Plan, the transfer from the contingent  
12 reserve fund or the pension fund of the Teachers' Pension and  
13 Annuity Fund or the Public Employees' Retirement System or the  
14 Police and Firemen's Retirement System or the Group Annuity Plan  
15 shall be effected at the time such requirements have been met,  
16 taking into account for the purpose of such eligibility requirement  
17 his years of membership service at the time of his election and his  
18 subsequent years of service as a full-time member of the faculty of  
19 **[the University of Medicine and Dentistry,]** Rutgers, The State  
20 University, the New Jersey Institute of Technology, Rowan  
21 University, or the State or county colleges or as an eligible  
22 employee of the Department of Higher Education, or at the time he  
23 shall have 10 years of credit for New Jersey service and becomes  
24 physically incapacitated for the performance of duty if he had been  
25 a member of the Teachers' Pension and Annuity Fund or the Public  
26 Employees' Retirement System or the Police and Firemen's  
27 Retirement System as of the date of transfer.

28 The annuity to be used in determining the amount of pension is  
29 the actuarial equivalent of the member's accumulated deductions  
30 transferred from the Teachers' Pension and Annuity Fund or the  
31 Public Employees' Retirement System or the Police and Firemen's  
32 Retirement System to the date the member attains 60 years of age, if  
33 subsequent to the date of election. The amount of pension is that  
34 established by formula within N.J.S.18A:66-44 or section 48 of  
35 P.L.1954, c.84 as such sections have been amended and  
36 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of  
37 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and  
38 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84  
39 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)  
40 enacted subsequent to this act or the Group Annuity Plan shall have  
41 no application to the provisions of this act.

42 In the event that the eligibility requirement under N.J.S.18A:66-  
43 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section  
44 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity  
45 Plan is changed at some future date to permit members to become  
46 eligible for such benefit prior to the completion of 15 years of  
47 service, the transfer of the reserve from the contingent reserve fund  
48 or the pension fund of the Teachers' Pension and Annuity Fund or

1 the Public Employees' Retirement System or the Police and  
2 Firemen's Retirement System or from the Group Annuity Plan shall  
3 be effective as of the date the member who had elected the alternate  
4 benefit program meets the amended eligibility requirement or the  
5 effective date of the amendment, whichever is later.

6 In the event an option is available with respect to the distribution  
7 of employee and employer contributions between fixed and variable  
8 annuities under the alternate benefit program, the employee shall  
9 have the right to determine the percentage distribution of these  
10 funds subject to any limitations imposed by the designated insurer  
11 or insurers.

12 (c) No transfer of pension reserves shall be made pursuant to  
13 this section where more than two consecutive years elapse in which  
14 no employer contributions to an alternate benefit program are  
15 required.

16 (cf: P.L.1993, c.385, s.5)

17

18 <sup>1</sup>['87.] 93. Section 8 of P.L.1969, c.242 (C.18A:66-174) is  
19 amended to read as follows:

20 8. (a) [The University of Medicine and Dentistry of New  
21 Jersey,] Rutgers, The State University and the New Jersey Institute  
22 of Technology shall reduce the compensation of each participant in  
23 the alternate benefit program and pay over to the insurers or mutual  
24 fund companies for the benefit of the participant an employee  
25 contribution for the retirement annuity contract or contracts equal to  
26 5% of the participant's base salary. The intervals for deductions or  
27 reductions and payments shall be determined by the respective  
28 school governing bodies.

29 The Division of Pensions and Benefits shall provide for  
30 reductions from the compensation of each participant in the  
31 alternate benefit program employed by the State and county  
32 colleges of an employee contribution equal to 5% of the  
33 participant's base salary and pay this amount to the insurers or  
34 mutual fund companies for the individual's retirement annuity  
35 contract or contracts. The intervals for deductions or reductions  
36 and payments shall be determined by the Division of Pensions and  
37 Benefits.

38 The Division of Pensions and Benefits may require that all  
39 participant contributions be made in accordance with section 414(h)  
40 of the federal Internal Revenue Code (26 U.S.C. s.414(h)).

41 (b) Based on a certification to the Division of Pensions and  
42 Benefits by [the University of Medicine and Dentistry of New  
43 Jersey,] Rutgers, The State University [and], the New Jersey  
44 Institute of Technology, and Rowan University of the number and  
45 base salary of participants, the division shall authorize the State to  
46 make payment of the employer contributions to the alternate benefit  
47 program at a rate equal to 8% of the employee's base salary, except

1 the amount of the contribution shall not exceed 8% of the maximum  
2 salary for department officers established pursuant to section 1 of  
3 P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the  
4 designated insurers or mutual fund companies for the benefit of  
5 each participant.

6 Based on a certification by the Division of Pensions and Benefits  
7 of the number and base salary of participants employed by the State  
8 and county colleges, the State shall make payment of the employer  
9 contributions to the alternate benefit program at a rate equal to 8%  
10 of the employee's base salary, except the amount of the contribution  
11 shall not exceed 8% of the maximum salary for department officers  
12 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-  
13 15.107), which moneys shall be paid to the designated insurers or  
14 mutual fund companies for the benefit of each participant.

15 (c) For the member of the Public Employees' Retirement System  
16 employed by the county colleges, who is defined in the regulations  
17 of the Division of Pensions and Benefits as a full-time faculty  
18 member and who is permitted to transfer his membership and does  
19 so, the State shall pay the employer contribution to the alternate  
20 benefit program at a rate equal to 8% of the member's base salary,  
21 except the amount of the contribution shall not exceed 8% of the  
22 maximum salary for department officers established pursuant to  
23 section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member  
24 continues membership in the Public Employees' Retirement System,  
25 the State shall pay the employer contribution to the retirement  
26 system on his behalf and such employer contribution shall be at a  
27 rate equal to the normal contribution made by the State on behalf of  
28 nonveteran members of the Public Employees' Retirement System.

29 (d) For any nonacademic employee of a county college, as  
30 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is  
31 eligible for the program according to the regulations of the Director  
32 of the Division of Pensions and Benefits, the county college shall  
33 pay the employer contribution to the retirement system on the  
34 employee's behalf in the same manner as the State, pursuant to this  
35 section.

36 (cf: P.L.2010, c.31, s.1)

37

38 <sup>1</sup>[88.] 94. Section 24 of P.L.1969, c.242 (C.18A:66-190) is  
39 amended to read as follows:

40 24. The **[**Board of Trustees of the University of Medicine and  
41 Dentistry of New Jersey, the**]** Board of Governors of Rutgers, The  
42 State University, the Board of Trustees of the New Jersey Institute  
43 of Technology, the Board of Trustees of Rowan University, and the  
44 boards of trustees of State and county colleges, are hereby  
45 authorized to enter into agreement with each employee participating  
46 in the alternate benefit program whereby the employee agrees to  
47 take a reduction in salary with respect to amounts earned after the  
48 effective date of such agreement in return for the agreement of the

1 respective institution to use a corresponding amount to purchase an  
2 annuity for such employee so as to obtain the benefits afforded  
3 under section 403(b) of the federal Internal Revenue Code, as  
4 amended. Any such agreement shall specify the amount of such  
5 reduction, the effective date thereof, and shall be legally binding  
6 and irrevocable with respect to amounts earned while the agreement  
7 is in effect; provided, however, that such agreement may be  
8 terminated after it has been in effect for a period of not less than  
9 one year upon notice in writing by either party, and provided further  
10 that not more than one such agreement shall be entered into during  
11 any taxable year of the employee. For the purposes of this section,  
12 any annuity or other contract which meets the requirements of  
13 section 403(b) of the federal Internal Revenue Code, as amended,  
14 may be utilized. The amount of the reduction in salary under any  
15 agreement entered into between the institutions and any employee  
16 pursuant to this section shall not exceed the limitations set forth in  
17 P.L.93-406 (Employment Retirement Income Security Act of 1974)  
18 and Section 415(c) of the Internal Revenue Code of 1954 as  
19 amended for such year.

20 Amounts payable pursuant to this section by an institution on  
21 behalf of an employee for a pay period shall be transmitted and  
22 credited not later than the fifth business day after the date on which  
23 the employee is paid for that pay period.

24 (cf: P.L.1999, c.247, s.2)

25

26 <sup>1</sup>**[89.] 95.** Section 25 of P.L.1969, c.242 (C.18A:66-191) is  
27 amended to read as follows:

28 25 No retirement, death or other benefit shall be payable by the  
29 State, **[the University of Medicine and Dentistry,]** Rutgers, The  
30 State University, the New Jersey Institute of Technology, Rowan  
31 University or the Division of Pensions under the alternate benefit  
32 program. Benefits shall be payable to participating employees and  
33 their beneficiaries only by the designated insurers or mutual fund  
34 companies under the terms of the contracts.

35 (cf: P.L.1994, c.48, s.192)

36

37 <sup>1</sup>**[90.] 96.** Section 3 of P.L.1969, c.142 (C.18A:71-30) is  
38 amended to read as follows:

39 3. As used in this act, unless the context clearly indicates  
40 otherwise, the following terms shall have the following meanings:

41 (a) The term "board" shall mean the Board of Directors of the  
42 New Jersey Educational Opportunity Fund created by section 4 of  
43 P.L.1968, c.142 (C.18A:71-31).

44 (b) (Deleted by amendment, P.L.1994, c.48).

45 (c) The term "department" shall mean the Department of State.

46 (d) The term "fund" shall mean the New Jersey Educational  
47 Opportunity Fund created by section 4 of P.L.1968, c.142  
48 (C.18A:71-31).

1 (e) The term "higher education" shall mean that education  
2 which is provided by any or all of the public institutions of higher  
3 education as herein defined or any or all equivalent private  
4 institutions.

5 (f) The term "public institutions of higher education" shall mean  
6 and include Rutgers, The State University, the New Jersey Institute  
7 of Technology, ~~the University of Medicine and Dentistry of New~~  
8 ~~Jersey~~ Rowan University, the ~~nine~~ eight State colleges, the  
9 county colleges, and any other public universities, colleges or  
10 county colleges now or hereafter established or authorized by law.  
11 (cf: P.L.1994, c.48, s.212)

12

13 ~~'[91.] 97.'~~<sup>1</sup> N.J.S.18A:71A-4 is amended to read as follows:

14 18A:71A-4. a. The Board of the Higher Education Student  
15 Assistance Authority shall consist of 18 members as follows: the  
16 State Treasurer, ex-officio, or a designee; the ~~chairperson of the~~  
17 ~~Commission on Higher Education~~ Secretary of Higher Education,  
18 ex-officio, or a designee from among the public members of the  
19 commission; the chairperson of the Board of Directors of the  
20 Educational Opportunity Fund, ex-officio, or a designee from  
21 among the public members of the board; five representatives from  
22 eligible institutions in this State, including one from Rutgers, the  
23 State University, one from either the New Jersey Institute of  
24 Technology or ~~the University of Medicine and Dentistry of New~~  
25 ~~Jersey~~ Rowan University, one from the county colleges, one from  
26 the State colleges, and one from the independent institutions of  
27 higher education in the State; two students from different collegiate  
28 institutional sectors; seven public members who shall be residents  
29 of this State, including one who shall represent a lender party to a  
30 participation agreement with the authority; and the executive  
31 director of the authority, or designee, who shall be an ex-officio,  
32 non-voting member of the board.

33 b. The seven public members, including the lender member,  
34 shall be appointed by the Governor with the advice and consent of  
35 the Senate. No more than four of the public members shall be  
36 members of the same political party. The institutional  
37 representatives shall be nominated by the respective institution in  
38 the case of Rutgers, the State University, New Jersey Institute of  
39 Technology, ~~and University of Medicine and Dentistry of New~~  
40 ~~Jersey~~ and Rowan University. The remaining institutional  
41 representatives shall be nominated by the respective sector  
42 association. Institutional representatives shall be appointed by the  
43 Governor with the advice and consent of the Senate. The student  
44 members shall be the individuals that the Student Advisory  
45 Committee elects as its chairperson and vice-chairperson. The  
46 Student Advisory Committee shall be created by the board to  
47 include students from all collegiate institutional sectors. The



1 necessary appointments shall be made within 45 days of the  
2 enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

3 c. Public and institutional members of the board shall serve a  
4 term of four years and until a successor is appointed and qualified,  
5 except in the case of the first members so appointed, four of whom  
6 shall be appointed for a term of four years, four of whom shall be  
7 appointed for a term of three years, two of whom shall be appointed  
8 for a term of two years, and two of whom shall be appointed for a  
9 term of one year. Student members shall serve a term of office not  
10 to exceed two years. Any vacancy in the membership of the board,  
11 occurring otherwise than by expiration of term, shall be filled in the  
12 same manner as the original appointment or election was made, but  
13 for the unexpired term only.

14 (cf: N.J.S.18A:71A-4)

15

16 <sup>1</sup>[92.] 98. Section 3 of P.L.2000, c.163 (C.18A:71B-55) is  
17 amended to read as follows:

18 3. As used in this act, the following terms shall have the  
19 following meanings:

20 "Board" means the Board of Trustees of the Tony Pompelio  
21 Commemorative Scholarship Fund for the children of crime victims  
22 created pursuant to this act.

23 "Chairman" means the Chairman of the Violent Crimes  
24 Compensation Board.

25 "Executive director" means the chief executive and  
26 administrative officer of the authority.

27 "Authority" means the Higher Education Student Assistance  
28 Authority established pursuant to N.J.S.18A:71A-1 et seq., the  
29 "Higher Education Student Assistance Authority Law," or any  
30 body, entity, commission, or department succeeding to the principal  
31 functions thereof or to whom the powers conferred upon the  
32 authority by N.J.S.18A:71A-1 et seq. shall be given by law.

33 "Public Institutions of Higher Education" means the State  
34 colleges and universities created pursuant to chapter 64 of Title 18A  
35 of the New Jersey Statutes; the county colleges; **the University of  
36 Medicine and Dentistry of New Jersey**; the New Jersey Institute of  
37 Technology; Rutgers, the State University; Rowan University; and  
38 any other public universities, colleges, county colleges and junior  
39 colleges now or hereafter established or authorized by law.

40 (cf: P.L.2000, c.163, s.3)

41

42 <sup>1</sup>[93.] 99. N.J.S.18A:71C-32 is amended to read as follows:

43 18A:71C-32. "Approved site" means a site located within a State  
44 designated underserved area or a health professional shortage area,  
45 or a clinic which is part of the extramural network of dental clinics  
46 established by the New Jersey Dental School of **the University of  
47 Medicine and Dentistry of New Jersey** Rutgers, The State

1 University, or a site that has been determined by the Higher  
2 Education Student Assistance Authority, in consultation with the  
3 Department of Health and Senior Services, to serve medically  
4 underserved populations according to criteria determined by the  
5 authority, including, but not limited to, the percentage of medically  
6 underserved patients served.

7 "Authority" means the Higher Education Student Assistance  
8 Authority.

9 "Eligible qualifying loan expenses" means the cumulative  
10 outstanding balance of student loans covering the cost of attendance  
11 at an undergraduate institution of medical, dental, or other primary  
12 care professional education at the time an applicant is selected for  
13 the program. Interest paid or due on qualifying loans that an  
14 applicant has taken out for use in paying the costs of undergraduate  
15 medical, dental, or other primary care professional education shall  
16 be considered eligible for reimbursement under the program. The  
17 authority may establish a limit on the total amount of qualifying  
18 loans which may be redeemed for participants under the program,  
19 provided that the total redemption of qualifying loans does not  
20 exceed \$120,000, or the maximum amount authorized by the federal  
21 government, whichever is greater, either in State funds or the sum  
22 of federal, State, and other non-federal matching funds, pursuant to  
23 section 338I of the Public Health Service Act (42 U.S.C.s.254q-1),  
24 whichever is applicable.

25 "Executive director" means the executive director of the Higher  
26 Education Student Assistance Authority.

27 "Health professional shortage area" (HPSA) means an urban or  
28 rural area, a population group or a public or non-profit private  
29 medical or dental facility or other public facility which the  
30 Secretary of Health and Human Services determines has a health  
31 professional shortage pursuant to section 332 of the Public Health  
32 Service Act (42 U.S.C. s.254e).

33 "Primary care" means the practice of family medicine, general  
34 internal medicine, general pediatrics, general obstetrics,  
35 gynecology, pediatric dentistry, general dentistry, public health  
36 dentistry, and any other areas of medicine or dentistry which the  
37 Commissioner of Health and Senior Services may define as primary  
38 care. Primary care also includes the practice of a nurse-practitioner,  
39 certified nurse-midwife, and physician assistant.

40 "Primary care practitioner" means a State-licensed or certified  
41 health care professional who has obtained a degree in allopathic or  
42 osteopathic medicine, dentistry, or another primary care profession  
43 at an undergraduate institution of medical, dental, or other primary  
44 care professional education, as applicable.

45 "Program" means the Primary Care Practitioner Loan  
46 Redemption Program established pursuant to N.J.S.18A:71C-33.

47 "Program participant" means a primary care practitioner who  
48 contracts with the authority to engage in the clinical practice of

1 primary care at an approved site in exchange for the redemption of  
2 eligible qualifying loan expenses provided under the program.

3 "Qualifying loan" means a government or commercial loan for  
4 the actual costs paid for tuition and reasonable education and living  
5 expenses relating to the obtaining of a degree in allopathic or  
6 osteopathic medicine, dentistry, or another primary care profession.

7 "State designated underserved area" means a geographic area in  
8 this State which has been ranked by the Commissioner of Health  
9 and Senior Services on the basis of health status and economic  
10 indicators as reflecting a medical or dental health professional  
11 shortage.

12 "Total and permanent disability" means a physical or mental  
13 disability that is expected to continue indefinitely or result in death  
14 and renders a participant in the program unable to perform that  
15 person's service obligation, as determined by the executive director  
16 or his designee.

17 "Undergraduate medical, dental, or other primary care  
18 professional education" means the period of time between entry into  
19 medical school, dental school, or other primary care professional  
20 training program and the award of a degree in allopathic or  
21 osteopathic medicine, dentistry, or another primary care profession,  
22 respectively.

23 (cf: P.L.2009, c.145, s.1)

24

25 <sup>1</sup>[94.] 100.<sup>1</sup> N.J.S.18A:71C-35 is amended to read as follows:

26 18A:71C-35. The Commissioner of Health and Senior Services,  
27 after consultation with the Commissioner of Corrections and the  
28 Commissioner of Human Services, shall designate and establish a  
29 ranking of State designated underserved areas. The criteria used by  
30 the Commissioner of Health and Senior Services in designating  
31 areas shall include, but not be limited to:

32 a. the financial resources of the population under  
33 consideration, including the percentage of the population that is  
34 eligible for medical assistance pursuant to P.L.1968, c.413  
35 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8 et seq.), and the  
36 percentage of the population that does not have health insurance  
37 coverage;

38 b. the population's access to primary care services;

39 c. appropriate physician, dentist, or other primary care staffing  
40 in State, county, municipal and private nonprofit health care  
41 facilities and in clinics which are part of the extramural network of  
42 dental clinics established by the New Jersey Dental School of [the  
43 University of Medicine and Dentistry of New Jersey] Rutgers, The  
44 State University; and

45 d. the extent to which racial and ethnic disparities in health  
46 care in a geographic area, including, but not limited to, disparities  
47 in the incidence of cancer, cardiovascular disease, stroke, chemical  
48 dependency, diabetes, asthma, homicide, suicide, accidental injury,

1 infant mortality, child immunization rates, HIV/AIDS, dental caries,  
2 and periodontal disease, indicate the need to increase access to  
3 primary care services among racial and ethnic minority populations  
4 in that area.

5 The Commissioner of Health and Senior Services shall transmit  
6 the list of State designated underserved areas and the number of  
7 positions needed in each area to the executive director or designee.  
8 (cf: P.L.2009, c.145, s.4)

9  
10 <sup>1</sup>[95.] 101.<sup>1</sup> Section 10 of P.L.2009, c.145 (C.18A:71C-36.1) is  
11 amended to read as follows:

12 10. a. A program participant, as a condition of participation,  
13 shall be required to adhere to performance standards established by  
14 the executive director or his designee and if the approved site is a  
15 clinic which is part of the extramural network of dental clinics  
16 established by the New Jersey Dental School of **[the University of**  
17 **Medicine and Dentistry of New Jersey]** Rutgers, The State  
18 University the program participant shall also meet performance  
19 standards set by the New Jersey Dental School.

20 b. The standards shall include, but not be limited to,  
21 requirements that a participant:

- 22 (1) maintain residency in the State;  
23 (2) maintain a license or certification to practice a primary care  
24 profession in the State;  
25 (3) remain current with payments on student loans;  
26 (4) enter into a mutually acceptable contract with an approved  
27 site;  
28 (5) maintain satisfactory performance of services rendered at an  
29 approved site; and  
30 (6) report to the authority or its designee, on a form and in a  
31 manner prescribed by the authority or its designee, on the program  
32 participant's performance of services rendered at an approved site  
33 prior to repayment of the annual amount eligible for redemption.  
34 (cf: P.L.2009, c.145, s.10)

35  
36 <sup>1</sup>[96.] 102.<sup>1</sup> N.J.S.18A:71C-38 is amended to read as follows:

37 18A:71C-38. Each program participant shall serve a six-month  
38 probationary period upon initial placement at an approved site.  
39 During that period, the primary care staff of the approved site, or in  
40 the case of a clinic which is part of the extramural network of dental  
41 clinics established by the New Jersey Dental School of **[the**  
42 **University of Medicine and Dentistry of New Jersey]** Rutgers, The  
43 State University, the director of the clinics and the vice-dean of the  
44 dental school, together with the program participant and the  
45 executive director or his designee, shall evaluate the suitability of  
46 the placement for the program participant. At the end of the  
47 probationary period, the primary care staff shall recommend the

1 continuation of the program participant's present placement, a  
2 change in placement, or its determination that the program  
3 participant is an unsuitable candidate for the program. If the  
4 primary care staff of the approved site recommends a change in  
5 placement, the executive director or a designee shall approve an  
6 alternate placement at an approved site. If the primary care staff  
7 determines that the program participant is not a suitable candidate  
8 for the program, the executive director or his designee shall take  
9 this recommendation into consideration in regard to the program  
10 participant's final acceptance into the program. No loan redemption  
11 payment shall be made during the six-month probationary period;  
12 however, a program participant shall receive credit for the six-  
13 month period in calculating the first year of required service under  
14 the loan redemption contract.  
15 (cf: P.L.2009, c.145, s.7)

16

17 **'[97.] 103.'**<sup>1</sup> N.J.S.18A:72A-3 is amended to read as follows:

18 18A:72A-3. As used in this act, the following words and terms  
19 shall have the following meanings, unless the context indicates or  
20 requires another or different meaning or intent:

21 "Authority" means the New Jersey Educational Facilities  
22 Authority created by this chapter or any board, body, commission,  
23 department or officer succeeding to the principal functions thereof  
24 or to whom the powers conferred upon the authority by this chapter  
25 shall be given by law;

26 "Bond" means bonds or notes of the authority issued pursuant to  
27 this chapter;

28 "County college capital project" means any capital project of a  
29 county college certified pursuant to section 2 of P.L.1971, c.12  
30 (C.18A:64A-22.2) and approved by the State Treasurer for funding  
31 pursuant to the "County College Capital Projects Fund Act,"  
32 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

33 "Dormitory" means a housing unit with necessary and usual  
34 attendant and related facilities and equipment, and shall include a  
35 dormitory of a public or private school, or of a public or private  
36 institution of higher education;

37 "Educational facility" means a structure suitable for use as a  
38 dormitory, dining hall, student union, administration building,  
39 academic building, library, laboratory, research facility, classroom,  
40 athletic facility, health care facility, teaching hospital, and parking  
41 maintenance storage or utility facility and other structures or  
42 facilities related thereto or required or useful for the instruction of  
43 students or the conducting of research or the operation of an  
44 institution for higher education, and public libraries, and the  
45 necessary and usual attendant and related facilities and equipment,  
46 but shall not include any facility used or to be used for sectarian  
47 instruction or as a place for religious worship;

1 "Emerging needs program" means a program at one or more  
2 public or private institutions of higher education directed to meeting  
3 new and advanced technology needs or to supporting new academic  
4 programs in science and technology;

5 "Higher education equipment" means any property consisting of,  
6 or relating to, scientific, engineering, technical, computer,  
7 communications or instructional equipment;

8 "Participating college" means a public institution of higher  
9 education or private college which, pursuant to the provisions of  
10 this chapter, participates with the authority in undertaking the  
11 financing and construction or acquisition of a project;

12 "Project" means a dormitory or an educational facility or any  
13 combination thereof, or a county college capital project;

14 "Private college" means an institution for higher education other  
15 than a public college, situated within the State and which, by virtue  
16 of law or charter, is a nonprofit educational institution empowered  
17 to provide a program of education beyond the high school level;

18 "Private institution of higher education" means independent  
19 colleges or universities incorporated and located in New Jersey,  
20 which by virtue of law or character or license, are nonprofit  
21 educational institutions authorized to grant academic degrees and  
22 which provide a level of education which is equivalent to the  
23 education provided by the State's public institutions of higher  
24 education as attested by the receipt of and continuation of regional  
25 accreditation by the Middle States Association of Colleges and  
26 Schools, and which are eligible to receive State aid;

27 "Public institution of higher education" means Rutgers, The State  
28 University, the State colleges, the New Jersey Institute of  
29 Technology, [the University of Medicine and Dentistry of New  
30 Jersey] Rowan University, the county colleges and any other public  
31 university or college now or hereafter established or authorized by  
32 law;

33 "School" means a secondary school, military school, or boarding  
34 school;

35 "University" means Rutgers, The State University.

36 (cf: P.L.2000, c.56, s.10)

37

38 '[98.] 104.' N.J.S.18A:72A-26 is amended to read as follows:

39 18A:72A-26. In order to provide new dormitories and to enable  
40 the construction and financing thereof, to refinance indebtedness  
41 hereafter created by the authority for the purpose of providing a  
42 dormitory or dormitories or additions or improvements thereto, or  
43 for any one or more of said purposes, but for no other purpose  
44 unless authorized by law, each of the following bodies shall have  
45 the powers hereafter enumerated to be exercised upon such terms  
46 and conditions, including the fixing of any consideration or rental to  
47 be paid or received, as it shall determine by resolution as to such  
48 property and each shall be subject to the performance of the duties

1 hereafter enumerated, that is to say, the treasurer as to such as are  
2 located on land owned by the State or by the authority, the board of  
3 governors of the university, the board of trustees of the New Jersey  
4 Institute of Technology **【or the University of Medicine and**  
5 **Dentistry of New Jersey】** or Rowan University, the board of  
6 trustees of a State college or the board of trustees of a county  
7 college as to such as are located on land owned by the university or  
8 by the particular college respectively, namely:

9 a. The power to sell and to convey to the authority title in fee  
10 simple in any such land and any existing dormitories thereon owned  
11 by the State or owned by the board of trustees of a county college or  
12 the power to sell and to convey to the authority such title as the  
13 university or the college respectively may have in any such land and  
14 any existing dormitories thereon.

15 b. The power to lease to the authority any land and any existing  
16 dormitories thereon so owned for a term or terms not exceeding 50  
17 years each.

18 c. The power to lease or sublease from the authority, and to  
19 make available, any such land and existing dormitories conveyed or  
20 leased to the authority under subsections a. and b. of this section,  
21 and any new dormitories erected upon such land or upon any other  
22 land owned by the authority, any rentals to be payable, as to the  
23 university or as to any such college from available funds other than  
24 moneys appropriated to it by the State.

25 d. The power and duty, upon receipt of notice of any  
26 assignment by the authority of any lease or sublease made under  
27 subsection c. of this section, or of any of its rights under any such  
28 lease or sublease, to recognize and give effect to such assignment,  
29 and to pay to the assignee thereof rentals or other payments then  
30 due or which may become due under any such lease or sublease  
31 which has been so assigned by the authority.

32 (cf: P.L.1994, c.48, s.238)

33

34 <sup>1</sup>**【99.】 105.** N.J.S.18A:72A-27.1 is amended to read as follows:

35 18A:72A-27.1. In addition to the powers and duties with respect  
36 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the  
37 treasurer, the board of governors of the university, the board of  
38 trustees of the New Jersey Institute of Technology, the board of  
39 trustees of a State college, the board of trustees of Rowan  
40 University, and the board of trustees of a county college **【and the**  
41 **board of trustees of the University of Medicine and Dentistry of**  
42 **New Jersey】** shall also have the same power and be subject to the  
43 same duties in relation to any conveyance, lease or sublease made  
44 under subsection a., b., or c. of section 18A:72A-26, with respect to  
45 revenue producing facilities; that is to say, structures or facilities  
46 which produce revenues sufficient to pay the rentals due and to  
47 become due under any lease or sublease made under subsection c.

1 of section 18A:72A-26 including, without limitation, student unions  
2 and parking facilities.

3 (cf: P.L.1994, c.48, s.239)

4

5 **'[100.] 106.'**<sup>1</sup> Section 48 of P.L.2009, c.90 (C.18A:72A-82) is  
6 amended to read as follows:

7 48. As used in sections 48 and 49 of P.L.2009, c.90  
8 (C.18A:72A-82 and C.18A:72A-83):

9 "Board" means the Local Finance Board established in the  
10 Division of Local Government Services in the Department of  
11 Community Affairs.

12 "Bonds" mean bonds, notes or other obligations issued to finance  
13 or refinance higher education projects by a municipality, or on  
14 behalf of a municipality by a county improvement authority created  
15 pursuant to the "county improvement authorities law," P.L.1960,  
16 c.183 (C.40:37A-44 et seq.).

17 "Higher education partnership agreement" means an agreement  
18 between a municipality and an institution of higher education  
19 providing for the issuance of bonds by the municipality, a county  
20 improvement authority or a redevelopment entity, and the pledge of  
21 payments by the institution of higher education to secure those  
22 bonds to finance a higher education project, or part thereof.

23 "Higher education project" means the establishment and  
24 construction of higher education buildings and the expansion and  
25 construction of additional facilities at, and the acquisition of  
26 additional and upgraded equipment for existing higher education  
27 buildings, including but not limited to the planning, erecting,  
28 purchasing, improving, developing, constructing, reconstructing,  
29 extending, rehabilitating, renovating, upgrading, demolishing and  
30 equipping of facilities at institutions of higher education.

31 "Institution of higher education" means: Rutgers, The State  
32 University; a State college or university established pursuant to  
33 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
34 Institute of Technology; **[the University of Medicine and Dentistry**  
35 **of New Jersey]** Rowan University; a county college and any other  
36 public university or college now or hereafter established or  
37 authorized by State law; and any college or university incorporated  
38 and located in New Jersey, which by virtue of law or character or  
39 license is a nonprofit educational institution authorized to grant  
40 academic degrees and which provides a level of education which is  
41 equivalent to the education provided by the State's public  
42 institutions of higher education, as attested by the receipt of and  
43 continuation of regional accreditation by the Middle States  
44 Association of Colleges and Schools, and which is eligible to  
45 receive State aid under the provisions of the Constitution of the  
46 United States and the Constitution of the State of New Jersey, but  
47 does not include any educational institution dedicated primarily to



1 the education or training of ministers, priests, rabbis or other  
2 professional persons in the field of religion.

3 "Municipality" means the municipal governing body or an entity  
4 acting on behalf of the municipality if permitted by the federal  
5 Internal Revenue Code of 1986, or, if a redevelopment agency or  
6 redevelopment entity is established in the municipality pursuant to  
7 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
8 provides, the redevelopment agency or entity so established.  
9 (cf: P.L.2009, c.90, s.48)

10

11 '101.] 107.' Section 3 of P.L.1985, c.493 (C.18A:72H-3) is  
12 amended to read as follows:

13 3. As used in this act:

14 a. "Auditorily impaired" means a hearing impairment of such  
15 severity that the individual depends primarily upon visual  
16 communication.

17 b. "Competent authority" means any doctor of medicine or any  
18 doctor of osteopathy licensed to practice medicine and surgery in  
19 this State.

20 c. (Deleted by amendment, P.L.1994, c.48).

21 d. "Eligible student" means any student "admitted to a public or  
22 independent institution of higher education who is" suffering from a  
23 visual impairment, auditory impairment or a specific learning  
24 disability within guidelines established by the Commission on  
25 Higher Education pursuant to regulations promulgated under this  
26 act.

27 e. "Independent institution of higher education" means a  
28 college or university incorporated and located in New Jersey, which  
29 by virtue of law or character or license is a nonprofit educational  
30 institution authorized to grant academic degrees and which provides  
31 a level of education which is equivalent to the education provided  
32 by the State's public institutions of higher education, as attested by  
33 the receipt of and continuation of regional accreditation by the  
34 Middle States Association of Colleges and Schools, and which is  
35 eligible to receive State aid under the provisions of the Constitution  
36 of the United States and the Constitution of the State of New Jersey,  
37 but does not include any educational institution dedicated primarily  
38 to the education or training of ministers, priests, rabbis or other  
39 professional persons in the field of religion.

40 f. "Learning disability" means a significant barrier to learning  
41 caused by a disorder in one or more of the basic psychological  
42 processes involved in understanding or in using language, spoken or  
43 written, which disorder may manifest itself in imperfect ability to  
44 listen, think, speak, read, write, spell, or do mathematical  
45 calculations. The disorder includes conditions such as perceptual  
46 handicap, brain injury, minimal brain dysfunction, dyslexia, and  
47 developmental aphasia. This term shall not include learning  
48 problems which are primarily the result of visual, hearing, or motor

1 handicaps, mental retardation, emotional disturbances, or  
2 environmental, cultural, or economic disadvantage.

3 g. "Program" means the Higher Education Services for  
4 Visually Impaired, Auditorily Impaired and Learning Disabled  
5 Students Program established pursuant to this act.

6 h. "Public institution of higher education" means Rutgers, The  
7 State University, the New Jersey Institute of Technology, [the  
8 University of Medicine and Dentistry of New Jersey] Rowan  
9 University, the State colleges and the county colleges.

10 i. "Support services" or "supportive services" means services  
11 that assist eligible students in obtaining a college education and  
12 include, but are not limited to, interpreters, note takers, and tutors.

13 j. "Visually impaired" means a vision impairment where the better  
14 eye with correction does not exceed 20/200 or where there is a field  
15 defect in the better eye in which the diameter of the field is no  
16 greater than 20 degrees.

17 (cf: P.L.1994, c.48, s.282)

18

19 <sup>1</sup>[102.] 108.<sup>1</sup> Section 2 of P.L.1987, c.183 (C.18A:72J-2) is  
20 amended to read as follows:

21 2. There are created the Martin Luther King Physician-Dentist  
22 Scholarships which shall be maintained by the State and awarded  
23 and administered pursuant to this act to students from  
24 disadvantaged or minority backgrounds enrolled in the [University  
25 of Medicine and Dentistry of New Jersey and the Fairleigh  
26 Dickinson] Rutgers University School of Dentistry.

27 (cf: P.L.1987, c.183, s.2)

28

29 <sup>1</sup>[103.] 109.<sup>1</sup> Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is  
30 amended to read as follows:

31 2. The Early Intervention Program in the Department of Health  
32 and Senior Services established pursuant to section 2 of P.L.1993,  
33 c.309 (C.26:1A-36.7) shall conduct activities to address the specific  
34 needs of children with autism spectrum disorders and their families.  
35 These activities shall include, but not be limited to, the following:

36 a. developing, in consultation with autism experts and  
37 advocates, including, but not limited to, the Governor's Council for  
38 Medical Research and Treatment of Autism, Autism Speaks, The  
39 New Jersey Center for Outreach and Services for the Autism  
40 Community, The Autism Center of New Jersey Medical School at  
41 [the University of Medicine and Dentistry of New Jersey] Rutgers,  
42 The State University, the Statewide Parent Advocacy Network, Inc.,  
43 and the New Jersey chapter of the American Academy of Pediatrics,  
44 guidelines for health care professionals to use in evaluating infants  
45 and toddlers living in the State for autism and to ensure the timely  
46 referral by health care professionals of infants and toddlers who are  
47 identified as having autism or suspected of being on the autism

1 spectrum to the Early Intervention Program in order to provide  
2 appropriate services to those infants and toddlers as early as  
3 possible;

4 b. referring affected children who are identified as having  
5 autism or suspected of being on the autism spectrum and their  
6 families to schools and agencies, including community, consumer,  
7 and parent-based agencies, and organizations and other programs  
8 mandated by Part C of the "Individuals with Disabilities Education  
9 Act" (20 U.S.C. s.1431 et seq.), which offer programs specifically  
10 designed to meet the unique needs of children with autism;

11 c. collecting data on Statewide autism screening, diagnosis,  
12 and intervention programs and systems that can be used for applied  
13 research, program evaluation, and policy development; and

14 d. disseminating information on the medical care of individuals  
15 with autism to health care professionals and the general public.

16 (cf: P.L.2007, c.172, s.2)

17

18 <sup>1</sup> **['104.] 110.** Section 23 of P.L.1972, c.29 (C.26:2I-23) is  
19 amended to read as follows:

20 23. In order to provide new health care organizations and to  
21 enable the construction and financing thereof, to refinance  
22 indebtedness hereafter created by the authority for the purpose of  
23 providing one or more health care organizations or additions or  
24 improvements thereto or modernization thereof or for any one or  
25 more of said purposes but for no other purpose unless authorized by  
26 law, each of the following bodies shall have the powers hereafter  
27 enumerated to be exercised upon such terms and conditions,  
28 including the fixing of fair consideration or rental to be paid or  
29 received, as it shall determine by resolution as to such property and  
30 each shall be subject to the performance of the duties hereafter  
31 enumerated, that is to say, the Department of Health and Senior  
32 Services as to such as are located on land owned by, or owned by  
33 the State and held for, any State institution or on lands of the  
34 institutions under the jurisdiction of the Department of Health and  
35 Senior Services or of the Department of Human Services, or by the  
36 authority, the Commissioner of Human Services as to State  
37 institutions operated by that department, the board of trustees or  
38 governing body of any public health care organization, the board of  
39 **【trustees of the University of Medicine and Dentistry of New**  
40 **Jersey】** governors of Rutgers, The State University, as to such as  
41 are located on land owned by the university, or by the State for the  
42 university, the State or by the particular public health care  
43 organization, respectively, namely:

44 a. The power to sell and to convey to the authority title in fee  
45 simple in any such land and any existing health care facility thereon  
46 owned by the State and held for any department thereof or of any of  
47 the institutions under the jurisdiction of the Department of Health  
48 and Senior Services or the power to sell and to convey to the

1 authority such title as the State or the public health care  
2 organization, respectively, may have in any such land and any  
3 existing health care facility thereon.

4 b. The power to lease to the authority any land and any existing  
5 health care facility thereon so owned for a term or terms not  
6 exceeding 50 years each.

7 c. The power to lease or sublease from the authority, and to  
8 make available, any such land and existing health care facility  
9 conveyed or leased to the authority under subsections a. and b. of  
10 this section, and any new health care facility erected upon such land  
11 or upon any other land owned by the authority.

12 d. The power and duty, upon receipt of notice of any  
13 assignment by the authority of any lease or sublease made under  
14 subsection c. of this section, or of any of its rights under any such  
15 lease or sublease, to recognize and give effect to such assignment,  
16 and to pay to the assignee thereof rentals or other payments then  
17 due or which may become due under any such lease or sublease  
18 which has been so assigned by the authority.

19 (cf: P.L.1997, c.435, s.9)

20

21 <sup>1</sup>**['105.] 111.** Section 25 of P.L.1972, c.29 (C.26:2I-25) is  
22 amended to read as follows:

23 25. In addition to the powers and duties with respect to health  
24 care organizations given under sections 23 and 24 of P.L.1972, c.29  
25 (C.26:2I-23 and C.26:2I-24, respectively), the board of trustees or  
26 governing body of any State institution or public health care  
27 organization and the board of **【trustees of the University of**  
28 **Medicine and Dentistry of New Jersey】** governors of Rutgers, The  
29 State University shall also have the same powers and be subject to  
30 the same duties in relation to any conveyance, lease or sublease  
31 made under subsection a., b., or c. of section 24 of P.L.1972, c.29  
32 (C.26:2I-24), with respect to revenue producing facilities; that is to  
33 say, structures or facilities which produce revenues sufficient to pay  
34 the rentals due and to become due under any lease or sublease made  
35 under subsection c. of section 24 of P.L.1972, c.29 (C.26:2I-24),  
36 including, without limitation, extended care and parking facilities.

37 (cf: P.L.1997, c.435, s.11)

38

39 <sup>1</sup>**['106.] 112.** Section 27 of P.L.1972, c.29 (C.26:2I-27) is  
40 amended to read as follows:

41 27. To the extent not otherwise expressly provided under  
42 existing law, all powers and duties conferred upon any State  
43 institution or **【the University of Medicine and Dentistry of New**  
44 **Jersey】** Rutgers, The State University or any county, city or  
45 municipal health care organization pursuant to this act shall be  
46 exercised and performed by resolution of its governing body and all  
47 powers and duties conferred upon any of these health care

1 organizations pursuant to this act shall be exercised and performed  
2 by resolution of its board of trustees or governing body.

3 (cf: P.L.1997, c.435, s.12)

4

5 **'[107.] 113.'** Section 1 of P.L.1986, c.106 (C.26:2K-35) is  
6 amended to read as follows:

7

1. As used in this act:

8

a. "Commissioner" means the Commissioner of the Department  
9 of Health and Senior Services.

10

b. "Dispatch" means the coordinated request for and dispatch  
11 of the emergency medical service helicopter response unit by a  
12 central communications center located in the service area, following  
13 protocols developed by the mobile intensive care hospital, the  
14 regional trauma or critical care center, the commissioner and the  
15 superintendent.

16

c. "Emergency medical service helicopter response unit" means  
17 a specially equipped hospital-based emergency medical service  
18 helicopter staffed by advanced life support personnel and operated  
19 for the provision of advanced life support services under the  
20 medical direction of a mobile intensive care program and the  
21 regional trauma or critical care center authorized by the  
22 commissioner.

23

d. "Emergency medical transportation" means the prehospital  
24 or interhospital transportation of an acutely ill or injured patient by  
25 a dedicated emergency medical service helicopter response unit  
26 operated, maintained and piloted by the Division of State Police of  
27 the Department of Law and Public Safety, pursuant to regulations  
28 adopted by the commissioner under chapter 40 of Title 8 of the New  
29 Jersey Administrative Code.

30

e. "Medical direction" means the medical control and medical  
31 orders transmitted from the physician of the mobile intensive care  
32 hospital or from the physician at the regional trauma or critical care  
33 center to the staff of the helicopter. The mobile intensive care unit  
34 coordinating center and regional trauma or critical care center shall  
35 have the ability to cross patch and consult with each other as  
36 approved by the commissioner.

37

f. "Mobile intensive care hospital" means a hospital authorized  
38 by the commissioner to develop and maintain a mobile intensive  
39 care unit to provide advanced life support services in accordance  
40 with P.L.1984, c.146 (C.26:2K-7 et al.).

41

g. "Regional trauma center" means a State designated level one  
42 hospital-based trauma center equipped and staffed to provide  
43 emergency medical services to an accident or trauma victim,  
44 including, but not limited to, the level one trauma centers at [the  
45 University of Medicine and Dentistry of New Jersey-] University  
46 Hospital in Newark, known as the "Eric Munoz Trauma Center,"  
47 and at the Cooper Hospital/University Medical Center in Camden.

1 h. "Critical care center" means a hospital authorized by the  
2 commissioner to provide regional critical care services, such as  
3 trauma, burn, spinal cord, cardiac, poison or neonatal care.

4 i. "Superintendent" means the Superintendent of the Division  
5 of State Police of the Department of Law and Public Safety.

6 (cf: P.L.2010, c.80, s.1)

7  
8 <sup>1</sup>[108.] 114.<sup>1</sup> Section 2 of P.L.1986, c.134 (C.26:2N-2) is  
9 amended to read as follows:

10 2. The commissioner shall prepare and make available to all  
11 health care providers in the State and parents and guardians, upon  
12 request, a pamphlet which explains the benefits and possible  
13 adverse reactions to immunizations for pertussis. This pamphlet  
14 may contain any information which the commissioner deems  
15 necessary and may be revised by the department whenever new  
16 information concerning these immunizations becomes available.  
17 The pamphlet shall include the following information:

18 a. A list of the immunizations required for admission to a  
19 public or private school in the State;

20 b. Specific information regarding the pertussis vaccine which  
21 includes:

22 (1) The circumstances under which pertussis vaccine should not  
23 be administered or should be delayed, including the categories of  
24 persons who are significantly more vulnerable to major adverse  
25 reactions than are members of the general population;

26 (2) Possible adverse reactions to pertussis vaccine and the early  
27 warning signs or symptoms that may be precursors to a major  
28 adverse reaction which, upon occurrence, should be brought to the  
29 immediate attention of the health care provider who administered  
30 the vaccine;

31 (3) A form that the parent or guardian may use to monitor  
32 symptoms of a possible adverse reaction and which includes places  
33 where the parent or guardian can record information about the  
34 symptoms that will assist the health care provider; and

35 (4) Measures that a parent or guardian should take to reduce the  
36 risk of, or to respond to, a major adverse reaction including  
37 identification of who should be notified of the reaction and when  
38 the notification should be made.

39 The commissioner shall prepare the pamphlet in consultation  
40 with the Medical Society of New Jersey [and the University of  
41 Medicine and Dentistry of New Jersey] and shall adopt by  
42 regulation the information contained in the pamphlet, pursuant to  
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.)

45 (cf: P.L.1986, c.134, s.2)

46  
47 <sup>1</sup>[109.] 115.<sup>1</sup> Section 2 of P.L.1999, c.66 (C.26:2U-2) is  
48 amended to read as follows:

1       2. The Department of Health and Senior Services, in  
2 consultation with the New Jersey Chronic Fatigue Syndrome  
3 Association, Inc., and the Academy of Medicine of New Jersey  
4 **【and the University of Medicine and Dentistry of New Jersey】**,  
5 shall prepare and make available to all health care providers in the  
6 State, upon request, a manual which provides information about the  
7 clinical significance, diagnosis and treatment of chronic fatigue  
8 syndrome. The manual may contain any other information which  
9 the Commissioner of Health and Senior Services deems necessary  
10 and may be revised by the department whenever new information  
11 about chronic fatigue syndrome becomes available. The department  
12 shall publicize and make available the manual to the maximum  
13 extent possible.

14 (cf: P.L.1999, c.66, s.2)

15

16       '**【110.】 116.**' Section 4 of P.L.1984, c.126 (C.26:5C-4) is  
17 amended to read as follows:

18       4. **【The University of Medicine and Dentistry of New Jersey】**  
19 Rutgers, The State University shall, in coordination with the State  
20 Department of Health and Senior Services, serve as a resource  
21 center and may offer diagnostic procedures, medical treatment,  
22 counseling, as well as any other services that may be necessary to  
23 assist AIDS victims and their families.

24 (cf: P.L.1984, c.126, s.4)

25

26       '**【111.】 117.**' Section 115 of P.L.2008, c.29 (C.26:2NN-1) is  
27 amended to read as follows:

28       115. a. The Department of Health and Senior Services shall  
29 maintain a toll-free information "Law Enforcement Officer Crisis  
30 Intervention Services" telephone hotline on a 24-hour basis.

31       The hotline shall receive and respond to calls from law  
32 enforcement officers and sheriff's officers who have been involved  
33 in any event or incident which has produced personal or job-related  
34 depression, anxiety, stress, or other psychological or emotional  
35 tension, trauma, or disorder for the officer and officers who have  
36 been wounded in the line of duty. The operators of the hotline shall  
37 seek to identify those officers who should be referred to further  
38 debriefing and counseling services, and to provide such referrals.  
39 In the case of wounded officers, those services may include peer  
40 counseling, diffusing, debriefing, group therapy and individual  
41 therapy as part of a coordinated assistance program, to be known as  
42 the "Blue Heart Law Enforcement Assistance Program," designed  
43 and implemented by the **【University of Medicine and Dentistry of**  
44 **New Jersey's】** University Behavioral Healthcare Unit of Rutgers,  
45 The State University.

46       b. The operators of the hotline shall be trained by the  
47 Department of Health and Senior Services and, to the greatest

1 extent possible, shall be persons, who by experience or education,  
2 are: (1) familiar with post trauma disorders and the emotional and  
3 psychological tensions, depressions, and anxieties unique to law  
4 enforcement officers and sheriff's officers; or (2) trained to provide  
5 counseling services involving marriage and family life, substance  
6 abuse, personal stress management and other emotional or  
7 psychological disorders or conditions which may be likely to  
8 adversely affect the personal and professional well-being of a law  
9 enforcement officer and a sheriff's officer.

10 c. To ensure the integrity of the telephone hotline and to  
11 encourage officers to utilize it, the commissioner shall provide for  
12 the confidentiality of the names of the officers calling, the  
13 information discussed by that officer and the operator, and any  
14 referrals for further debriefing or counseling; provided, however,  
15 the commissioner may, by rule and regulation, (1) establish  
16 guidelines providing for the tracking of any officer who exhibits a  
17 severe emotional or psychological disorder or condition which the  
18 operator handling the call reasonably believes might result in harm  
19 to the officer or others and (2) establish a confidential registry of  
20 wounded New Jersey law enforcement officers.

21 (cf: P.L.2008, c.29, s.115)

22  
23 <sup>1</sup> [112.] 118. <sup>1</sup> Section 10 of P.L.2011, c.210 (C.26:5B-6) is  
24 amended to read as follows:

25 10. a. The Department of Health and Senior Services, in  
26 consultation with the Medical Society of New Jersey and [the  
27 [University of Medicine and Dentistry of New Jersey] Rutgers,  
28 The State University, shall prepare, and make available on its  
29 Internet website, information in English and Spanish, which is  
30 designed to be easily understandable by the general public, about  
31 the genetic risk factors associated with, and the symptoms and  
32 treatment of, sickle cell anemia, in addition to any other information  
33 that the Commissioner of Health and Senior Services deems  
34 necessary for the purposes of this act. The department shall revise  
35 this information whenever new information about sickle cell anemia  
36 becomes available.

37 b. The department shall prepare an informational booklet in  
38 English and Spanish that contains the information posted on its  
39 website pursuant to subsection a. of this section, as funds become  
40 available for that purpose. The department shall make a supply of  
41 booklets available to all licensed health care facilities engaged in  
42 the diagnosis or treatment of sickle cell anemia, as well as to health  
43 care professionals, community health centers, members of the  
44 public, and social services agencies upon their request.

45 (cf: P.L.2011, c.210, s.10)

46  
47 <sup>1</sup> [113.] 119. <sup>1</sup> Section 2 of P.L.2005, c.379 (C.34:11-56.59) is  
48 amended to read as follows:



1 2. As used in this act:

2 "Commissioner" means the Commissioner of Labor and  
3 Workforce Development or the commissioner's duly authorized  
4 representatives.

5 "Building services" means any cleaning or building maintenance  
6 work, including but not limited to sweeping, vacuuming, floor  
7 cleaning, cleaning of rest rooms, collecting refuse or trash, window  
8 cleaning, engineering, securing, patrolling, or other work in  
9 connection with the care, securing, or maintenance of an existing  
10 building, except that "building services" shall not include any  
11 maintenance work or other public work for which a contractor is  
12 required to pay the "prevailing wage" as defined in section 2 of  
13 P.L.1963, c.150 (C.34:11-56.26).

14 "Leased by the State" means that not less than 55% of the  
15 property or premises is leased by the State, provided that the portion  
16 of the property or premises that is leased by the State measures  
17 more than 20,000 square feet.

18 "Prevailing wage for building services" means the wage and  
19 benefit rates designated by the commissioner based on the  
20 determinations made by the General Services Administration  
21 pursuant to the federal "Service Contract Act of 1965" (41 U.S.C.  
22 s.351 et seq.), for the appropriate localities and classifications of  
23 building service employees.

24 "The State" means the State of New Jersey and all of its  
25 departments, bureaus, boards, commissions, agencies and  
26 instrumentalities, including any State institutions of higher  
27 education, but does not include political subdivisions.

28 "State institutions of higher education," means Rutgers, The  
29 State University of New Jersey [ , the University of Medicine and  
30 Dentistry of New Jersey] Rowan University, and the New Jersey  
31 Institute of Technology, and any of the State colleges or universities  
32 established pursuant to chapter 64 of Title 18A of the New Jersey  
33 Statutes, but does not include any county college established  
34 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.  
35 (cf: P.L.2005, c.379, s.2)

36

37 <sup>1</sup>[114.] 120.<sup>1</sup> Section 1 of P.L.2011, c.116 (C.38A:13-10) is  
38 amended to read as follows:

39 1. a. The Legislature finds and declares that the Department of  
40 Military and Veterans' Affairs, in conjunction with [the University  
41 of Medicine and Dentistry] Rutgers, The State University of New  
42 Jersey, has established a veteran to veteran peer support program  
43 telephone helpline. The helpline receives and responds to calls  
44 from veterans, servicemembers, and their families. It provides them  
45 with access to a comprehensive mental health provider network of  
46 mental health professionals specializing in post traumatic stress

1 disorder and other veterans issues. All services are free and  
2 confidential.

3 b. Since its inception, the helpline has fielded over 6,000 calls  
4 from veterans and their families and based on prior statistics, a 10%  
5 increase in calls has been projected.

6 c. The helpline is funded through an allocation from a State  
7 appropriation for post traumatic stress disorder. It is appropriate  
8 that the helpline have a separate annual appropriation.

9 (cf: P.L.2011, c.116, s.1)

10

11 '115.] 121.' Section 2 of P.L.2011, c.116 (C.38A:13-11) is  
12 amended to read as follows:

13 2. a. The Department of Military and Veterans' Affairs shall  
14 establish, in coordination with University Behavioral HealthCare of  
15 **【the University of Medicine and Dentistry】** Rutgers, The State  
16 University of New Jersey, a toll free veteran to veteran peer support  
17 helpline.

18 b. The helpline shall be accessible 24 hours a day seven days  
19 per week and shall respond to calls from veterans, servicemembers  
20 and their families. The operators of the helpline shall seek to  
21 identify the veterans, servicemembers and their families who should  
22 be referred to further peer support and counseling services, and  
23 provide referrals.

24 c. The operators of the helpline shall be trained by University  
25 Behavioral Healthcare of **【the University of Medicine and**  
26 **Dentistry】** Rutgers, The State University of New Jersey and, to the  
27 greatest extent possible, shall be trained veterans or mental health  
28 professionals with military service expertise and (1) familiar with  
29 post traumatic stress disorder, traumatic brain injury and the  
30 emotional and psychological tensions, depressions, and anxieties  
31 unique to veterans, servicemembers, and their families or (2)  
32 trained to provide counseling services involving marriage and  
33 family life, substance abuse, personal stress management and other  
34 emotional or psychological disorders or conditions which may be  
35 likely to adversely affect the personal and service related well-being  
36 of veterans, servicemembers, and their families.

37 d. The Department of Military and Veterans' Affairs and **【the**  
38 **University of Medicine and Dentistry】** Rutgers, The State  
39 University of New Jersey shall provide for the confidentiality of the  
40 names of the persons calling, the information discussed, and any  
41 referrals for further peer support or counseling; provided, however,  
42 the Department of Military and Veterans' Affairs and **【the**  
43 **University of Medicine and Dentistry】** Rutgers, The State  
44 University of New Jersey may establish guidelines providing for the  
45 tracking of any person who exhibits a severe emotional or  
46 psychological disorder or condition which the operator handling the

1 call reasonably believes might result in harm to the veteran or  
2 servicemember or any other person.

3 (cf: P.L.2011, c.116, s.2)

4

5 '【116.】 122.' Section 3 of P.L.2011, c.116 (C.38A:13-12) is  
6 amended to read as follows:

7 3. University Behavioral Healthcare of 【the University of  
8 Medicine and Dentistry】 Rutgers, The State University of New  
9 Jersey shall maintain a list of credentialed military-oriented  
10 behavioral healthcare providers throughout the State of New Jersey.  
11 Case management services shall also be provided to ensure that  
12 veterans, service members, and their families receive ongoing  
13 counseling throughout all pre and post deployment events in New  
14 Jersey. The continuum of services shall utilize the National Yellow  
15 Ribbon guidelines while providing ongoing peer support  
16 customized for each branch of military service.

17 (cf: P.L.2011, c.116, s.3)

18

19 '【117.】 123.' Section 4 of P.L.2011, c.116 (C.38A:13-13) is  
20 amended to read as follows:

21 4. In establishing the helpline authorized under the provisions  
22 of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant  
23 General of the Department of Military and Veterans' Affairs and  
24 University Behavioral Healthcare of 【the University of Medicine  
25 and Dentistry】 Rutgers, The State University of New Jersey shall  
26 consult on a quarterly basis with the New Jersey Division of Mental  
27 Health Services within the Department of Human Services, the  
28 United States Department of Veterans' Affairs, the New Jersey  
29 Veterans Healthcare Network, at least two New Jersey Veteran  
30 Centers, and at least two State recognized veteran groups.

31 (cf: P.L.2011, c.116, s.4)

32

33 '【118.】 124.' Section 25 of P.L.1954, c.84 (C.43:15A-25) is  
34 amended to read as follows:

35 25. a. The annuity savings fund shall be the fund in which shall  
36 be credited accumulated deductions and contributions by members  
37 or on their behalf to provide for their allowances. A single account  
38 shall be established in this fund for each person who is or shall  
39 become a member and all contributions deducted from each such  
40 member's compensation shall be credited to this single account.

41 b. (1) Members enrolled in the retirement system on or after  
42 July 1, 1994 shall contribute 5% of compensation to the system.  
43 Members enrolled in the system prior to July 1, 1994 shall  
44 contribute 5% of compensation to the system effective with the  
45 payroll period for which the beginning date is closest to July 1,  
46 1995, provided, however, that any member enrolled before July 1,  
47 1994, whose full contribution rate under the system prior to the

1 revisions by this act was less than 6%, shall pay 4% of  
2 compensation to the system effective with the payroll period for  
3 which the beginning date is closest to July 1, 1995, and 5% of  
4 compensation to the system effective with the payroll period for  
5 which the beginning date is closest to July 1, 1996.

6 (2) Members enrolled in the retirement system on or after July  
7 1, 2007 who are:

8 employees of the State, other than employees of the Judicial  
9 Branch;

10 employees of an independent State authority, board, commission,  
11 corporation, agency or organization;

12 employees of a local school district, regional school district,  
13 county vocational school district, county special services school  
14 district, jointure commission, educational services commission,  
15 State-operated school district, charter school, county college, any  
16 officer, board, or commission under the authority of the  
17 Commissioner of Education or of the State Board of Education, and  
18 any other public entity which is established pursuant to authority  
19 provided by Title 18A of the New Jersey Statutes; or

20 employees of a State public institution of higher education [,  
21 other than employees of the University of Medicine and Dentistry  
22 of New Jersey] shall contribute 5.5% of compensation to the  
23 system, and all such members described above enrolled in the  
24 system prior to July 1, 2007 shall contribute 5.5% of compensation  
25 to the system effective with the payroll period for which the  
26 beginning date is closest to July 1, 2007.

27 Members enrolled in the retirement system on or after July 1,  
28 2008, other than those described in the paragraph above, shall  
29 contribute 5.5% of compensation to the system. Members enrolled  
30 in the system prior to July 1, 2008, other than those described in the  
31 paragraph above, shall contribute 5.5% of compensation to the  
32 system effective with the payroll period that begins immediately  
33 after July 1, 2008.

34 (3) Members of the retirement system shall contribute 6.5% of  
35 compensation to the system on and after the effective date of  
36 P.L.2011, c.78, with an additional contribution of 1% to be phased  
37 in in equal increments over a period of seven years commencing  
38 with the first year following that effective date.

39 c. The retirement system shall certify to each State department  
40 or subdivision thereof, and to each branch of the State service not  
41 included in a State department, and to every other employer, the  
42 proportion of each member's compensation to be deducted and to  
43 facilitate the making of deductions the retirement system may  
44 modify the deduction required by a member by such an amount as  
45 shall not exceed 1/10 of 1% of the compensation upon the basis of  
46 which the deduction is to be made.

47 If payment in full, representing the monthly or biweekly  
48 transmittal and report of salary deductions, is not made within 15

1 days of the due date established by the retirement system, interest at  
2 the rate of 6% per annum shall commence to run against the total  
3 transmittal of salary deductions for the period on the first day after  
4 such fifteenth day.

5 d. Every employee to whom this act applies shall be deemed to  
6 consent and agree to any deduction from his compensation required  
7 by this act and to all other provisions of this act. Notwithstanding  
8 any other law, rule or regulation affecting the salary, pay,  
9 compensation, other perquisites, or tenure of a person to whom this  
10 act applies, or shall apply, and notwithstanding that the minimum  
11 salary, pay, or compensation or other perquisites provided by law  
12 for him shall be reduced thereby, payment, less such deductions,  
13 shall be a full and complete discharge and acquittance of all claims  
14 and demands for service rendered by him during the period covered  
15 by such payment.

16 (cf: P.L.2011, c.78, s.10)

17

18 '【119.】 125.' Section 3 of P.L.1948, c.110 (C.43:21-27) is  
19 amended to read as follows:

20 3. As used in this act, unless the context clearly requires  
21 otherwise:

22 (a) (1) "Covered employer" means, with respect to whether an  
23 employer is required to provide benefits during an employee's own  
24 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
25 individual or type of organization, including any partnership,  
26 association, trust, estate, joint-stock company, insurance company  
27 or corporation, whether domestic or foreign, or the receiver, trustee  
28 in bankruptcy, trustee or successor thereof, or the legal  
29 representative of a deceased person, who is an employer subject to  
30 the "unemployment compensation law" (R.S.43:21-1 et seq.),  
31 except the State, its political subdivisions, and any instrumentality  
32 of the State unless such governmental entity elects to become a  
33 covered employer pursuant to paragraph (2) of this subsection (a);  
34 provided, however, that commencing with the effective date of this  
35 act, the State of New Jersey, including Rutgers, The State  
36 University 【, the University of Medicine and Dentistry of New  
37 Jersey】 and the New Jersey Institute of Technology, shall be  
38 deemed a covered employer, as defined herein.

39 "Covered employer" means, after June 30, 2009, with respect to  
40 whether the employer is an employer whose employees are eligible  
41 for benefits during periods of family temporary disability leave  
42 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December  
43 31, 2008, whether employees of the employer are required to make  
44 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual  
45 or type of organization, including any partnership, association,  
46 trust, estate, joint-stock company, insurance company or domestic  
47 or foreign corporation, or the receiver, trustee in bankruptcy, trustee  
48 or successor thereof, or the legal representative of a deceased

1 person, who is an employer subject to the "unemployment  
2 compensation law" (R.S.43:21-1 et seq.), including any  
3 governmental entity or instrumentality which is an employer under  
4 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or  
5 instrumentality has not elected to be a covered employer pursuant to  
6 paragraph (2) of this subsection (a).

7 (2) Any governmental entity or instrumentality which is an  
8 employer under R.S.43:21-19(h)(5) may, with respect to the  
9 provision of benefits during an employee's own disability pursuant  
10 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered  
11 employer" under this subsection beginning with the date on which  
12 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of  
13 any year thereafter by filing written notice of such election with the  
14 division within at least 30 days of the effective date. Such election  
15 shall remain in effect for at least two full calendar years and may be  
16 terminated as of January 1 of any year thereafter by filing with the  
17 division a written notice of termination at least 30 days prior to the  
18 termination date.

19 (b) (1) "Covered individual" means, with respect to whether an  
20 individual is eligible for benefits during an individual's own  
21 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
22 person who is in employment, as defined in the "unemployment  
23 compensation law" (R.S.43:21-1 et seq.), for which the individual is  
24 entitled to remuneration from a covered employer, or who has been  
25 out of such employment for less than two weeks, except that a  
26 "covered individual" who is employed by the State of New Jersey,  
27 including Rutgers, The State University [, the University of  
28 Medicine and Dentistry of New Jersey and] or the New Jersey  
29 Institute of Technology, or by any governmental entity or  
30 instrumentality which elects to become a "covered employer"  
31 pursuant to this amendatory act, shall not be eligible to receive any  
32 benefits under the "Temporary Disability Benefits Law" until such  
33 individual has exhausted all sick leave accumulated as an employee  
34 in the classified service of the State or accumulated under terms and  
35 conditions similar to classified employees or accumulated under the  
36 terms and conditions pursuant to the laws of this State or as the  
37 result of a negotiated contract with any governmental entity or  
38 instrumentality which elects to become a "covered employer."

39 "Covered individual" shall not mean, with respect to whether an  
40 individual is eligible for benefits during an individual's own  
41 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
42 member of the Division of State Police in the Department of Law  
43 and Public Safety.

44 (2) "Covered individual" means, with respect to whether an  
45 individual is eligible for benefits during the individual's period of  
46 family temporary disability leave pursuant to P.L.1948, c.110  
47 (C.43:21-25 et al.), any individual who is in employment, as  
48 defined in the "unemployment compensation law" (R.S.43:21-1 et

1 seq.), for which the individual is entitled to remuneration from a  
2 covered employer, or who has been out of that employment for less  
3 than two weeks.

4 (c) "Division" or "commission" means the Division of  
5 Temporary Disability Insurance of the Department of Labor and  
6 Workforce Development, and any transaction or exercise of  
7 authority by the director of the division shall be deemed to be  
8 performed by the division.

9 (d) "Day" shall mean a full calendar day beginning and ending  
10 at midnight.

11 (e) "Disability" shall mean such disability as is compensable  
12 under section 5 of P.L.1948, c.110 (C.43:21-29).

13 (f) "Disability benefits" shall mean any cash payments which  
14 are payable to a covered individual for all or part of a period of  
15 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

16 (g) "Period of disability" with respect to any covered individual  
17 shall mean:

18 (1) The entire period of time during which the covered  
19 individual is continuously and totally unable to perform the duties  
20 of the covered individual's employment because of the covered  
21 individual's own disability, except that two periods of disability due  
22 to the same or related cause or condition and separated by a period  
23 of not more than 14 days shall be considered as one continuous  
24 period of disability; provided the individual has earned wages  
25 during such 14-day period with the employer who was the  
26 individual's last employer immediately preceding the first period of  
27 disability; and

28 (2) On or after July 1, 2009, the entire period of family  
29 temporary disability leave taken from employment by the covered  
30 individual.

31 (h) "Wages" shall mean all compensation payable by covered  
32 employers to covered individuals for personal services, including  
33 commissions and bonuses and the cash value of all compensation  
34 payable in any medium other than cash.

35 (i) (1) (Deleted by amendment, P.L.2001, c.17).

36 (2) (Deleted by amendment, P.L.2001, c.17).

37 (3) "Base week" with respect to periods of disability  
38 commencing on or after October 1, 1985 and before January 1,  
39 2001, means any calendar week during which a covered individual  
40 earned in employment from a covered employer remuneration equal  
41 to not less than 20% of the Statewide average weekly wage  
42 determined under subsection (c) of R.S.43:21-3, which shall be  
43 adjusted to the next higher multiple of \$1.00 if not already a  
44 multiple thereof.

45 (4) "Base week" with respect to periods of disability  
46 commencing on or after January 1, 2001, means any calendar week  
47 of a covered individual's base year during which the covered  
48 individual earned in employment from a covered employer

1 remuneration not less than an amount 20 times the minimum wage  
2 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on  
3 October 1 of the calendar year preceding the calendar year in which  
4 the benefit year commences, which amount shall be adjusted to the  
5 next higher multiple of \$1.00 if not already a multiple thereof,  
6 except that if in any calendar week an individual subject to this  
7 paragraph is in employment with more than one employer, the  
8 covered individual may in that calendar week establish a base week  
9 with respect to each of the employers from whom the covered  
10 individual earns remuneration equal to not less than the amount  
11 defined in this paragraph during that week.

12 (j) (1) "Average weekly wage" means the amount derived by  
13 dividing a covered individual's total wages earned from the  
14 individual's most recent covered employer during the base weeks in  
15 the eight calendar weeks immediately preceding the calendar week  
16 in which a period of disability commenced, by the number of such  
17 base weeks.

18 (2) If the computation in paragraph (1) of this subsection (j)  
19 yields a result which is less than the individual's average weekly  
20 earnings in employment with all covered employers during the base  
21 weeks in such eight calendar weeks, then the average weekly wage  
22 shall be computed on the basis of earnings from all covered  
23 employers during the base weeks in the eight calendar weeks  
24 immediately preceding the week in which the period of disability  
25 commenced.

26 (3) For periods of disability commencing on or after July 1,  
27 2009, if the computations in paragraphs (1) and (2) of this  
28 subsection (j) both yield a result which is less than the individual's  
29 average weekly earnings in employment with all covered employers  
30 during the base weeks in the 26 calendar weeks immediately  
31 preceding the week in which the period of disability commenced,  
32 then the average weekly wage shall, upon a written request to the  
33 department by the individual on a form provided by the department,  
34 be computed by the department on the basis of earnings from all  
35 covered employers of the individual during the base weeks in those  
36 26 calendar weeks, and, in the case of a claim for benefits from a  
37 private plan, that computation of the average weekly wage shall be  
38 provided by the department to the individual and the individual's  
39 employer.

40 When determining the "average weekly wage" with respect to a  
41 period of family temporary disability leave for an individual who  
42 has a period of family temporary disability immediately after the  
43 individual has a period of disability for the individual's own  
44 disability, the period of disability is deemed to have commenced at  
45 the beginning of the period of disability for the individual's own  
46 disability, not the period of family temporary disability.

47 (k) "Child" means a biological, adopted, or foster child,  
48 stepchild or legal ward of a covered individual, child of a domestic



1 partner of the covered individual, or child of a civil union partner of  
2 the covered individual, who is less than 19 years of age or is 19  
3 years of age or older but incapable of self-care because of mental or  
4 physical impairment.

5 (l) "Domestic partner" means a domestic partner as defined in  
6 section 3 of P.L.2003, c.246 (C.26:8A-3).

7 (m) "Civil union" means a civil union as defined in section 2 of  
8 P.L.2006, c.103 (C.37:1-29).

9 (n) "Family member" means a child, spouse, domestic partner,  
10 civil union partner or parent of a covered individual.

11 (o) "Family temporary disability leave" means leave taken by a  
12 covered individual from work with an employer to (1) participate in  
13 the providing of care, as defined in the "Family Leave Act,"  
14 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted  
15 pursuant to that act, for a family member of the individual made  
16 necessary by a serious health condition of the family member; or (2)  
17 be with a child during the first 12 months after the child's birth, if  
18 the individual, or the domestic partner or civil union partner of the  
19 individual, is a biological parent of the child, or the first 12 months  
20 after the placement of the child for adoption with the individual.  
21 "Family temporary disability leave" does not include any period of  
22 time in which a covered individual is paid benefits pursuant to  
23 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable  
24 to perform the duties of the individual's employment due to the  
25 individual's own disability.

26 (p) "Health care provider" means a health care provider as  
27 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et  
28 seq.), and any regulations adopted pursuant to that act.

29 (q) "Parent of a covered individual" means a biological parent,  
30 foster parent, adoptive parent, or stepparent of the covered  
31 individual or a person who was a legal guardian of the covered  
32 individual when the covered individual was a child.

33 (r) "Placement for adoption" means the time when a covered  
34 individual adopts a child or becomes responsible for a child pending  
35 adoption by the covered individual.

36 (s) "Serious health condition" means an illness, injury,  
37 impairment or physical or mental condition which requires:  
38 inpatient care in a hospital, hospice, or residential medical care  
39 facility; or continuing medical treatment or continuing supervision  
40 by a health care provider.

41 (t) "12-month period" means, with respect to an individual who  
42 establishes a valid claim for disability benefits during a period of  
43 family temporary disability leave, the 365 consecutive days that  
44 begin with the first day that the individual first establishes the  
45 claim.

46 (cf: P.L.2008, c.17, s.2)

1       '【120.】 126.<sup>1</sup> Section 22 of P.L.1948, c.110 (C.43:21-46) is  
2 amended to read as follows:

3       22. State disability benefits fund. (a) The State disability  
4 benefits fund, hereinafter referred to as the fund, is hereby  
5 established. The fund shall remain in the custody of the State  
6 Treasurer, and to the extent of its cash requirements shall be  
7 deposited in authorized public depositories in the State of New  
8 Jersey. There shall be deposited in and credited to the fund the  
9 amount of worker and employer contributions provided under  
10 subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7  
11 and subsection (e) of R.S.43:21-7, less refunds authorized by the  
12 chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and  
13 the entire amount of interest and earnings from investments of the  
14 fund, and all assessments, fines and penalties collected under this  
15 act. The fund shall be held in trust for the payment of disability  
16 benefits pursuant to this act, for the payment of benefits pursuant to  
17 subsection (f) of R.S.43:21-4, and for the payment of any  
18 authorized refunds of contributions. All warrants for the payment  
19 of benefits shall be issued by and bear only the signature of the  
20 Director of the Division of Unemployment and Temporary  
21 Disability Insurance or his duly authorized agent for that purpose.  
22 All other moneys withdrawn from the fund shall be upon warrant  
23 signed by the State Treasurer and countersigned by the Director of  
24 the Division of Unemployment and Temporary Disability Insurance  
25 of the Department of Labor of the State of New Jersey. The  
26 Treasurer shall maintain books, records and accounts for the fund,  
27 appoint personnel and fix their compensation within the limits of  
28 available appropriations. The expenses of the Treasurer in  
29 administering the fund and its accounts shall be charged against the  
30 administration account, as hereinafter established. A separate  
31 account, to be known as the administration account, shall be  
32 maintained in the fund, and there shall be credited to such account  
33 an amount determined to be sufficient for proper administration, not  
34 to exceed, however, 1/10 of 1% of the wages with respect to which  
35 current contributions are payable into the fund, and the entire  
36 amount of any assessments against covered employers, as  
37 hereinafter provided, for costs of administration prorated among  
38 approved private plans. The costs of administration of this act,  
39 including R.S.43:21-4(f), shall be charged to the administration  
40 account.

41       (b) A further separate account, to be known as the unemployment  
42 disability account, shall be maintained in the fund. Such account  
43 shall be charged with all benefit payments under R.S.43:21-4(f).

44       Prior to July 1 of each calendar year, the Division of  
45 Unemployment and Temporary Disability Insurance of the  
46 Department of Labor of the State of New Jersey shall determine the  
47 average rate of interest and other earnings on all investments of the  
48 State disability benefits fund for the preceding calendar year. An

1 amount equal to the sum of the amounts withdrawn from the  
2 unemployment trust fund pursuant to section 23 hereof multiplied  
3 by such average rate shall be determined by the division and  
4 credited to the unemployment disability account as of the end of the  
5 preceding calendar year.

6 If the unemployment disability account shall show an  
7 accumulated deficit in excess of \$200,000.00 at the end of any  
8 calendar year after interest and other earnings have been credited as  
9 provided hereinabove, the division shall determine the ratio of such  
10 deficit to the total of all taxable wages paid during the preceding  
11 calendar year, and shall make an assessment against all employers  
12 in an amount equal to the taxable wages paid by them during such  
13 preceding calendar year to employees, multiplied by such ratio, but  
14 in no event shall any such assessment exceed 1/10 or 1% of such  
15 wages; provided, however, that the assessment made against the  
16 State (including Rutgers, The State University [ , the University of  
17 Medicine and Dentistry of New Jersey] and the New Jersey  
18 Institute of Technology) shall not exceed the sum of all benefits  
19 paid under the provisions of R.S.43:21-4(f) as the result of  
20 employment with the State. Such amounts shall be collectible by  
21 the division in the same manner as provided for the collection of  
22 employee contributions under this chapter (R.S.43:21-1 et seq.). In  
23 making this assessment, the division shall furnish to each affected  
24 employer a brief summary of the determination thereof. The  
25 amount of such assessments collected by the division shall be  
26 credited to the unemployment disability account.

27 As used in this section, "taxable wages" shall mean wages with  
28 respect to which employer contributions have been paid or are  
29 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

30 (c) A board of trustees, consisting of the State Treasurer, the  
31 Secretary of State, the Commissioner of Labor and Industry, the  
32 director of the division, and the State Comptroller, is hereby  
33 created. The board shall invest and reinvest all moneys in the fund  
34 in excess of its cash requirements, and such investments shall be  
35 made in obligations legal for savings banks; provided, however, that  
36 the provisions of this subsection shall in all respects be subject to  
37 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

38 (d) There is hereby appropriated, to be paid out of the fund, such  
39 amounts as may from time to time be required for the payment of  
40 disability benefits, and such amounts as may be required each year,  
41 as contained in the annual appropriation act, for the administration  
42 of this act, including R.S.43:21-4(f).

43 (cf: P.L.1994, c.112, s.3)

44

45 '【121.】 127.' Section 2 of P.L.1999, c.201 (C.52:9E-2) is  
46 amended to read as follows:

47 2. As used in this act:

- 1 a. "Approved research project" means a peer reviewed  
2 scientific research project, which is approved by the commission  
3 and which focuses on the treatment and cure of spinal cord injuries  
4 and diseases that damage the spinal cord.
- 5 b. "Commission" means the New Jersey Commission on  
6 Spinal Cord Research established pursuant to this act.
- 7 c. "Institutional support services" means all services, facilities,  
8 equipment, personnel and expenditures associated with the creation  
9 and maintenance of approved research projects.
- 10 d. "Qualifying research institution" means [the University of  
11 Medicine and Dentistry of New Jersey;] <sup>1</sup>Rowan University;  
12 Rutgers, The State University; Princeton University; the Kessler  
13 Medical Rehabilitation Research and Education Corporation; the  
14 Coriell Institute for Medical Research; and any other research  
15 institution in the State approved by the commission.  
16 (cf: P.L.1999, c.201, s.2)

17  
18 <sup>1</sup>[122.] 128.<sup>1</sup> Section 3 of P.L.1999, c.201 (C.52:9E-3) is  
19 amended to read as follows:

- 20 3. a. There is established in the Executive Branch of the State  
21 government, the New Jersey Commission on Spinal Cord Research.  
22 For the purposes of complying with the provisions of Article V,  
23 Section IV, paragraph 1 of the New Jersey Constitution, the  
24 commission is allocated within the Department of Health and  
25 Senior Services, but notwithstanding that allocation, the  
26 commission shall be independent of any supervision or control by  
27 the department or by any board or officer thereof.
- 28 b. The commission shall consist of [11] <sup>1</sup>[~~10~~] 11<sup>1</sup> members,  
29 including the Commissioner of Health and Senior Services, or his  
30 designee, who shall serve ex officio; [one representative of the  
31 University of Medicine and Dentistry of New Jersey;] <sup>1</sup>one  
32 representative of Rowan University;<sup>1</sup> one representative of Rutgers,  
33 The State University; one representative of the federally designated  
34 Spinal Cord Injury Model System; one representative from the  
35 American Paralysis Association; and six public members who are  
36 residents of the State knowledgeable about spinal cord injuries and  
37 who include at least one physician licensed in this State and at least  
38 one person with a spinal cord injury. The members shall be  
39 appointed by the Governor with the advice and consent of the  
40 Senate.
- 41 c. The term of office of each appointed member shall be three  
42 years, but of the members first appointed, three shall be appointed  
43 for a term of one year, four for terms of two years, and three for  
44 terms of three years. All vacancies shall be filled for the balances of  
45 the unexpired terms in the same manner as the original  
46 appointments. Appointed members are eligible for reappointment

1 upon the expiration of their terms. A member shall continue to  
2 serve upon the expiration of his term until a successor is appointed.

3 The members of the commission shall not receive compensation  
4 for their services, but shall be reimbursed for the actual and  
5 necessary expenses incurred in the performance of their duties as  
6 members of the commission.

7 (cf: P.L.1999, c.201, s.3)

8

9 <sup>1</sup>['123.] 129.<sup>1</sup> Section 2 of P.L.2003, c.200 (C.52:9EE-2) is  
10 amended to read as follows:

11 2. As used in this act:

12 "Approved research project" means a scientific research project,  
13 which is approved by the commission and which focuses on the  
14 treatment and cure of brain injuries.

15 "Commission" means the New Jersey State Commission on Brain  
16 Injury Research established pursuant to this act.

17 "Institutional support services" means all services, facilities,  
18 equipment, personnel and expenditures associated with the creation  
19 and maintenance of approved research projects.

20 "Qualifying research institution" means [the University of  
21 Medicine and Dentistry of New Jersey and] Rutgers, The State  
22 University of New Jersey<sup>1</sup>, Rowan University,<sup>1</sup> and any other  
23 institution approved by the commission, which is conducting an  
24 approved research project.

25 (cf: P.L.2003, c.200, s.2)

26

27 <sup>1</sup>['124.] 130.<sup>1</sup> Section 3 of P.L.2003, c.200 (C.52:9EE-3) is  
28 amended to read as follows:

29 3. a. There is established in the Executive Branch of the State  
30 government, the New Jersey State Commission on Brain Injury  
31 Research. For the purposes of complying with the provisions of  
32 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
33 the commission is allocated within the Department of Health and  
34 Senior Services, but notwithstanding that allocation, the  
35 commission shall be independent of any supervision or control by  
36 the department or by any board or officer thereof.

37 b. The commission shall consist of [11] <sup>1</sup>['10] 11<sup>1</sup> members,  
38 including the Commissioner of Health and Senior Services, or his  
39 designee, who shall serve ex officio; [one representative of the  
40 University of Medicine and Dentistry of New Jersey;] one  
41 representative of Rutgers, The State University of New Jersey; <sup>1</sup>one  
42 representative of Rowan University;<sup>1</sup> six public members,  
43 appointed by the Governor with the advice and consent of the  
44 Senate, one of whom shall be a licensed physician in this State and  
45 one of whom shall be a person with a brain injury; and two public  
46 members, one of whom shall be appointed by the President of the  
47 Senate and one of whom shall be appointed by the Speaker of the

1 General Assembly. All public members shall be residents of the  
2 State or otherwise associated with the State, and shall be known for  
3 their knowledge, competence, experience or interest in brain injury  
4 medical research.

5 c. The term of office of each public member shall be three  
6 years, but of the members first appointed, three shall be appointed  
7 for terms of one year, three for terms of two years, and two for  
8 terms of three years. All vacancies shall be filled for the balances of  
9 the unexpired terms in the same manner as the original  
10 appointments. Appointed members are eligible for reappointment  
11 upon the expiration of their terms. A member shall continue to  
12 serve upon the expiration of his term until a successor is appointed.

13 The members of the commission shall not receive compensation  
14 for their services, but shall be reimbursed for the actual and  
15 necessary expenses incurred in the performance of their duties as  
16 members of the commission.

17 (cf: P.L.2003, c.200, s.3)

18

19 <sup>1</sup>[125.] 131.<sup>1</sup> Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended  
20 to read as follows:

21 3. As used in this act:

22 a. "Approved research project" means a scientific research  
23 project, which is approved by the commission and which focuses on  
24 the genetic, biochemical, viral, microbiological and environmental  
25 causes of cancer, and may include, but is not limited to, behavioral,  
26 socio-economic, demographic and psychosocial research or research  
27 into methods of clinical treatment; or which focuses on pain  
28 management and palliative care for persons diagnosed with cancer.

29 b. "Commission" means the New Jersey State Commission on  
30 Cancer Research established pursuant to this act.

31 c. "Institutional support services" means all services, facilities,  
32 equipment, personnel and expenditures associated with the creation  
33 and maintenance of approved research projects.

34 d. "Qualifying research institution" means the <sup>1</sup>Coriell<sup>1</sup>  
35 Institute for Medical Research in Camden, New Jersey, **[**the  
36 University of Medicine and Dentistry of New Jersey,**]** Rutgers--The  
37 State University, <sup>1</sup>Rowan University,<sup>1</sup> Princeton University and any  
38 other institution approved by the commission, which is conducting  
39 an approved research project.

40 (cf: P.L.2000, c.63, s.1)

41

42 <sup>1</sup>[126.] 132.<sup>1</sup> Section 2 of P.L.2008, c.85 (C.52:16A-100) is  
43 amended to read as follows:

44 2. a. The Ellis Island Advisory Commission is hereby created  
45 and established in the Executive Branch of the State Government.  
46 For the purposes of complying with the provisions of Article V,

1 Section IV, paragraph 1, of the New Jersey Constitution, the  
2 commission is allocated within the Department of State.

3 The commission shall consist of **[20]** 19 voting members, as  
4 follows:

5 (1) a representative of the Governor's office, the Secretary of  
6 State or a designee, the State Treasurer or a designee, the Attorney  
7 General or a designee, the Commissioner of Environmental  
8 Protection or a designee, the Commissioner of Education or a  
9 designee, the Executive Director of the New Jersey Commerce  
10 Commission or a designee, the Commissioner of Health and Senior  
11 Services or a designee, the Commissioner of Transportation or a  
12 designee, the New Jersey State representative of the National Trust  
13 for Historic Preservation or a designee, and the President of Save  
14 Ellis Island, Inc. or a designee, each serving ex officio;

15 (2) four members of the Legislature, of whom one shall be  
16 appointed by the Senate President, one by the Senate Minority  
17 Leader, one by the Speaker of the General Assembly and one by the  
18 Minority Leader of the General Assembly. Legislators appointed to  
19 the commission shall serve as members thereof for terms co-  
20 extensive with their respective terms as members of the Houses of  
21 the Legislature from which they were appointed; and

22 (3) **[five]** four members shall be appointed by the Governor,  
23 with the advice and consent of the Senate, of whom one shall be a  
24 representative of Rutgers, the State University of New Jersey,  
25 chosen with expertise in immigration issues, **[and one shall be a**  
26 **representative of the University of Medicine and Dentistry of New**  
27 **Jersey, chosen with expertise in public health issues,]** and three  
28 shall be members of the public, chosen with due regard for their  
29 knowledge of the role of Ellis Island in American history, including  
30 one member with expertise in the hospitality industry and one  
31 member with expertise in the development industry. No public  
32 members shall hold elective office.

33 b. Each public member of the commission shall serve for a  
34 term of three years, except that of the initial members so appointed:  
35 one member shall serve for one year, two members shall serve for  
36 two years, and two members shall serve for three years. Public  
37 members shall be eligible for reappointment. They shall serve until  
38 their successors are appointed and qualified, and the term of any  
39 successor of any incumbent shall be calculated from the expiration  
40 of the term of that incumbent. A vacancy occurring other than by  
41 expiration of the term shall be filled in the same manner as the  
42 original appointment but for the unexpired term only. Public  
43 members may be removed by the Governor for cause.

44 c. The members of the commission shall serve without  
45 compensation but shall be reimbursed for necessary expenses  
46 incurred in the performance of their duties subject to the availability  
47 of funds.

1 d. The Secretary of State, or a designee, shall serve as chair,  
2 and the members of the commission shall elect annually one of the  
3 public members to serve as vice-chair. The chair may appoint a  
4 secretary, who need not be a member of the commission. The  
5 presence of a majority of the full membership of the commission  
6 shall be required for the conduct of official business.

7 e. The commission shall meet at the call of the chair. The  
8 commission shall hold at least two meetings annually which shall  
9 be held at the State capitol and at such other times and places as the  
10 commission may deem expedient, including on Ellis Island.

11 (cf: P.L.2008, c.85, s.2)

12  
13 '【127.】 133.' Section 12 of P.L.1978, c.39 (C.52:18A-174) is  
14 amended to read as follows:

15 12. Subject to the independent approval of the State Treasurer,  
16 the board may authorize the transfer of funds necessary to permit  
17 individuals employed at 【the University of Medicine and Dentistry  
18 of New Jersey,】 the New Jersey Institute of Technology, Rutgers,  
19 The State University, Rowan University, and any other agency,  
20 authority, commission, or instrumentality of State government  
21 which has an independent corporate existence, to participate in the  
22 plan.

23 (cf: P.L.1985, c.449, s.1)

24  
25 '【128.】 134.' Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is  
26 amended to read as follows:

27 1. The Director of the Division of Purchase and Property may,  
28 by joint action, purchase any articles used or needed by the State  
29 and the Palisades Interstate Park Commission, the New Jersey  
30 Highway Authority, the New Jersey Turnpike Authority, the  
31 Delaware River Joint Toll Bridge Commission, the Port Authority  
32 of New York and New Jersey, the South Jersey Port Corporation,  
33 the Passaic Valley Sewerage Commission, the Delaware River Port  
34 Authority, Rutgers, The State University, 【the University of  
35 Medicine and Dentistry of New Jersey】 Rowan University, the  
36 New Jersey Sports and Exposition Authority, the New Jersey  
37 Housing Finance Agency, the New Jersey Mortgage Finance  
38 Authority, the New Jersey Health Care Facilities Financing  
39 Authority, the New Jersey Education Facilities Authority, the New  
40 Jersey Economic Development Authority, the South Jersey  
41 Transportation Authority, the Hackensack Meadowlands  
42 Development Commission, the New Jersey Water Supply  
43 Authority, the Higher Education Student Assistance Authority or  
44 any other agency, commission, board, authority or other such  
45 governmental entity which is established and is allocated to a State



1 department or any bi-state governmental entity of which the State of  
2 New Jersey is a member.

3 (cf: P.L.1999, c.440, s.89)

4

5 '【129.】 135.' Section 2 of P.L.2005, c.373 (C.52:27C-97) is  
6 amended to read as follows:

7 2. The Foundation for Technology Advancement shall be  
8 governed by a ~~【23-member】~~ 22-member board of trustees who are  
9 appointed as follows:

10 a. The Executive Director of the New Jersey Commerce  
11 Commission; the Executive Director of the New Jersey Economic  
12 Development Authority; the Executive Director of the New Jersey  
13 Commission on Science and Technology; and the Chief Technology  
14 Officer in the Office of Information Technology; or their designees,  
15 all of whom shall serve ex officio;

16 b. A faculty member appointed by the president of each of the  
17 following academic institutions: The New Jersey Institute of  
18 Technology; Rutgers, the State University; ~~【The University of  
19 Medicine and Dentistry of New Jersey;】~~ and Princeton University,  
20 all of whom shall serve ex officio; and

21 c. Fifteen public members appointed by the Governor as  
22 follows: a representative of each of the following organizations: the  
23 New Jersey Technology Council, the Biotechnology Council of  
24 New Jersey, the Forum for Academicians, Scientists and  
25 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
26 Region for Tomorrow States Organization, the New Jersey Business  
27 and Industry Association, the Commerce and Industry Association  
28 of New Jersey, the New Jersey State Chamber of Commerce, the  
29 New Jersey Tooling and Manufacturing Association, the Research  
30 and Development Council of New Jersey, the American Electronics  
31 Association - New Jersey/Pennsylvania Council, and a  
32 representative employed by a corporation from each of the  
33 following industry sectors: pharmaceuticals, financial services,  
34 advanced technology, information technology, and nanotechnology.

35 Of the public members first appointed, four shall serve for a term  
36 of two years, four for a term of three years, four for a term of four  
37 years, and three for a term of five years.

38 Members appointed thereafter shall serve five-year terms, and  
39 any vacancy shall be filled by appointment for the unexpired term  
40 only. A member is eligible for reappointment. Vacancies in the  
41 membership of the foundation shall be filled in the same manner as  
42 the original appointments were made.

43 The members shall elect a chair and vice chair from the  
44 membership of the board of trustees.

45 (cf: P.L.2007, c.253, s.38)

1       <sup>1</sup>['130.] 136.<sup>1</sup> Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is  
2 amended to read as follows:

3       5. a. (1) Except where a limitations provision expressly and  
4 specifically applies to actions commenced by the State or where a  
5 longer limitations period would otherwise apply, and subject to any  
6 statutory provisions or common law rules extending limitations  
7 periods, any civil action concerning the remediation of a  
8 contaminated site or the closure of a sanitary landfill facility  
9 commenced by the State pursuant to the State's environmental laws  
10 shall be commenced within three years next after the cause of action  
11 shall have accrued.

12       (2) For purposes of determining whether a civil action subject to  
13 the limitations periods specified in paragraph (1) of this subsection  
14 has been commenced within time, no cause of action shall be  
15 deemed to have accrued prior to January 1, 2002 or until the  
16 contaminated site is remediated or the sanitary landfill has been  
17 properly closed, whichever is later.

18       b. (1) Except where a limitations provision expressly and  
19 specifically applies to actions commenced by the State or where a  
20 longer limitations period would otherwise apply, and subject to any  
21 statutory provisions or common law rules extending limitations  
22 periods, any civil action concerning the payment of compensation  
23 for damage to, or loss of, natural resources due to the discharge of a  
24 hazardous substance, commenced by the State pursuant to the  
25 State's environmental laws, shall be commenced within five years  
26 and six months next after the cause of action shall have accrued.

27       (2) For purposes of determining whether a civil action subject to  
28 the limitations periods specified in paragraph (1) of this subsection  
29 has been commenced within time, no cause of action shall be  
30 deemed to have accrued prior to January 1, 2002 or until the  
31 completion of the remedial action for the entire contaminated site or  
32 the entire sanitary landfill facility, whichever is later.

33       c. As used in this section:

34       "State's environmental laws" means the "Spill Compensation and  
35 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water  
36 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),  
37 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and  
38 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
39 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330  
40 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,  
41 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical  
42 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the  
43 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279  
44 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and  
45 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the  
46 "Regional Low-Level Radioactive Waste Disposal Facility Siting  
47 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or

1 regulation by which the State may compel a person to perform  
2 remediation activities on contaminated property; and

3 "State" means the State, its political subdivisions, any office,  
4 department, division, bureau, board, commission or agency of the  
5 State or one of its political subdivisions, and any public authority or  
6 public agency, including, but not limited to, the New Jersey Transit  
7 Corporation [and the University of Medicine and Dentistry of New  
8 Jersey] .

9 d. Nothing in the amendatory provisions to this section adopted  
10 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a  
11 limitations period that has expired prior to the date of enactment of  
12 P.L.2009, c.60 (C.58:10C-1 et al.).  
13 (cf: P.L.2009, c.60, s.50)

14

15 '【131.】 137.' Section 8 of P.L.2001, c.246 (App.A:9-71) is  
16 amended to read as follows:

17 8. a. There is established in the Department of Law and Public  
18 Safety the Domestic Security Preparedness Planning Group, which  
19 shall assist the task force in performing its duties under this act. In  
20 cooperation with the task force, the planning group shall develop  
21 and provide to the task force, for consideration, a coordinated plan  
22 to be included in the State Emergency Operations Plan to prepare  
23 for, respond to, mitigate and recover from incidents of terrorism.

24 b. The members of the planning group shall include the  
25 Director of the New Jersey Office of Emergency Management, the  
26 Adjutant General of Military and Veterans' Affairs or his designee,  
27 the Commissioner of Agriculture or his designee, the Commissioner  
28 of Community Affairs or his designee, the Commissioner of  
29 Corrections or his designee, the Commissioner of Environmental  
30 Protection or his designee, the Commissioner of Health and Senior  
31 Services or his designee, the Commissioner of Human Services, or  
32 his designee, the Commissioner of Transportation or his designee,  
33 the Executive Director of the New Jersey Transit Corporation or his  
34 designee, the State Treasurer or his designee, the New Jersey State  
35 Medical Examiner or his designee, [a representative of the  
36 University of Medicine and Dentistry of New Jersey,] the President  
37 of the Board of Public Utilities or his designee, a representative of  
38 the New Jersey County Emergency Management Coordinators  
39 Association, a representative of the New Jersey State Fire Chiefs  
40 Association, and a representative of the New Jersey State Police  
41 Chiefs Association. The planning group may include, to the extent  
42 such individuals may be made available for such purpose, a  
43 representative of the Federal Emergency Management Agency, a  
44 representative of the Federal Bureau of Investigation, a  
45 representative of the American Red Cross, and a representative of  
46 such other charitable groups as may be appropriate. The

1 chairperson of the task force shall appoint the chair and vice chair  
2 of the planning group.

3 (cf: P.L.2001, c.246, s.8)

4

5 <sup>1</sup>138. (New section) On and between the enactment date of this  
6 act and July 1, 2014, there shall be no layoff of any employee  
7 represented by a majority representative, who was employed as of  
8 the enactment date of this act, at the University of Medicine and  
9 Dentistry of New Jersey, <sup>2</sup>University Hospital, <sup>2</sup> Rutgers, the State  
10 University or Rowan University as a result of any reorganization,  
11 restructuring, transfer or acquisition of any school, facility, hospital,  
12 entity, function or operation of the University of Medicine and  
13 Dentistry of New Jersey, Rutgers, the State University or Rowan  
14 University that occurs pursuant to or as a result of the  
15 implementation of this act.<sup>1</sup>

16

17 <sup>1</sup>139. (New section) Nothing in P.L. , c. (C. ) (pending  
18 before the Legislature as this bill) shall be construed to modify or  
19 contravene the rights and obligations of employers or employees  
20 under the “New Jersey Employer-Employee Relations Act,”  
21 P.L.1941, c.100 (C.34:13A-1 et seq.).<sup>1</sup>

22

23 <sup>1</sup>140. (New section) The State of New Jersey does hereby  
24 pledge to and covenant and agree with the holders of any bonds  
25 heretofore issued and outstanding pursuant to a bond resolution of  
26 Rutgers, The State University or Rowan University that the entities  
27 established pursuant to this act shall abide by and otherwise fulfill  
28 the terms of any agreement, covenant, or indenture made by  
29 Rutgers, The State University to its bond holders and Rowan  
30 University to its bond holders, and will not in any way impair the  
31 rights or remedies of such holders.<sup>1</sup>

32

33 <sup>1</sup>141. (New section) In transferring the assets of the University  
34 of Medicine and Dentistry of New Jersey to Rutgers, The State  
35 University, it is the intention of the Legislature to protect Rutgers,  
36 The State University, and to hold it harmless, subject to future  
37 appropriation, for unexpected costs or losses associated with  
38 undisclosed liabilities of the University of Medicine and Dentistry  
39 of New Jersey that were not reasonably foreseeable or contemplated  
40 at the time of the transfers required by this act. Therefore, if  
41 Rutgers, The State University experiences, during fiscal years 2014  
42 and 2015, costs or losses associated with liabilities of the University  
43 of Medicine and Dentistry of New Jersey that were not identified in  
44 the certified financial statements of the University of Medicine and  
45 Dentistry of New Jersey for the time periods preceding the  
46 incurrence of the cost or loss, the State shall reimburse Rutgers, The

1 State University for such cost or loss, subject to appropriation by  
2 the Legislature.<sup>1</sup>

3  
4 <sup>1</sup>142. (New section) The State Treasurer shall establish a  
5 Transition Committee in such composition and with such  
6 subcommittees as he deems appropriate to advise him regarding all  
7 matters pursuant to this act, related to the division, allocation and  
8 assignment of State appropriations, debt issues, allocation of  
9 budgets, allocation of State personnel, and allocation of costs and  
10 resource, monetary and otherwise, of centralized services, involving  
11 Rowan University, Rutgers University-Camden, Rutgers, The State  
12 University, the University of Medicine and Dentistry of New  
13 Jersey, and University Hospital. Upon the advice of the committee  
14 or of its subcommittees, the State Treasurer shall be empowered to  
15 take all necessary administrative acts to implement the provisions  
16 of this act.<sup>1</sup>

17  
18 <sup>1</sup>143. (New section) The provisions of each of the transfers of  
19 the schools, functions, institutes, campuses and centers, and rights,  
20 assets and privileges thereof, shall be considered to be  
21 interdependent and essential to the intent and purpose of this act  
22 and shall be non-severable, and if any of these transfers shall be  
23 deemed unenforceable or invalid, the remaining transfers shall be  
24 unenforceable and invalid.<sup>1</sup>

25  
26 <sup>1</sup>144. (New section) a. The schools, institutes, and centers of  
27 the University of Medicine and Dentistry of New Jersey, other than  
28 the School of Osteopathic Medicine, the entire Stratford campus,  
29 the remaining facilities in Camden, and University Hospital, that  
30 are transferred to Rutgers, The State University pursuant to section  
31 3 of this act shall comprise a university-wide “School of  
32 Biomedical and Health Sciences” within Rutgers, The State  
33 University. The School of Biomedical and Health Sciences shall  
34 also include the Rutgers University School of Nursing, the Ernest  
35 Mario School of Pharmacy, the Institute of Health, Health Policy,  
36 and Aging Research, and <sup>2</sup>[the]<sup>2</sup> University Behavioral Healthcare.  
37 <sup>2</sup>Any other schools, institutes, or centers may also be included in  
38 the School of Biomedical and Health Sciences as deemed  
39 appropriate by the president of Rutgers, The State University<sup>2</sup>. As  
40 provided pursuant to section 14 of this act, University Hospital shall  
41 <sup>2</sup>continue to<sup>2</sup> serve as the principal teaching hospital for all of the  
42 Newark-based schools.

43 b. The <sup>2</sup>[board of governors] president<sup>2</sup> of Rutgers, The State  
44 University <sup>2</sup>, with the consent of the board of governors,<sup>2</sup> shall  
45 appoint a chancellor, who shall be a physician, to lead the School of  
46 Biomedical and Health Sciences. The chancellor shall be based at

1 Rutgers University-Newark and shall report directly to the president  
2 of Rutgers, The State University.

3 <sup>2</sup>[The chancellor shall appoint] There shall be<sup>2</sup> a provost for  
4 Rutgers University-Newark <sup>2</sup>responsible for biomedical and health  
5 sciences programs located in Newark<sup>2</sup> and a provost <sup>2</sup>appointed by  
6 the president of Rutgers, The State University,<sup>2</sup> for Rutgers  
7 University-New Brunswick <sup>2</sup>responsible for biomedical and health  
8 sciences programs located in Middlesex County<sup>2</sup> to <sup>2</sup>[assist] report  
9 to<sup>2</sup> the chancellor <sup>2</sup>[with his duties and responsibilities in the  
10 administration of the School of Biomedical and Health Sciences.]<sup>2</sup>.

11 c. The School of Biomedical and Health Sciences shall be  
12 supported through a separate line item in the annual appropriations  
13 act.<sup>1</sup>

14  
15 <sup>1</sup>145. (New section) The president of Rutgers, The State  
16 University, in consultation with the New Brunswick campus  
17 advisory board, shall appoint a chancellor for Rutgers University-  
18 New Brunswick, who shall not be the president of the university.  
19 The president of Rutgers, The State University, in consultation with  
20 the Newark campus advisory board, shall appoint a chancellor for  
21 Rutgers University-Newark. The chancellor of Rutgers University-  
22 Newark shall have direct responsibility for the management of  
23 Rutgers University-Newark, and the chancellor of Rutgers  
24 University-New Brunswick shall have direct responsibility for the  
25 management of Rutgers University-New Brunswick. Each  
26 chancellor shall report directly to the president of the university.<sup>1</sup>

27  
28 <sup>1</sup>146. (New section) Effective July 1, 2013, a campus advisory  
29 board shall be appointed for Rutgers University-New Brunswick.  
30 The campus advisory board shall work with the chancellor of  
31 Rutgers University-New Brunswick in implementing the teaching,  
32 research, and service mission of Rutgers University-New  
33 Brunswick, the engagement of the campus with its local  
34 community, its region, and the State, and its commitment to  
35 academic excellence, access, and diversity.

36 The campus advisory board shall be composed of 11 members as  
37 follows: the chancellor of Rutgers University-New Brunswick who  
38 shall serve ex-officio; the member of the board of governors of  
39 Rutgers, The State University who is appointed by the board of  
40 trustees and who is, pursuant to N.J.S.18A:65-14, required to be a  
41 resident of Middlesex County; two Rutgers University-New  
42 Brunswick faculty members one of whom is appointed by the  
43 faculty union and one of whom is elected by the Rutgers New  
44 Brunswick Faculty Council; one member of the Rutgers University-  
45 New Brunswick administration appointed by the Rutgers  
46 University-New Brunswick chancellor; one Rutgers University-  
47 New Brunswick staff member selected from among the staff unions;

1 two student representatives appointed by the Rutgers University-  
2 New Brunswick student governing association; and three members  
3 of the local community, two of whom shall be selected by the  
4 Office of Community Affairs from community organizations with  
5 one of these members being an alumnus of Rutgers University-New  
6 Brunswick, and one of whom shall be selected by the Mayor of the  
7 City of New Brunswick.

8 All members shall serve a term of two years, renewable by  
9 reappointment or re-election in the same manner as the initial  
10 selection. A president of the advisory board shall be selected for a  
11 one-year term by a vote of the members of the campus advisory  
12 board, and may be so elected for successive terms without limit.

13 A member shall be subject to removal, after a hearing by a  
14 majority of the campus advisory board, for malfeasance or conduct  
15 injurious to the interest of Rutgers University-New Brunswick.

16 The board shall meet and organize annually at a regular meeting  
17 held during the second week in September. The president shall  
18 serve until the following September and until his successor is  
19 appointed and qualified. Vacancies in the offices shall be filled in  
20 the same manner for the unexpired term only.

21 Members of the board shall serve without compensation but shall  
22 be reimbursed for all reasonable and necessary expenses.

23 The campus advisory board shall hold at least one public meeting  
24 each semester.<sup>1</sup>

25  
26 <sup>1</sup>147. (New section) Notwithstanding the provisions of  
27 N.J.S.18A:65-25 or any other section of law to the contrary, the  
28 campus advisory board of Rutgers University-New Brunswick shall:

29 a. advise the president and the board of governors of Rutgers,  
30 The State University on the selection of the Rutgers University-  
31 New Brunswick chancellor;

32 b. propose capital projects and bonding for Rutgers University-  
33 New Brunswick to the board of governors of Rutgers University;  
34 and

35 c. propose an annual budget for Rutgers University-New  
36 Brunswick to the board of governors of Rutgers University.<sup>1</sup>

37 <sup>2</sup>Nothing in this section shall be construed to alter, amend,  
38 modify, or diminish the authority of the board of governors of  
39 Rutgers, The State University to grant tenure and promotions to  
40 faculty at Rutgers University-New Brunswick, establish standards  
41 for academic programs and for the awarding of degrees for Rutgers  
42 University-New Brunswick, and make final decisions on capital  
43 projects, bonding, and the annual budget for Rutgers University-  
44 New Brunswick.<sup>2</sup>

45  
46 <sup>1</sup>148. (New section) All monies including, but not limited to,  
47 grants, appropriations, capital improvement expenditures, research

1 funds, State-funded personnel, institutional support, and grants-in-  
2 aid, previously allocated or otherwise provided to the University of  
3 Medicine and Dentistry of New Jersey for the use of Robert Wood  
4 Johnson Medical School, regardless of source, which remain  
5 unexpended on the effective date of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill) shall be transferred to Rutgers,  
7 The State University.<sup>1</sup>

8  
9 <sup>1</sup>149. (New section) For a period of five years after the  
10 effective date of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill), any substantive changes that result in the diminution,  
12 deterioration or reduction to essential health care services currently  
13 provided by University Hospital, including but not limited to,  
14 emergency, pediatric, surgical, family health, outpatient ambulatory  
15 diagnostic, treatment and clinical services, cancer treatment  
16 services and all services essential to maintaining level one trauma  
17 status, shall be subject to review by the University Hospital  
18 Community Oversight Board and approval by the Department of  
19 Health and Senior Services through a licensing review process. In  
20 determining whether to approve a substantive change in an essential  
21 service provided by University Hospital, among the factors the  
22 Department of Health and Senior Services shall consider is whether  
23 that service will continue to be provided to the greater Newark  
24 community through collaborative or other arrangements with area  
25 hospitals.

26 University Hospital shall provide quarterly financial statements  
27 to the Department of Health and Senior Services which shall be  
28 posted on the hospital's public Internet website.<sup>1</sup>

29  
30 <sup>2</sup>150. (New section) For medical malpractice claims incurred at  
31 University Hospital, occurring before or after the effective date of  
32 this act, University Hospital and its employees shall be represented  
33 by the Attorney General in all such matters. The Department of the  
34 Treasury shall enter into a memorandum of agreement with  
35 University Hospital modeled on the June, 2003 memorandum of  
36 agreement between the Department of the Treasury and the  
37 University of Medicine and Dentistry concerning the Self-Insurance  
38 Reserve Fund, and moneys in the fund known as the Self-Insurance  
39 Reserve Fund shall be available to University Hospital solely to  
40 indemnify and defend medical malpractice claims against  
41 employees, officers, and servants at University Hospital.<sup>2</sup>

42  
43 <sup>2</sup>151. (New section) a. The provisions of P.L. , c. (C. )  
44 (pending before the Legislature as this bill) and the authorization  
45 pursuant to section 3 of P.L.2006, c.95 (C.18A:64G-6.1) for the  
46 board of directors of University Hospital to enter into a contract or  
47 other agreement with a nonprofit corporation for the operation and



1 management of University Hospital is to be liberally construed to  
2 promote the purposes of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) and to permit the contracted manager to  
4 operate University Hospital and exercise the powers described  
5 herein notwithstanding that its actions might be deemed anti-  
6 competitive or a restraint of trade under any state or federal antitrust  
7 laws.

8 b. In the event that the board of directors of University  
9 Hospital enters into a contract or other agreement with a nonprofit  
10 corporation for the operation and management of University  
11 Hospital, the contracted manager may, in addition to any other  
12 authorized duties:

13 (1) make and execute contracts, and any other instruments  
14 including agreements in furtherance of the purposes of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill) with any  
16 health systems and providers of health care services, private payors,  
17 or other parties; and

18 (2) form and operate networks of hospitals, physicians, and other  
19 health care providers, arrange for the provision of health care  
20 services through such networks, and enter into such agreements,  
21 joint ventures, and affiliations directly related to the management of  
22 University Hospital.

23 c. Notwithstanding the provisions of subsections a. and b. of  
24 this section, University Hospital shall continue to be the principal  
25 teaching hospital of the New Jersey Medical School, the New  
26 Jersey Dental School, and any other Newark-based medical  
27 education program. University Hospital clinicians shall continue to  
28 have faculty appointments in a Newark-based school. Bargaining  
29 unit employees employed at University Hospital shall retain their  
30 status as public employees within the meaning of the “New Jersey  
31 Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1  
32 et seq.), and such employees shall continue to provide the services  
33 they were providing prior to University Hospital entering into a  
34 management contract. There shall be no substantive changes that  
35 result in the diminution, deterioration, or reduction to essential  
36 health care services currently provided by University Hospital for a  
37 period of five years after the effective date of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) without review by the  
39 University Hospital Community Oversight Board and approval by  
40 the Department of Health and Senior Services, and any management  
41 contract shall conform to all other requirements of P.L. , c. (C. )  
42 (pending before the Legislature as this bill).<sup>2</sup>

43  
44 <sup>1</sup>[132.] <sup>2</sup>[150.] <sup>1</sup> 152.<sup>2</sup> The following sections are repealed:

45 P.L.1970, c.102 (C.18A:64G-1 et seq.);

46 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-  
47 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,  
48 18A:64G-3.6);

1 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,  
2 18A:64G-3.9, and 18A:64G-3.);

3 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and

4 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

5

6 <sup>1</sup>[133. This] <sup>2</sup>[151. Sections] 153. Section 138 shall take effect  
7 immediately, sections<sup>2</sup> 15, 20, 26, 33, <sup>2</sup>34, <sup>2</sup>38, <sup>2</sup>[138]<sup>2</sup> and 146 of  
8 this act shall take effect and become operational on the 90<sup>th</sup> day  
9 after the date of enactment and the remainder of this<sup>1</sup> act shall take  
10 effect on <sup>1</sup>[the 180th day after the date of enactment] July 1, 2013  
11 and shall first apply to the 2013-2014 academic year<sup>1</sup>, but  
12 anticipatory administrative action may be taken in advance of the  
13 operative date as shall be necessary for the implementation of this  
14 act.

15

16

17

18

19 “New Jersey Medical and Health Sciences Education  
20 Restructuring Act.”

# ASSEMBLY, No. 3102

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblywoman CELESTE M. RILEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

“New Jersey Medical and Health Sciences Education Restructuring Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the public system of higher education, revising  
2 various parts of the statutory law, and supplementing Title 18A  
3 of the New Jersey Statutes.

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “New Jersey Medical and Health Sciences Education  
10 Restructuring Act.”

11  
12 2. (New section) a. In order to carry out the purposes of this act  
13 and to provide the program of medical and dental education  
14 required for the benefit of the State and the people of New Jersey,  
15 all rights to all of the schools, institutes, and centers of the  
16 University of Medicine and Dentistry of New Jersey, other than the  
17 School of Osteopathic Medicine, are hereby transferred to Rutgers,  
18 The State University.

19 Rutgers, The State University is hereby authorized to acquire the  
20 facilities of the schools, institutes, and centers of the University of  
21 Medicine and Dentistry of New Jersey, other than the facilities of  
22 the School of Osteopathic Medicine, and devote the same to the  
23 purposes of public higher education in the State in accordance with  
24 the terms of any gift, grant, trust, contract or other agreement with  
25 the State or any of its political subdivisions or with the United  
26 States or with any public body, department or any agency of the  
27 State or the United States or with any individual, firm or  
28 corporation.

29 b. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the University of Medicine and Dentistry of  
32 New Jersey, the same shall mean and refer to Rutgers, The State  
33 University.

34  
35 3. (New section) Upon the transfer of the schools, institutes, and  
36 centers of the University of Medicine and Dentistry of New Jersey  
37 to Rutgers, The State University pursuant to section 2 of this act:

38 a. all appropriations, grants, and other moneys available and to  
39 become available to the schools, institutes, and centers of the  
40 University of Medicine and Dentistry of New Jersey are hereby  
41 transferred to Rutgers, The State University, and shall be available  
42 for the objects and purposes for which appropriated subject to any  
43 terms, restrictions, limitations or other requirements imposed by the  
44 State budget or by State and federal law.

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

**Matter underlined thus is new matter.**

1       b. all employees of the schools, institutes, and centers of the  
2 University of Medicine and Dentistry of New Jersey are hereby  
3 transferred to Rutgers, The State University. Nothing in this act  
4 shall be considered to deprive any person of any tenure rights or of  
5 any right or protection provided him under any pension law or  
6 retirement system or any other law of this State.

7       c. all files, books, papers, records, equipment, and other  
8 property of the schools, institutes, and centers of the University of  
9 Medicine and Dentistry of New Jersey, are hereby transferred to  
10 Rutgers, The State University.

11       d. all orders, rules or regulations heretofore made or  
12 promulgated by the schools, institutes, and centers of the University  
13 of Medicine and Dentistry of New Jersey, or by the University of  
14 Medicine and Dentistry of New Jersey on their behalf, shall be  
15 continued with full force and effect as the orders, rules and  
16 regulations of Rutgers, The State University until amended or  
17 repealed pursuant to law.

18

19       4. (New section) This act shall not affect actions or proceedings,  
20 civil or criminal, brought by or against the schools, institutes, and  
21 centers of the University of Medicine and Dentistry of New Jersey,  
22 but such actions, or proceedings may be prosecuted or defended in  
23 the same manner and to the same effect by Rutgers, The State  
24 University, as if the foregoing provisions had not taken effect; nor  
25 shall any of the foregoing provisions affect any order or regulation  
26 made by, or other matters or proceedings before, the schools,  
27 institutes, and centers of the University of Medicine and Dentistry  
28 of New Jersey, and all such matters or proceedings pending before  
29 the schools, institutes, and centers of the University of Medicine  
30 and Dentistry of New Jersey, on the effective date of this act shall  
31 be continued by Rutgers, The State University, as if the foregoing  
32 provisions had not taken effect.

33

34       5. (New section) All debts of the University of Medicine and  
35 Dentistry of New Jersey associated with the schools, institutes, and  
36 centers of the University of Medicine and Dentistry of New Jersey  
37 are transferred to Rutgers, The State University, and all creditors of  
38 the University of Medicine and Dentistry of New Jersey may  
39 enforce those debts against Rutgers, The State University in the  
40 same manner as they might have had against the University of  
41 Medicine and Dentistry of New Jersey, and the rights and remedies  
42 of those creditors shall not be limited or restricted in any manner by  
43 this act.

44

45       6. (New section) a. Nothing in this act shall be construed to  
46 deprive any officers or employees of the schools, institutes, and  
47 centers of the University of Medicine and Dentistry of New Jersey  
48 of their rights, privileges, obligations or status with respect to any

1 pension, retirement, or health benefits system. The employees  
2 shall, upon transfer to Rutgers, The State University, retain all of  
3 their rights and benefits under existing collective negotiations  
4 agreements or contracts until such time as new or revised  
5 agreements or contracts are agreed to. All existing employee  
6 majority representatives shall be retained to act on behalf of those  
7 employees until such time as the employees shall, pursuant to law,  
8 elect to change those majority representatives. Nothing in this act  
9 shall affect the civil service status, if any, of those officers or  
10 employees. Nothing in this act shall affect the tenure, rank, or  
11 academic track of any of those employees holding a faculty  
12 position.

13 b. The employees shall, upon transfer to Rutgers, The State  
14 University, not be considered new employees for any purpose and  
15 shall retain any accrued seniority, rank, and tenure, which shall be  
16 applied when determining eligibility for all benefits, including all  
17 paid leave time, longevity increases, and promotions.

18

19 7. (New section) All rights of the University of Medicine and  
20 Dentistry of New Jersey in the School of Osteopathic Medicine are  
21 hereby transferred to Rowan University. Rowan University is  
22 hereby authorized to acquire the facilities of the School of  
23 Osteopathic Medicine and devote the same to the purposes of public  
24 higher education in the State in accordance with the terms of any  
25 gift, grant, trust, contract or other agreement with the State or any  
26 of its political subdivisions or with the United States or with any  
27 public body, department or any agency of the State or the United  
28 States or with any individual, firm or corporation.

29 Rowan University shall maintain any affiliation agreement with  
30 the existing integrated healthcare delivery system of the School of  
31 Osteopathic Medicine.

32

33 8. (New section) Upon the transfer of the School of Osteopathic  
34 Medicine of the University of Medicine and Dentistry of New  
35 Jersey to Rowan University pursuant to section 7 of this act:

36 a. all appropriations, grants, and other moneys available and to  
37 become available to the School of Osteopathic Medicine are hereby  
38 transferred to Rowan University, and shall be available for the  
39 objects and purposes for which appropriated subject to any terms,  
40 restrictions, limitations or other requirements imposed by the State  
41 budget or by State and federal law.

42 b. all employees of the School of Osteopathic Medicine are  
43 hereby transferred to Rowan University. Nothing in this act shall  
44 be considered to deprive any person of any tenure rights or of any  
45 right or protection provided him under any pension law or  
46 retirement system or any other law of this State.

1 c. all files, books, papers, records, equipment, and other  
2 property of the School of Osteopathic Medicine are hereby  
3 transferred to Rowan University.

4 d. all orders, rules or regulations heretofore made or  
5 promulgated by the School of Osteopathic Medicine, or by the  
6 University of Medicine and Dentistry of New Jersey on its behalf,  
7 shall be continued with full force and effect as the orders, rules and  
8 regulations of Rowan University until amended or repealed  
9 pursuant to law.

10

11 9. (New section) This act shall not affect actions or proceedings,  
12 civil or criminal, brought by or against the School of Osteopathic  
13 Medicine, but such actions, or proceedings may be prosecuted or  
14 defended in the same manner and to the same effect by Rowan  
15 University, as if the foregoing provisions had not taken effect; nor  
16 shall any of the foregoing provisions affect any order or regulation  
17 made by, or other matters or proceedings before, the School of  
18 Osteopathic Medicine, and all such matters or proceedings pending  
19 before the School of Osteopathic Medicine, on the effective date of  
20 this act shall be continued by Rowan University, as if the foregoing  
21 provisions had not taken effect.

22

23 10. (New section) All debts of the University of Medicine and  
24 Dentistry of New Jersey associated with the School of Osteopathic  
25 Medicine are transferred to Rowan University, and all creditors of  
26 the University of Medicine and Dentistry of New Jersey may  
27 enforce those debts against Rowan University in the same manner  
28 as they might have had against the University of Medicine and  
29 Dentistry of New Jersey, and the rights and remedies of those  
30 creditors shall not be limited or restricted in any manner by this act.

31

32 11. (New section) a. Nothing in this act shall be construed to  
33 deprive any officers or employees of the School of Osteopathic  
34 Medicine of their rights, privileges, obligations or status with  
35 respect to any pension, retirement, or health benefits system. The  
36 employees shall, upon transfer to Rowan University, retain all of  
37 their rights and benefits under existing collective negotiations  
38 agreements or contracts until such time as new or revised  
39 agreements or contracts are agreed to. All existing employee  
40 majority representatives shall be retained to act on behalf of those  
41 employees until such time as the employees shall, pursuant to law,  
42 elect to change those majority representatives. Nothing in this act  
43 shall affect the civil service status, if any, of those officers or  
44 employees. Nothing in this act shall affect the tenure, rank, or  
45 academic track of any of those employees holding a faculty  
46 position.

47 b. The employees shall, upon transfer to Rowan University, not  
48 be considered new employees for any purpose and shall retain any

1 accrued seniority, rank, and tenure, which shall be applied when  
2 determining eligibility for all benefits, including all paid leave time,  
3 longevity increases, and promotions.

4  
5 12. (New section) a. University Hospital shall be the principal  
6 teaching hospital of New Jersey Medical School. University  
7 Hospital shall be treated and accounted for as a separate legal entity  
8 from the university, and its assets, liabilities, and funds shall not be  
9 consolidated or commingled with those of the university.

10 b. All monies allocated to the University of Medicine and  
11 Dentistry of New Jersey for the use of University Hospital,  
12 regardless of their source, and which remain unexpended on the  
13 effective date of P.L. , c. (C. )(pending before the Legislature  
14 as this bill), shall be transferred to University Hospital.

15 c. All appropriations that are intended for the use of University  
16 Hospital, on or after the effective date of P.L. ,  
17 c. (C. )(pending before the Legislature as this bill), shall be  
18 made directly to University Hospital.

19  
20 13. (New section) a. The responsibility for ensuring  
21 community access to services provided at University Hospital shall  
22 be vested in a nine-member board to be designated as the University  
23 Hospital Community Oversight Board. The purpose of the board  
24 shall be to ensure that the mission of the hospital and the intent of  
25 the “Agreements Reached Between Community and Government  
26 Negotiators Regarding New Jersey College of Medicine and  
27 Dentistry and Related Matters of April 30, 1968” to provide a  
28 comprehensive health program to the community in the City of  
29 Newark, including, but not limited to, ensuring access to all  
30 essential health care services provided by the hospital, are upheld.

31 b. The membership of the University Hospital Community  
32 Oversight Board shall be comprised of:

33 (1) four members who shall serve ex officio, including: the  
34 President of Rutgers University; and the Chief Executive Officer,  
35 Chief Financial Officer, and Chief Medical Officer of University  
36 Hospital; and

37 (2) five public members to be appointed as follows:

38 (a) two representatives of organized labor, one appointed by the  
39 head of the largest union that is affiliated with the AFL-CIO and  
40 represents persons employed at University Hospital and one  
41 appointed by the head of the largest union that is not affiliated with  
42 the AFL-CIO and represents persons employed at University  
43 Hospital;

44 (b) one person appointed by the Governor, with the advice and  
45 consent of the Senate;

46 (c) one person appointed by the President of the Senate; and

47 (d) one person appointed by the Speaker of the General  
48 Assembly.



1 c. The public members of the board shall serve for a five-year  
2 term; except that of the members first appointed, three shall serve  
3 for a term of five years, one for a term of three years, and one for a  
4 term of two years. A member of the board shall serve until the  
5 member's successor is appointed. A vacancy in the membership,  
6 occurring other than by expiration of term, shall be filled in the  
7 same manner as the original appointment but for the unexpired term  
8 only.

9 d. The members of the board shall select a chairperson and vice  
10 chairperson from among themselves. The board shall organize as  
11 soon as practicable following the appointment of its members. The  
12 chairperson shall appoint a secretary who need not be a member of  
13 the board.

14 e. The board shall meet at such times and places as it shall  
15 designate.

16 f. University Hospital shall provide such staff support to the  
17 board as it deems necessary to carry out its duties.

18

19 14. (New section) a. Nothing in this act shall be construed to  
20 deprive any officers or employees of University Hospital of their  
21 rights, privileges, obligations, or status with respect to any pension,  
22 retirement, or health benefits system. If any employees of  
23 University Hospital are transferred to, or otherwise become  
24 employees of, a new entity as a result of a restructuring or  
25 reorganization pursuant or subsequent to this act, those employees  
26 shall retain all of their rights and benefits under existing collective  
27 negotiations agreements or contracts until such time as new or  
28 revised agreements or contracts are agreed to. All existing  
29 employee representatives shall be retained to act on behalf of those  
30 employees until such time as the employees shall, pursuant to law,  
31 elect to change those representatives. Nothing in this act shall  
32 affect the civil service status, if any, of those officers or employees.  
33 Nothing in this act shall affect the tenure, rank, or academic track of  
34 any person holding a faculty position that is associated with  
35 University Hospital.

36 b. The employees of University Hospital, upon transfer to a new  
37 entity, shall not be considered new employees for any purpose and  
38 shall retain any accrued seniority, rank, and tenure, which shall be  
39 applied when determining eligibility for all benefits, including all  
40 paid leave time, longevity increases, and promotions.

41

42 15. (New section) a. University Hospital shall be required to  
43 obtain approval from the Superior Court of New Jersey prior to  
44 entering into a transaction that results in the acquisition of the  
45 hospital, and shall satisfy the requirements of the "Community  
46 Health Care Assets Protection Act," P.L.2000, c.143 (C.26:2H-7.10  
47 et seq.), to the maximum extent to which those provisions are

1 determined applicable by the Attorney General, in consultation with  
2 the Commissioner of Health and Senior Services.

3 b. The Attorney General, in consultation with the Commissioner  
4 of Health and Senior Services, shall adopt regulations pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410, (C.52:14B-1  
6 et seq.), to carry out the purposes of subsection a. of this section.

7  
8 16. (New section) a. As used in this section, "northern  
9 counties" means Bergen, Essex, Hudson, Morris, Passaic, Union,  
10 Sussex, and Warren Counties.

11 b. Effective July 1, 2013, a campus board of governors shall be  
12 appointed for Rutgers University–Newark. The campus board of  
13 governors shall be composed of eight members as follows: the  
14 chancellor of Rutgers University–Newark who shall serve as an ex-  
15 officio, nonvoting member; two members appointed by the board of  
16 governors of Rutgers University established pursuant to  
17 N.J.S.18A:65-14 from among its members; one member appointed  
18 by the board of trustees of Rutgers University established pursuant  
19 to N.J.S.18A:65-15 from among its members; and four members,  
20 who are residents of the northern counties, appointed by the  
21 Governor, and upon the expiration of the terms of the original  
22 members, with the advice and consent of the Senate.

23 The term of office of a member appointed by the board of  
24 governors or the board of trustees of Rutgers University shall be  
25 coterminous with his term on that board. The members appointed  
26 by the Governor shall serve for terms of six years beginning on July  
27 1 and ending on June 30; except that of the members first appointed  
28 by the Governor, one shall serve for a term of six years, one shall  
29 serve for a term of four years, one shall serve for a term of three  
30 years, and one shall serve for a term of two years. Each member  
31 shall serve until his successor is appointed and qualified, and  
32 vacancies shall be filled in the same manner as the original  
33 appointments for the remainder of the unexpired term. A member  
34 appointed by the Governor may succeed himself for not more than  
35 one additional term after having served one full six-year term.

36 A member shall be subject to removal, after a hearing by a  
37 majority of the campus board of trustees, for malfeasance or  
38 conduct injurious to the interest of Rutgers University–Newark,  
39 subject to review and confirmation by the Governor in the case of  
40 his appointees or by the board of governors or the board of trustees,  
41 as applicable, in the case of that board's appointees.

42 c. The board shall meet and organize annually at a regular  
43 meeting held during the second week of September. The Governor  
44 shall appoint the chair of the board. The chair shall serve until the  
45 following September meeting and until his successor is appointed  
46 and qualified. Vacancies in the offices shall be filled in the same  
47 manner for the unexpired term only.

1 d. Members of the board shall serve without compensation but  
2 shall be entitled to be reimbursed for all reasonable and necessary  
3 expenses.

4

5 17. (New section) Notwithstanding the provisions of  
6 N.J.S.18A:65-25 or any other section of law to the contrary, the  
7 campus board of governors shall;

8 a. maintain a separate debt service account for Rutgers  
9 University-Newark;

10 b. propose capital projects and bonding for Rutgers University-  
11 Newark to the board of governors of Rutgers University;

12 c. propose an annual budget for Rutgers University-Newark to  
13 the board of governors of Rutgers University;

14 d. recommend new academic programs and degree requirements  
15 for Rutgers University-Newark to the board of governors of Rutgers  
16 University; and

17 e. recommend candidates for promotion and tenure at Rutgers  
18 University-Newark to the board of governors of Rutgers University.

19

20 18. (New section) a. As used in this section, “southern  
21 counties” means Atlantic, Burlington, Camden, Cape May,  
22 Cumberland, Gloucester, Ocean, and Salem Counties.

23 b. Effective July 1, 2013, a campus board of trustees shall be  
24 appointed for Rutgers University–Camden. The campus board of  
25 trustees shall be composed of eight members as follows: the  
26 chancellor of Rutgers University–Camden who shall serve as an ex-  
27 officio, nonvoting member; two members appointed by the board of  
28 governors of Rutgers University established pursuant to  
29 N.J.S.18A:65-14 from among its members; one member appointed  
30 by the board of trustees of Rutgers University established pursuant  
31 to N.J.S.18A:65-15 from among its members; and four members,  
32 who are residents of the southern counties, appointed by the  
33 Governor with the advice and consent of the Senate.

34 The terms of office of a member appointed by the board of  
35 governors or the board of trustees of Rutgers University shall be  
36 coterminous with his term on that board. The members appointed  
37 by the Governor shall serve for terms of six years beginning on July  
38 1 and ending on June 30; except that of the members first appointed  
39 by the Governor, one shall serve for a term of six years, one shall  
40 serve for a term of four years, one shall serve for a term of three  
41 years, and one shall serve for a term of two years. Each member  
42 shall serve until his successor is appointed and qualified, and  
43 vacancies shall be filled in the same manner as the original  
44 appointments for the remainder of the unexpired term. A trustee  
45 appointed by the Governor may succeed himself for not more than  
46 one additional term after having served one full six-year term.

47 A trustee shall be subject to removal, after a hearing by a  
48 majority of the campus board of trustees, for malfeasance or

1 conduct injurious to the interest of Rutgers University-Camden,  
2 subject to review and confirmation by the Governor in the case of  
3 his appointees or by the board of governors or the board of trustees,  
4 as applicable, in the case of that board's appointees.

5 c. The board shall meet and organize annually at a regular  
6 meeting held during the second week of September, by the election  
7 of a chair, vice-chair, and such other officers as the board shall  
8 determine. The officers shall serve until the following September  
9 meeting and until their successors are elected and qualified.  
10 Vacancies in the offices shall be filled in the same manner for the  
11 unexpired term only.

12 d. Members of the board shall serve without compensation but  
13 shall be entitled to be reimbursed for all reasonable and necessary  
14 expenses.

15

16 19. (New section) Notwithstanding the provisions of  
17 N.J.S.18A:65-25 or any other section of law to the contrary, the  
18 campus board of trustees shall have general supervision over and  
19 shall be vested with the conduct of Rutgers University-Camden. It  
20 shall have the following powers, subject to the approval of the Joint  
21 Rowan University-Rutgers Camden Board of Governors:

22 a. determine policies for the organization, administration, and  
23 development of Rutgers University-Camden;

24 b. study the educational and financial needs of Rutgers  
25 University-Camden; annually acquaint the Governor and  
26 Legislature with the condition of Rutgers University-Camden; and  
27 prepare and present an annual budget to the Governor, the Division  
28 of Budget and Accounting in the Department of the Treasury, and  
29 the Legislature in accordance with the law;

30 c. set tuition and fees;

31 d. disburse all moneys appropriated to Rutgers University-  
32 Camden by the Legislature, including appropriations for fringe  
33 benefit costs, and all moneys received from tuition, fees, auxiliary  
34 services, and other sources;

35 e. direct and control expenditures and transfers of funds  
36 appropriated to Rutgers University-Camden, in accordance with the  
37 State budget and appropriation acts of the Legislature, reporting  
38 changes and additions thereto and transfers thereof to the Director  
39 of the Division of Budget and Accounting in the Department of the  
40 Treasury and as to funds received from other sources, direct and  
41 control expenditures and transfers in accordance with the terms and  
42 conditions of any applicable trusts, gifts, bequests, or other special  
43 provisions. All accounts of Rutgers University-Camden shall be  
44 subject to audit by the State at any time;

45 f. borrow money for the needs of Rutgers University-Camden,  
46 as deemed requisite by the board, in such amounts and for such time  
47 and upon such terms as may be determined by the board; provided  
48 that no such borrowing shall be deemed or construed to create or

1 constitute a debt, liability, or a loan or pledge of the credit, or be  
2 payable out of property or funds, other than moneys appropriated  
3 for that purpose, of the State;

4 g. purchase all lands, buildings, equipment, materials, and  
5 supplies;

6 h. employ architects to plan buildings, secure bids for the  
7 construction of buildings and for the equipment thereof, make  
8 contracts for the construction of buildings and for equipment, and  
9 supervise the construction of buildings;

10 i. manage and maintain and provide for the payment of all  
11 charges on and expenses in respect of, all properties utilized by  
12 Rutgers University-Camden;

13 j. in accordance with the provisions of the State budget and  
14 appropriations acts of the Legislature, appoint and fix the  
15 compensation of the chancellor of Rutgers University-Camden, who  
16 shall be the executive officer of Rutgers University-Camden and an  
17 ex-officio member of the Rutgers University-Camden board of  
18 trustees, without vote, and shall serve at the pleasure of that board;

19 k. in accordance with the provisions of the State budget, have  
20 the power to elect, appoint, remove, promote, or transfer all  
21 corporate, official, educational, and civil administrative personnel,  
22 and fix and determine their salaries;

23 l. in accordance with the State budget, appoint, remove,  
24 promote, and transfer all other officers, agents, or employees,  
25 assign their duties, determine their salaries, and prescribe  
26 qualifications for all positions, and in accordance with the salary  
27 schedules of the Civil Service Commission whenever possible; and

28 m. enter into contracts and agreements with the State or any of  
29 its political subdivisions or with the United States, or with any  
30 public body, department, or other agency of the State or the United  
31 States, or with any individual.

32

33 20. (New section) Rutgers University-Camden shall maintain an  
34 Internet website for the board of trustees. The purpose of the  
35 website shall be to provide increased public access to board  
36 operations and activities. The following information shall be posted  
37 on the board's website:

38 a. the board's rules, regulations, resolutions, and official policy  
39 statements;

40 b. notice, posted at least five business days prior to a meeting  
41 of the board or any of its committees, setting forth the time, date,  
42 location, and agenda of the meeting;

43 c. the minutes of each meeting of the board and its committees;  
44 and

45 d. information on any contract entered into by the board that  
46 was not competitively bid and the statutory authority for the  
47 contracting process.

48 The website shall be updated on a regular basis.

1       21. (New section) a. The board of governors of Rutgers  
2 University shall enter into a 99-year lease agreement with the board  
3 of trustees of Rutgers University-Camden, subject to the approval  
4 of the Joint Rowan University-Rutgers Camden Board of  
5 Governors, pursuant to which all property and assets of Rutgers  
6 University-Camden shall remain the property and assets of Rutgers  
7 University; except that Rutgers University shall have no  
8 responsibility or control over the property and assets or over the  
9 maintenance, insurance, and development of the property and  
10 assets. The lease agreement shall provide for an annual payment of  
11 \$1 per year by Rutgers University-Camden to the board of  
12 governors of Rutgers University and shall also include the payment  
13 by Rutgers University-Camden of any debt service associated with  
14 the facilities and property of Rutgers University-Camden. At the  
15 end of the lease agreement Rutgers University-Camden shall have  
16 the option to purchase the property at fair market value, exclusive  
17 of any improvements, buildings, or fixed assets thereon.

18       b. The board of governors of Rutgers University and the board  
19 of trustees of Rutgers University-Camden shall enter into an  
20 agreement for the participation of Rutgers University-Camden in  
21 the central administrative services and systems provided by Rutgers  
22 University including, but not limited to:

- 23       (1) the library system;  
24       (2) information technology systems; and  
25       (3) university administration and public safety including  
26 construction code services, emergency services, environmental and  
27 health services, and the police department.

28       The agreement shall include a negotiated rate of reimbursement  
29 to be paid by Rutgers University-Camden to Rutgers University for  
30 the central administrative services and systems provided pursuant to  
31 the agreement.

32  
33       22. (New section) The board of governors of Rutgers University  
34 shall establish:

- 35       a. standards for the establishment and evaluation of academic  
36 programs of Rutgers University-Camden;  
37       b. standards for the award of degrees to students enrolled in the  
38 academic degree programs of Rutgers University-Camden; and  
39       c. standards for the promotion and award of tenure to faculty  
40 employed at Rutgers University-Camden.

41  
42       23. (New section) The provisions of all collective negotiations  
43 agreements applicable to employees of Rutgers University-Camden  
44 in effect on the effective date of P.L.     , c.     (C.     ) (pending  
45 before the Legislature as this bill) shall remain in full force and  
46 effect until such time as new or revised agreements or contracts  
47 may be established.

1       24. (New section) a. All monies previously allocated or  
2 otherwise provided to Rutgers University for the use of Rutgers  
3 University-Camden, regardless of source, which remain  
4 unexpended on the effective date of P.L. ,c. (C ) (pending  
5 before the Legislature as this bill), shall be transferred to Rutgers  
6 University-Camden.

7       b. State support for the operation of Rutgers University-  
8 Camden, including support for fringe benefit costs, shall be  
9 appropriated by the Legislature directly to Rutgers University-  
10 Camden.

11  
12       25. (New section) There is established the Joint Rowan  
13 University-Rutgers Camden Board of Governors. Notwithstanding  
14 any other provision of law to the contrary, the board shall have full  
15 authority over all matters concerning the supervision and operations  
16 of Rowan University and Rutgers University-Camden.

17       a. The board shall be composed of seven members as follows:  
18 two members appointed by the board of trustees of Rowan  
19 University from among its members; two members appointed by the  
20 board of trustees of Rutgers University-Camden from among its  
21 members; and three members appointed by the Governor with the  
22 advice and consent of the Senate. The board shall elect a  
23 chairperson from among its membership.

24       b. The term of office of a member of the joint board appointed  
25 by the board of trustees of Rowan University or the board of  
26 trustees of Rutgers University-Camden shall be coterminous with  
27 his term on that board of trustees. The term of office of the  
28 Governor's appointees shall be six years. An appointed member  
29 may be removed for cause by the board of trustees that appointed  
30 the member, or by the Governor in the case of his appointees.

31       c. Each member shall serve until his successor is appointed and  
32 qualified, and vacancies shall be filled in the same manner as the  
33 original appointments for the remainder of the unexpired term.

34       d. Members of the board shall serve without compensation but  
35 shall be entitled to be reimbursed for all reasonable and necessary  
36 expenses.

37       e. The joint board shall be staffed by employees of Rowan  
38 University and Rutgers University-Camden.

39  
40       26. (New section) The Joint Rowan University-Rutgers Camden  
41 Board of Governors shall have the authority and responsibility to:

42       a. approve or disapprove of any decision of the board of trustees  
43 of Rowan University or the board of trustees of Rutgers University-  
44 Camden;

45       b. determine policies for the organization, administration, and  
46 development of curriculum and programs of Rowan University and  
47 Rutgers University-Camden, including dual degree programs and  
48 partnerships between the institutions;

1 c. make joint faculty appointments to Rowan University and  
2 Rutgers University-Camden;

3 d. determine policies for the shared utilization of each  
4 institution's resources including housing, student affairs, and  
5 security;

6 e. provide curricular oversight of joint programs of Rowan  
7 University and Rutgers University-Camden; and

8 f. develop plans and policies for the operation and governance  
9 of health science facilities, including policies concerning the  
10 development and financing of capital improvements or expansions  
11 of health science facilities

12

13 27. (New section) a. As used in sections 28 through 56 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 "Rowan University" shall, unless the context clearly indicates to the  
16 contrary, include and mean the public research university herein  
17 designated "Rowan University" as presently and hereafter  
18 constituted, including all departments, colleges, schools, centers,  
19 branches, educational and other units and extensions thereof,  
20 extension and cooperative education programs, continuing  
21 education programs, and all other departments of higher education  
22 maintained by the educational entity of the university.

23 b. As used in sections 28 through 56 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill), "university" shall mean  
25 "Rowan University."  
26

27

28 28. (New section) There is hereby established a body corporate  
29 and politic to be known as Rowan University. The exercise by the  
30 university of the powers conferred by this act, including the  
31 presentation and operation of a four-year allopathic medical school,  
32 shall be deemed to be public and essential governmental functions  
33 necessary for the welfare of the State and the people of New Jersey.

34

35 29. (New section) It is declared to be the public policy of the  
36 State that the university shall be given a high degree of self-  
37 government and that the governance and conduct of the university  
38 shall be free of partisanship.

39

40 30. (New section) The board of trustees of the university is  
41 continued and shall have and exercise the powers, authority, rights  
42 and privileges and shall be subject to the duties, obligations, and  
43 responsibilities set forth in this act.

44

45 31. (New section) a. The composition and size of the board of  
46 trustees shall be determined by the board; however, the board shall  
47 have not less than seven nor more than 15 members. The members  
48 shall be appointed by the Governor with the advice and consent of  
the Senate. The board of trustees shall recommend potential new



1 members to the Governor. The terms of office of appointed  
2 members shall be for six years beginning on July 1 and ending on  
3 June 30. Each member shall serve until his successor shall have  
4 been appointed and qualified and vacancies shall be filled in the  
5 same manner as the original appointments for the remainders of the  
6 unexpired terms. Any member of a board of trustees may be  
7 removed by the Governor for cause upon notice and opportunity to  
8 be heard.

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

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

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

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

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

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

40  
41 32. (New section) The board of trustees of the university shall  
42 provide for the election of two student representatives, who shall be  
43 full-time, regularly matriculated students in good academic  
44 standing, and who shall be 18 years of age or older and citizens of  
45 the United States. The student representatives shall be elected by  
46 the members of the student government association to serve on the  
47 board of trustees for terms of two years commencing at the next  
48 organization of the board.

- 1 a. A student shall be elected for a two-year term, but shall serve  
2 during the first year as an alternate member, and as a voting  
3 member during the second year.
- 4 Any vacancies which occur shall be filled by the student  
5 governing body for the unexpired term only.
- 6 b. The standards for eligibility for student representatives on the  
7 board of trustees shall be the same as those required for other  
8 student government officers.
- 9 c. The student members shall be entitled to full participation in  
10 all activities of the board except that they shall not participate in:
- 11 (1) Any matter involving the employment, appointment,  
12 termination of employment, terms and conditions of employment,  
13 evaluation of the performance of, promotion or disciplining of any  
14 specific prospective officer or employee or current officer or  
15 employee employed or appointed by the board, unless all the  
16 individual employees or appointees whose rights could be adversely  
17 affected request in writing that the matter or matters be discussed at  
18 a public meeting;
- 19 (2) Any matter involving the purchase, lease, acquisition or sale  
20 of real property with public funds, the setting of banking rates or  
21 investment of public funds, where it could adversely affect the  
22 public interest if discussion of these matters were disclosed; and
- 23 (3) Any pending or anticipated litigation in which the board is,  
24 or may become, a party, where it could adversely affect the public  
25 interest if discussion of these matters were disclosed, or any matters  
26 falling within the attorney-client privilege, to the extent that  
27 confidentiality is required in order for the attorney to exercise his  
28 ethical duties as a lawyer.
- 29 d. Upon assuming office, the students shall agree to adhere to  
30 such standards of responsibility and confidentiality as are  
31 established by the board of trustees.
- 32
- 33 33. (New section) The board of trustees of Rowan University  
34 shall have the general supervision over and be vested with the  
35 conduct of the university. It shall have the power and duty, subject  
36 to the approval of the Joint Rowan University-Rutgers Camden  
37 Board of Governors, to:
- 38 a. Adopt and use a corporate seal;
- 39 b. Determine the educational curriculum and program of the  
40 university;
- 41 c. Determine policies for the organization, administration, and  
42 development of the university;
- 43 d. Study the educational and financial needs of the university,  
44 annually acquaint the Governor and Legislature with the condition  
45 of the university, and prepare and submit an annual request for  
46 appropriation to the Division of Budget and Accounting in the  
47 Department of the Treasury in accordance with law;

- 1 e. Disburse all moneys appropriated to the university by the  
2 Legislature and all moneys received from tuition, fees, auxiliary  
3 services and other sources;
- 4 f. Direct and control expenditures and transfers of funds  
5 appropriated to the university in accordance with the provisions of  
6 the State budget and appropriation acts of the Legislature, and, as to  
7 funds received from other sources, direct and control expenditures  
8 and transfers in accordance with the terms of any applicable trusts,  
9 gifts, bequests, or other special provisions, reporting changes and  
10 additions thereto and transfers thereof to the Director of the  
11 Division of Budget and Accounting in the Department of the  
12 Treasury. All accounts of the university shall be subject to audit by  
13 the State at any time;
- 14 g. In accordance with the provisions of the State budget and  
15 appropriation acts of the Legislature, appoint and fix the  
16 compensation and term of office of a president of the university  
17 who shall be the executive officer of the university and an ex officio  
18 member of the board of trustees, without vote, and shall serve at the  
19 pleasure of the board of trustees;
- 20 h. In accordance with the provisions of the State budget and  
21 appropriation acts of the Legislature, appoint, upon nomination of  
22 the president, such deans and other members of the academic,  
23 administrative, and teaching staffs as shall be required and fix their  
24 compensation and terms of employment;
- 25 i. Consistent with the provisions of its budget, this act and any  
26 and all controlling collective bargaining agreements, have the  
27 power, upon nomination or recommendation of the president, to  
28 appoint, remove, promote and transfer all other officers, agents, or  
29 employees which may be required to carry out the provisions of this  
30 act and prescribe qualifications for those positions, and assign  
31 requisite duties and determine and fix respective compensation for  
32 those positions in accordance with duly adopted salary program  
33 parameters;
- 34 j. Grant diplomas, certificates or degrees;
- 35 k. Enter into contracts and agreements with the State or any of  
36 its political subdivisions or with the United States, or with any  
37 public body, department or other agency of the State or the United  
38 States or with any individual, firm or corporation which are deemed  
39 necessary or advisable by the board for carrying out the provisions  
40 of this act. A contract or agreement pursuant to this subsection may  
41 require a municipality to undertake obligations and duties to be  
42 performed subsequent to the expiration of the term of office of the  
43 elected governing body of such municipality which initially entered  
44 into or approved said contract or agreement, and the obligations and  
45 duties so incurred by such municipality shall be binding and of full  
46 force and effect, notwithstanding that the term of office of the  
47 elected governing body of such municipality which initially entered  
48 into or approved said contract or agreement, shall have expired;

- 1 l. Exercise the right of eminent domain, pursuant to the  
2 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
3 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 4 m. Adopt, after consultation with the president and faculty,  
5 bylaws and make and promulgate such rules, regulations, and  
6 orders, not inconsistent with the provisions of this act as are  
7 necessary and proper for the administration and operation of the  
8 university and the carrying out of its purposes;
- 9 n. Establish fees for room and board sufficient for the operation,  
10 maintenance, and rental of student housing and food services  
11 facilities;
- 12 o. Fix and determine tuition rates and other fees to be paid by  
13 students;
- 14 p. Accept from any government or governmental department,  
15 agency or other public or private body or from any other source  
16 grants or contributions of money or property which the board may  
17 use for or in aid of any of its purposes;
- 18 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
19 lease, dispose of, use and operate property, whether real, personal  
20 or mixed, or any interest therein, which is necessary or desirable for  
21 university purposes;
- 22 r. Employ architects to plan buildings; secure bids for the  
23 construction of buildings and for the equipment thereof; make  
24 contracts for the construction of buildings and for equipment; and  
25 supervise the construction of buildings;
- 26 s. Manage and maintain, and provide for the payment of all  
27 charges on and expenses in respect of, all properties utilized by the  
28 university;
- 29 t. Borrow money and to secure the same by a mortgage on its  
30 property or any part thereof, and to enter into any credit agreement  
31 for the needs of the university, as deemed requisite by the board, in  
32 such amounts and for such time and upon such terms as may be  
33 determined by the board, provided that no such borrowing shall be  
34 deemed or construed to create or constitute a debt, liability, or a  
35 loan or pledge of the credit or be payable out of property or funds,  
36 other than moneys appropriated for that purpose, of the State;
- 37 u. Authorize any new program, educational department or  
38 school consistent with the programmatic mission of the institution  
39 or approved by the Secretary of Higher Education;
- 40 v. Adopt standing operating rules and procedures for the  
41 purchase of all equipment, materials, supplies and services;  
42 however, no contract on behalf of the university shall be entered  
43 into for the purchase of services, materials, equipment and supplies,  
44 for the performance of any work, or for the hiring of equipment or  
45 vehicles, where the sum to be expended exceeds \$30,700 or the  
46 amount determined by the Governor as provided herein, unless the  
47 university shall first publicly advertise for bids and shall award the  
48 contract to that responsible bidder whose bid, conforming to the

1 invitation for bids, will be most advantageous to the university,  
2 price and other factors considered. Such advertising shall not be  
3 required in those exceptions created by the board of trustees of the  
4 university, which shall be in substance those exceptions contained  
5 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the  
6 supplying of any product or the rendering of any service by a public  
7 utility subject to the jurisdiction of the Board of Public Utilities of  
8 this State and tariffs and schedules of the charges made, charged, or  
9 exacted by the public utility for any such products to be supplied or  
10 services to be rendered are filed with the said board. Commencing  
11 July 1, 2013 and every two years thereafter, the Governor, in  
12 consultation with the Department of the Treasury, shall adjust the  
13 threshold amount set forth in this paragraph in direct proportion to  
14 the rise or fall of the consumer price index for all urban consumers  
15 in the New York City and the Philadelphia areas as reported by the  
16 United States Department of Labor. The Governor shall notify the  
17 university of the adjustment. The adjustment shall become effective  
18 on July 1 of the year in which it is reported.

19 This subsection shall not prevent the university from having any  
20 work performed by its own employees, nor shall it apply to repairs,  
21 or to the furnishing of materials, supplies or labor, or the hiring of  
22 equipment or vehicles, when the safety or protection of its or other  
23 public property or the public convenience requires or the exigency  
24 of the university's service will not admit of such advertisement. In  
25 such case, the university shall, by resolution passed by the  
26 affirmative vote of its board of trustees, declare the exigency or  
27 emergency to exist, and set forth in the resolution the nature and  
28 approximate amount to be expended; shall maintain appropriate  
29 records as to the reason for such awards; and shall report regularly  
30 to its board of trustees on all such purchases, the amounts and the  
31 reasons therefor;

32 w. Invest certain moneys in such obligations, securities and  
33 other investments as the board shall deem prudent, consistent with  
34 the purposes and provisions of this act and in accordance with State  
35 and federal law, as follows:

36 Investment in not-for-profit corporations or for-profit  
37 corporations organized and operated pursuant to the provisions of  
38 subsection x. of this section may utilize income realized from the  
39 sale or licensing of intellectual property as well as the reinvestment  
40 of earnings on intellectual property. Investment in not-for-profit  
41 corporations may also utilize income from the operation of faculty  
42 practice plans of the university and income from overhead grant  
43 fund recovery as permitted by federal law as well as other  
44 university funds except those specified in paragraph 5 of subsection  
45 x. of this section;

46 x. (1) Participate as the general partner or as a limited partner,  
47 either directly or through a subsidiary corporation created by the  
48 university, in limited partnerships, general partnerships, or joint

1 ventures engaged in the development, manufacture, or marketing of  
2 products, technology, scientific information or health care services  
3 and create or form for-profit or not-for-profit corporations to  
4 engage in such activities; provided that any such participation shall  
5 be consistent with the mission of the university and the board shall  
6 have determined that such participation is prudent;

7 (2) The decision to participate in any activity described in  
8 paragraph (1) of this subsection, including the creation or formation  
9 of for-profit or not-for-profit corporations, shall be articulated in the  
10 minutes of the board of trustees meeting in which the action was  
11 approved;

12 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
13 shall continue to apply to the university, its employees, and  
14 officers;

15 (4) Nothing herein shall be deemed or construed to create or  
16 constitute a debt, liability, or a loan or pledge of the credit or be  
17 payable out of property or funds of the State;

18 (5) Funds directly appropriated to the university from the State  
19 or derived from the university's academic programs or derived from  
20 payment for coverage provided by the self insurance fund for claims  
21 accruing prior to the effective date of this act shall not be utilized  
22 by the for-profit or not-for-profit corporations organized and  
23 operated pursuant to this subsection in the development,  
24 manufacture, or marketing of products, technology or scientific  
25 information;

26 (6) Employees of any joint venture, subsidiary corporation,  
27 partnership, or other jural entity entered into or owned wholly or in  
28 part by the university shall not be deemed public employees;

29 (7) A joint venture, subsidiary corporation, partnership, or other  
30 jural entity entered into or owned wholly or in part by the university  
31 shall not be deemed an instrumentality of the State of New Jersey;

32 (8) Income realized by the university as a result of participation  
33 in the development, manufacture, or marketing of products,  
34 technology, or scientific information may be invested or reinvested  
35 pursuant to subsection w. of this section or any other provision of  
36 this act or State or federal law or retained by the board for use in  
37 furtherance of any of the purposes of this act or of other applicable  
38 statutes;

39 (9) The board shall annually report to the State Treasurer on the  
40 operation of all joint ventures, subsidiary corporations,  
41 partnerships, or such other jural entities entered into or owned  
42 wholly or in part by the university;

43 y. Sue and be sued in its own name;

44 z. Retain independent counsel including representation by the  
45 Attorney General in accordance with subsection h. of section 6 of  
46 P.L.1994, c.48 (C.18A:3B-6);

47 aa. (1) Procure and enter into contracts for any type of insurance  
48 and indemnify against loss or damage to property from any cause,

1 including loss of use and occupancy, against death or injury of any  
2 person, against employees' liability, against any act of any member,  
3 officer, employee or servant of the university, whether part-time,  
4 full-time, compensated or non-compensated in the performance of  
5 the duties of his office or employment or any other insurable risk.  
6 In addition, the university shall carry its own liability insurance or  
7 maintain an actuarially sound program of self insurance. Any joint  
8 venture, subsidiary corporation, or partnership or such other jural  
9 entity entered into or owned wholly or in part by the university shall  
10 carry insurance or maintain reserves in such amounts as are  
11 determined by an actuary to be sufficient to meet its actual or  
12 accrued claims;

13 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
14 administered by the State Treasurer shall continue to be available to  
15 the university solely to indemnify and defend claims against the  
16 university and its employees, officers and servants but only to the  
17 extent that the university has elected on behalf of itself and its  
18 employees to obtain representation from the Attorney General  
19 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
20 6) and such entity or individuals would have been entitled to  
21 defense and indemnification pursuant to the "New Jersey Tort  
22 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
23 employee but for the provision of subsection z. of this section.  
24 Any expenditure of such funds shall be made only in accordance  
25 with the provisions of the "New Jersey Tort Claims Act,"  
26 N.J.S.59:1-1 et seq., including but not limited to the provisions of  
27 chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes.  
28 Nothing herein shall be construed to authorize the use of the Self-  
29 Insurance Trust Fund to indemnify or insure in any way, directly or  
30 indirectly the activities of any joint venture, partnership or  
31 corporation entered into or created by the university pursuant to  
32 subsection x. of this section;

33 bb. Create auxiliary organizations subject to the provisions of  
34 P.L.1982, c.16 (C.18A:64-26 et seq.);

35 cc. Adopt a code of ethics that complies with the requirements  
36 of all statutes applicable to the institution, including, but not  
37 limited, to the "Higher Education Restructuring Act of 1994,"  
38 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
39 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
40 the State Ethics Commission, and any applicable executive orders;  
41 and

42 dd. Establish a procedure for the confidential, anonymous  
43 submission of employee concerns regarding alleged wrongdoing at  
44 the university.

45

46 34. (New section) All functions, powers and duties relating to  
47 the investment or reinvestment of funds other than those funds  
48 specified in subsection w. of section 33 of P.L. , c. (C. )

1 (pending before the Legislature as this bill) within the jurisdiction  
2 of the board of trustees including the purchase, sale, or exchange of  
3 any investments or securities may be exercised and performed by  
4 the Director of the Division of Investment in the Department of the  
5 Treasury in accordance with the provisions of P.L.1950, c.270  
6 (C.52:18A-79 et seq.) if so authorized by the board. Sections 35  
7 and 36 of P.L. , c. (C. ) (pending before the Legislature as this  
8 bill) shall only be applicable in the event of such an election.  
9 Before any such investment, reinvestment, purchase, sale, or  
10 exchange shall be made by the director for or on behalf of the board  
11 of trustees, the Director of the Division of Investment shall submit  
12 the details thereof to the board, which shall, itself or by its finance  
13 committee, within 48 hours, exclusive of Sundays and public  
14 holidays, after such submission to it, file with the director its  
15 written acceptance or rejection of such proposed investment,  
16 reinvestment, purchase, sale, or exchange; and the director shall  
17 have authority to make such investment, reinvestment, purchase,  
18 sale, or exchange for or on behalf of the board, unless there shall  
19 have been filed with him a written rejection thereof by the board or  
20 its finance committee as herein provided. The board of trustees  
21 shall determine from time to time the cash requirements of the  
22 various funds and accounts established by it and the amount  
23 available for investment, all of which shall be certified to the State  
24 Treasurer and the Director of the Division of Investment.

25 The finance committee of the board of trustees shall consist of  
26 three members of the board who shall be appointed in the same  
27 manner and for the same term as other committees of the board are  
28 appointed.

29  
30 35. (New section) The Director of the Division of Investment in  
31 the Department of the Treasury, in addition to other investments,  
32 presently or from time to time hereafter authorized by law, shall  
33 have authority, subject to any acceptance required, to invest and  
34 reinvest such funds in, and to acquire for or on behalf of the board  
35 such bonds or other evidence of indebtedness or capital stock or  
36 other securities issued by any company incorporated within the  
37 United States or within the Dominion of Canada, which shall be  
38 authorized or approved for investment by regulation of the State  
39 Investment Council and in which life insurance companies  
40 organized under the laws of this State may legally invest.

41  
42 36. (New section) The State Treasurer shall be the custodian of  
43 the board's investment funds, shall select all depositories and  
44 custodians and shall negotiate and execute custody agreements in  
45 connection with the assets or investments of any said funds.

46  
47 37. (New section) The university shall maintain an Internet  
48 website for the board of trustees. The purpose of the website shall



1 be to provide increased public access to board operations and  
2 activities. The following information shall be posted on the board's  
3 website:

- 4 a. the board's rules, regulations, resolutions, and official policy  
5 statements;
- 6 b. notice, posted at least five business days prior to a meeting  
7 of the board or any of its committees, setting forth the time, date,  
8 location, and agenda of the meeting;
- 9 c. the minutes of each meeting of the board and its committees;  
10 and
- 11 d. information on any contract entered into by the board that  
12 was not competitively bid and the statutory authority for the  
13 contracting process.

14 The website shall be updated on a regular basis.  
15

16 38. (New section) The board of trustees, in addition to the other  
17 powers and duties provided herein, shall be vested with the right of  
18 perpetual succession and shall have and exercise all the powers,  
19 rights, and privileges that are incident to the proper governance,  
20 conduct, and management of the university and the control of its  
21 properties and funds and such powers granted to the university or  
22 the board or reasonably implied, may be exercised without recourse  
23 or reference to any department or agency of the State, except as  
24 otherwise provided by this act.  
25

26 39. (New section) The board shall appoint and fix the  
27 compensation of a president of the university. The president shall  
28 be responsible to the board of trustees and shall have such powers  
29 as shall be requisite for the executive management and conduct of  
30 the university in all departments, branches and divisions, and for the  
31 execution and enforcement of bylaws, ordinances, rules,  
32 regulations, statutes, and orders governing the management,  
33 conduct and administration of the university.  
34

35 40. (New section) No trustee or officer of the university shall be  
36 personally liable for any debt, obligation, or other liability of the  
37 university or incurred by or on behalf of the university or any  
38 constituent unit thereof.  
39

40 41. (New section) The board of trustees shall advise the  
41 Governor and Legislature, in consultation with the Secretary of  
42 Higher Education and the President's Council and successor bodies,  
43 on the manner in which the facilities and services of the university  
44 may be utilized so as to increase the efficiency of the public  
45 education system and provide, maintain, and improve upon the  
46 quality of higher education for the people of the State. The board of  
47 trustees shall make recommendations to the Governor and the  
48 Legislature respecting the needs for the facilities and services of the

1 university as an educational instrumentality of the State for that  
2 purpose.

3  
4 42. (New section) Subject to the provisions of P.L.1969, c.242  
5 (C.18A:66-167 et seq.) and except as otherwise provided by law,  
6 the university shall be deemed to be an employer for the purposes  
7 of the "Public Employees' Retirement System Act," P.L.1954, c.84  
8 (C.43:15A-1 et seq.), and shall also be deemed to be a "public  
9 agency or organization" within the meaning of section 71 of that act  
10 (C.43:15A-71). Further, the university's commissioned police  
11 officers shall be eligible for participation in and subject to the  
12 provisions of the "Police and Firemen's Retirement Systems Act,"  
13 P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall be  
14 deemed an employer within the meaning of that act.

15  
16 43. (New section) Nothing herein contained shall be construed  
17 to impair, annul or affect any vested rights, grants, privileges,  
18 exemptions, immunities, powers, prerogatives, franchises, or  
19 advantages heretofore obtained or enjoyed by the university or any  
20 constituent unit thereof, under any authority or any act of this State  
21 or under any grant, deed, conveyance, transfer, lease, estate,  
22 remainder, expectancy, trust, gift, donation, legacy, devise,  
23 endowment or fund, all of which are hereby ratified and confirmed  
24 except insofar as the same may have expired, be or have been  
25 repealed or altered, or may be inconsistent with this act or with  
26 existing provisions of law; subject however, thereto and to all of the  
27 rights, obligations, relations, conditions, terms, trust, duties, and  
28 liabilities to which the same are subject.

29  
30 44. (New section) The enactment and adoption of this act shall  
31 not, of itself, affect the official, operational, or organizational status  
32 of any officer of the university or any and all outstanding  
33 authorizations of any officer, agent, or employee to take specified  
34 action, or any and all outstanding commitments or undertakings of  
35 or by the university, except and only to the extent that any of the  
36 same may be inconsistent with this act.

37  
38 45. (New section) Upon the establishment of the body corporate  
39 and politic known as Rowan University:

40 a. All appropriations available to Rowan University prior to the  
41 effective date of this act and to become available shall be  
42 transferred to the university by the Director of the Division of  
43 Budget and Accounting in the Department of the Treasury and shall  
44 be available for the objects and purposes for which appropriated,  
45 subject to any terms, restrictions, limitations or other requirements  
46 imposed by the State budget;

47 b. All other grants, gifts, other moneys and property available  
48 to Rowan University prior to the effective date of this act and to

1 become available to or for Rowan University shall be transferred to  
2 the university and shall be available for the objects and purposes of  
3 the university, subject to any terms, restrictions, limitations or other  
4 requirements imposed by State and federal law or otherwise;

5 c. All employees of Rowan University prior to the effective  
6 date of this act shall become employees of the university. Nothing  
7 in this act shall be construed so as to deprive any person of any  
8 right of tenure or under any retirement system or to any pension,  
9 disability, social security or similar benefit, to which the person is  
10 entitled by law or contractually;

11 d. All files, papers, records, equipment and other personal  
12 property of Rowan University shall be transferred to the university;  
13 and

14 e. All orders, rules or regulations theretofore made or  
15 promulgated by Rowan University shall continue in full force and  
16 effect as the orders, rules and regulations of the university until  
17 amended or repealed by the university.

18

19 46. (New section) This act shall not affect actions or  
20 proceedings, civil or criminal, brought by or against Rowan  
21 University, but such actions or proceedings may be prosecuted or  
22 defended in the same manner and to the same effect by the  
23 university as if the foregoing provisions had not taken effect; nor  
24 shall any of the foregoing provisions affect any order or regulation  
25 made by, or other matters or proceedings before, Rowan University,  
26 and all such matters or proceedings pending before Rowan  
27 University on the effective date of this act shall be continued by the  
28 university, as if the foregoing provisions had not taken effect.

29

30 47. (New section) Whenever in any law, rule, regulation,  
31 contract, document, judicial or administrative proceeding or  
32 otherwise, reference is made to Rowan University, the same shall  
33 mean and refer to Rowan University, herein referred to as  
34 "university," established as a public research university pursuant to  
35 the provisions of this act.

36

37 48. (New section) The general powers of supervision and  
38 control of the Secretary of Higher Education at the request of the  
39 Governor over Rowan University include the power to visit the  
40 university to examine into its manner of conducting its affairs and  
41 to enforce an observance of its laws and regulations and the laws of  
42 the State.

43

44 49. (New section) Notwithstanding any of the provisions of the  
45 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to  
46 the contrary, contract claims and suits against the university shall be  
47 governed by that act.

1       50. (New section) Every contract or agreement negotiated,  
2 awarded or made pursuant to this act shall contain a suitable  
3 warranty by the contractor that no person or selling agency has  
4 been employed or retained to solicit or secure such contract upon an  
5 agreement or understanding for a commission, percentage,  
6 brokerage or contingent fee, except bona fide employees or bona  
7 fide established commercial or selling agencies maintained by the  
8 contractor for the purpose of securing business, for the breach or  
9 violation of which warranty the university shall have the right to  
10 annul such contract without liability or in its discretion to deduct  
11 from the contract price or consideration the full amount of such  
12 commission, percentage, brokerage or contingent fee.

13  
14       51. (New section) Any person willfully authorizing, consenting  
15 to, making or procuring to be made payment of university funds for  
16 or on account of any purchase, contract or agreement known to him  
17 to have been made or entered into in violation of any of the  
18 provisions of this act shall be guilty of a misdemeanor.

19  
20       52. (New section) The payment of any fee, commission or  
21 compensation of any kind or the granting of any gift or gratuity of  
22 any kind, either directly or indirectly, whether or not in connection  
23 with any purchase, sale or contract, to any person employed by  
24 Rowan University, having any duties or responsibilities in  
25 connection with the purchase or acquisition of any property or  
26 services by the university, by or on behalf of any seller or supplier  
27 who has made, negotiated, solicited or offered to make and contract  
28 to sell or furnish real or personal property or services to the  
29 university is hereby prohibited. Any person offering, paying,  
30 giving, soliciting or receiving any fee, commission, compensation,  
31 gift or gratuity in violation of this section shall be guilty of a  
32 misdemeanor.

33  
34       53. (New section) The provisions of this act shall not alter the  
35 term of any member of the board, not specifically abolished herein,  
36 lawfully in office as of the effective date of this act, or require the  
37 reappointment thereof.

38  
39       54. (New section) No provision of this act shall be deemed or  
40 construed to create or constitute a debt, liability, or a loan or pledge  
41 of the credit, of the State of New Jersey.

42  
43       55. (New section) This act, being deemed and declared  
44 necessary for the welfare of the State and the people of New Jersey  
45 to provide for the development of public higher education in the  
46 State and thereby to improve the quality and increase the efficiency  
47 of the public system of educational services of the State, shall be  
48 liberally construed to effectuate the purposes and intent thereof.

1       56. (New section) In accordance with the provisions of section  
2 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to  
3 the Department of State for the purposes of complying with the  
4 provisions of Article V, Section IV, Paragraph 1 of the New Jersey  
5 Constitution. Notwithstanding this allocation, the university shall  
6 be independent of any supervision or control of the Department of  
7 State or any board, commission, or officer thereof and the allocation  
8 shall not in any way affect the principles of institutional autonomy  
9 established by that act and as otherwise enumerated herein.

10  
11       57. Section 2 of P.L.1991, c.387 (C.2A:14-1.2) is amended to  
12 read as follows:

13       2. a. Except where a limitations provision expressly and  
14 specifically applies to actions commenced by the State or where a  
15 longer limitations period would otherwise apply, and subject to any  
16 statutory provisions or common law rules extending limitations  
17 periods, any civil action commenced by the State shall be  
18 commenced within ten years next after the cause of action shall  
19 have accrued.

20       b. For purposes of determining whether an action subject to the  
21 limitations period specified in subsection a. of this section has been  
22 commenced within time, no such action shall be deemed to have  
23 accrued prior to January 1, 1992.

24       c. As used in this act, the term "State" means the State, its  
25 political subdivisions, any office, department, division, bureau,  
26 board, commission or agency of the State or one of its political  
27 subdivisions, and any public authority or public agency, including,  
28 but not limited to, the New Jersey Transit Corporation【 and the  
29 University of Medicine and Dentistry of New Jersey】.

30       The provisions of this section shall not apply to any civil action  
31 commenced by the State concerning the remediation of a  
32 contaminated site or the closure of a sanitary landfill facility, or the  
33 payment of compensation for damage to, or loss of, natural  
34 resources due to the discharge of a hazardous substance, and subject  
35 to the limitations period specified in section 5 of P.L.2001, c.154  
36 (C.58:10B-17.1).

37 (cf: P.L.2001, c.154, s.7)

38  
39       58. N.J.S.11A:6-6 is amended to read as follows:

40       11A:6-6. State administrative leave. Administrative leave for  
41 personal reasons including religious observances for full-time State  
42 employees or those employees of Rutgers, The State University,  
43 New Jersey Institute of Technology and 【the University of  
44 Medicine and Dentistry of New Jersey】 Rowan University who  
45 perform services similar to those performed by employees of the  
46 New Jersey State colleges who are in the career service shall be  
47 three working days per calendar year. Administrative leave shall

1 not be cumulative and any administrative leave unused by an  
2 employee at the end of any year shall be cancelled.

3 (cf: N.J.S.11A:6-6)

4

5 59. N.J.S.11A:6-17 is amended to read as follows:

6 11A:6-17. Supplemental compensation; employees of Rutgers,  
7 The State University, New Jersey Institute of Technology, and [the  
8 University of Medicine and Dentistry of New Jersey] Rowan  
9 University. The supplemental compensation provided under this  
10 chapter shall also be paid to each employee of Rutgers, The State  
11 University, New Jersey Institute of Technology, [and the University  
12 of Medicine and Dentistry of New Jersey] , and Rowan University  
13 who performs services similar to those performed by employees of  
14 the New Jersey State colleges who are in the career service or who  
15 have been granted sick leave under terms and conditions similar to  
16 career service employees, including those employees of [the  
17 University of Medicine and Dentistry of New Jersey] Rutgers, The  
18 State University who are members of the Newark Employees'  
19 Retirement System.

20 (cf: N.J.S.11A:6-17)

21

22 60. Section 4 of P.L.2003, c.193 (C.17B:27D-4) is amended to  
23 read as follows:

24 4. The commission shall consist of 17 voting members as  
25 follows: the Commissioners of Health and Senior Services, Human  
26 Services and Banking and Insurance or their designees, who shall  
27 serve ex officio; three public members appointed by the President  
28 of the Senate, who shall include a representative of a commercial  
29 health insurance company, a physician licensed in this State who is  
30 a member of the Medical Society of New Jersey, and a  
31 representative of the New Jersey Business and Industry Association,  
32 no more than two of whom shall be from the same political party;  
33 three public members appointed by the Speaker of the General  
34 Assembly, who shall include a representative of a health service  
35 corporation, a physician licensed in this State, and a representative  
36 of organized labor, no more than two of whom shall be from the  
37 same political party; and eight public members appointed by the  
38 Governor, who shall include a medical educator from [the  
39 University of Medicine and Dentistry of New Jersey] Rutgers, The  
40 State University whose major field of expertise is the study and  
41 evaluation of the cost of health care and health insurance, a  
42 representative of the New Jersey Association of Health Plans, a  
43 representative of the New Jersey Hospital Association, a  
44 representative of the New Jersey State Nurses Association, a  
45 representative of the New Jersey Dental Association, a  
46 representative of a consumer advocacy organization and two

1 representatives of the general public who are knowledgeable about  
2 health benefits plans.

3 The President of the Senate may appoint two members of the  
4 Senate, no more than one of whom shall be from the same political  
5 party, to serve as nonvoting members of the commission. The  
6 Speaker of the General Assembly may appoint two members of the  
7 General Assembly, no more than one of whom shall be from the  
8 same political party, to serve as nonvoting members of the  
9 commission. The legislative members shall serve during their  
10 legislative term of office.

11 Of the voting members first appointed, four shall serve for a term  
12 of two years, four for a term of three years and three for a term of  
13 four years.

14 Voting members appointed thereafter shall serve four-year terms,  
15 and any vacancy shall be filled by appointment for the unexpired  
16 term only. A member is eligible for reappointment. Vacancies in  
17 the membership of the commission shall be filled in the same  
18 manner as the original appointments were made.

19 (cf: P.L.2003, c.193, s.4)

20

21 61. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to read  
22 as follows:

23 3. For the purposes of this act, unless the context clearly  
24 requires a different meaning:

25 "Authority" means the Higher Education Student Assistance  
26 Authority established pursuant to N.J.S.18A:71A-3;

27 "Commission" means the New Jersey Commission on Higher  
28 Education established by this act;

29 "Council" means the New Jersey Presidents' Council established  
30 by this act;

31 "Programmatic Mission" means all program offerings consistent  
32 within those levels of academic degrees or certificates that the  
33 institution has been authorized to grant by the State Board of  
34 Higher Education prior to the effective date of this act or approved  
35 thereafter by the commission;

36 "Public Research University" means Rutgers, The State  
37 University of New Jersey, [the University of Medicine and  
38 Dentistry of New Jersey] Rowan University, and the New Jersey  
39 Institute of Technology;

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

44 (cf: P.L.1999, c.46, s.27)

45

46 62. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is amended to  
47 read as follows:

1 12. a. There shall be established an executive board which  
2 performs such duties as determined by the council. The executive  
3 board shall be composed of 15 members as follows:

4 The president of Rutgers, The State University;

5 **【The president of the University of Medicine and Dentistry of  
6 New Jersey】**;

7 The president of New Jersey Institute of Technology;

8 The president of Rowan University;

9 Three presidents of State Colleges who shall be selected by the  
10 presidents of this sector;

11 Five presidents of county colleges who shall be selected by the  
12 presidents of this sector;

13 Three presidents of independent institutions who shall be  
14 selected by the presidents of this sector;

15 One president of the proprietary schools which have been  
16 authorized to offer licensed degree programs who shall be selected  
17 by the presidents of these proprietary schools.

18 b. The chair of the executive board shall be rotated among the  
19 following: one of the presidents of Rutgers, The State University of  
20 New Jersey, the president of **【the University of Medicine and  
21 Dentistry of New Jersey】** Rowan University, and the president of  
22 New Jersey Institute of Technology; a president selected by the  
23 presidents of the State Colleges; a president selected by the  
24 presidents of the county colleges; and a president selected by the  
25 presidents of the independent institutions. The chair of the  
26 executive board shall serve for a two-year period. Biennially, the  
27 executive board shall select the chair in the manner provided above,  
28 but not necessarily in the order provided above.

29 c. The chair of the executive board shall also serve as the chair  
30 of the council.

31 (cf: P.L.2009, c.246, s.2)

32  
33 63. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to  
34 read as follows:

35 1. As used in this act:

36 "Commission" means the New Jersey Commission on Higher  
37 Education established pursuant to section 13 of P.L.1994, c.48  
38 (C.18A:3B-13);

39 "Public research university" means Rutgers, The State University  
40 of New Jersey, **【the University of Medicine and Dentistry of New  
41 Jersey】** Rowan University, and the New Jersey Institute of  
42 Technology;

43 "State college" means the State colleges or universities  
44 established pursuant to chapter 64 of Title 18A of the New Jersey  
45 Statutes.

46 (cf: P.L.2009, c.308, s.1)



1       64. Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is amended to  
2 read as follows:

3       2. a. The Commissioner of Education shall develop  
4 recommendations for autism and other developmental disabilities  
5 awareness instruction and methods of teaching students with autism  
6 and other developmental disabilities for teacher preparation  
7 programs in accordance with section 1 of this act and shall submit  
8 the recommendations to the State Board of Education. In  
9 developing the recommendations, the commissioner shall consult  
10 with the Commissioner of Health and Senior Services,  
11 representatives from entities that promote awareness about autism  
12 and other developmental disabilities and provide programs and  
13 services to people with autism and other developmental disabilities,  
14 including, but not limited to Autism Speaks, The Autism Center of  
15 New Jersey Medical School at [the University of Medicine and  
16 Dentistry of New Jersey] Rutgers, The State University, and The  
17 New Jersey Center for Outreach and Services for the Autism  
18 Community, and representatives of the education community,  
19 including, but not limited to the New Jersey Education Association,  
20 the New Jersey School Boards Association, the New Jersey  
21 Principals and Supervisors Association, and the New Jersey  
22 Professional Teaching Standards Board.

23       b. The Commissioner of Education shall develop  
24 recommendations to incorporate autism and other developmental  
25 disabilities awareness instruction and methods of teaching students  
26 with autism and other developmental disabilities for teacher and  
27 paraprofessional in-service and other training programs, where  
28 appropriate, and shall submit the recommendations to the State  
29 board. In developing the recommendations, the commissioner shall  
30 consult with the Commissioner of Health and Senior Services,  
31 representatives from entities that promote awareness about autism  
32 and other developmental disabilities and provide programs and  
33 services to people with autism and other developmental disabilities,  
34 including, but not limited to Autism Speaks, The Autism Center of  
35 New Jersey Medical School at [the University of Medicine and  
36 Dentistry of New Jersey] Rutgers, The State University, and The  
37 New Jersey Center for Outreach and Services for the Autism  
38 Community, and representatives of the education community,  
39 including, but not limited to the New Jersey Education Association,  
40 the New Jersey School Boards Association, the New Jersey  
41 Principals and Supervisors Association, and the New Jersey  
42 Professional Teaching Standards Board.

43       c. The recommendations developed by the commissioner  
44 pursuant to subsections a. and b. of this section shall address the  
45 following:

46       (1) characteristics of students with autism and other  
47 developmental disabilities;

1 (2) curriculum planning, curricular and instructional  
2 modifications, adaptations, and specialized strategies and  
3 techniques;

4 (3) assistive technology; and

5 (4) inclusive educational practices, including collaborative  
6 partnerships.

7 (cf: P.L.2007, c.171, s.2)

8

9 65. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to  
10 read as follows:

11 1. There is established a body corporate and politic, with  
12 corporate succession, to be known as the New Jersey Association of  
13 State Colleges and Universities. New Jersey City University, Kean  
14 University, Montclair State University, Ramapo College of New  
15 Jersey, Richard Stockton College of New Jersey, [Rowan  
16 University,] Thomas Edison State College, The College of New  
17 Jersey and The William Paterson University of New Jersey shall  
18 constitute the membership of the association.

19 (cf: P.L.1999, c.46, s.35)

20

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

23 2. The association shall consist of [nine] eight voting members  
24 to be appointed as follows: one member from each member  
25 institution's boards of trustees, appointed by the members thereof.  
26 In addition the presidents of the member institutions shall serve as  
27 ex officio, nonvoting members.

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

30 (cf: P.L.1999, c.46, s.36)

31

32 67. Section 3 of P.L.2006, c.95 (C.18A:64G-6.1) is amended to  
33 read as follows:

34 3. a. The management, supervision, and administration of  
35 University Hospital shall be vested in a [nine-member] 12-member  
36 board of directors of University Hospital. The board shall be  
37 comprised of [four members of the board of trustees of the  
38 University of Medicine and Dentistry of New Jersey who shall  
39 serve ex officio and be appointed by the chairman of the board and  
40 five];

41 (1) three members who shall serve ex-officio, without vote,  
42 including: the Dean of New Jersey Medical School, the Dean of  
43 New Jersey Dental School, and the Commissioner of Health and  
44 Senior Services; and

45 (2) nine public members, who shall be appointed by the  
46 Governor, with the advice and consent of the Senate, for a five-year  
47 term[; except that in the case of the initial gubernatorial

1 appointments to the board of directors, two shall serve for a term of  
2 two years, one for a term of three years, one for a term of four  
3 years, and one for a term of five years].

4 A person who is a member of the board of directors on the  
5 effective date of P.L. , c. (C. )(pending before the Legislature  
6 as this bill) shall be permitted to serve for the balance of the term  
7 for which that person was appointed.

8 A member of the board of directors shall serve until [his] the  
9 member's successor is appointed and has qualified. Any vacancies  
10 in the membership occurring other than by expiration of term shall  
11 be filled in the same manner as the original appointment but for the  
12 unexpired term only. Each member of the board of directors before  
13 entering upon [his] the member's duties shall take and subscribe an  
14 oath to perform the duties of [his] the office faithfully, impartially,  
15 and justly to the best of [his] the member's ability. A record of the  
16 oath shall be filed in the office of the Secretary of State. Each  
17 member of the board may be removed from office by the Governor,  
18 for cause, after a public hearing.

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

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

25 d. The board of directors shall have the power to appoint and  
26 regulate the duties and procedures of committees, standing or  
27 special, from its members and such advisory committees or bodies,  
28 as it may deem necessary or conducive to the efficient management  
29 and operation of the hospital.

30 e. The board shall have the power and duty to:

31 (1) direct and control expenditures of University Hospital funds;

32 (2) borrow money;

33 (3) enter into contracts with the State or federal government, or  
34 any individual, firm, or corporation;

35 (4) solicit and accept grant moneys;

36 (5) acquire, own, lease, dispose of, use, and operate property;

37 (6) sue and be sued;

38 (7) enter into a contract or other agreement with a for-profit or  
39 nonprofit corporation operating one or more hospitals in New  
40 Jersey to operate and manage or assist in the operation and  
41 management of University Hospital, without engaging in a  
42 competitive bidding process; and

43 (8) hire, fire, and fix salaries for all employees of University  
44 Hospital.

45 (cf: P.L.2006, c.95, s.3)

1       68. Section 1 of P.L. 1999, c.353 (C.18A:64G-35) is amended to  
2 read as follows:

3       1. There is established a "Physician-Dentist Fellowship and  
4 Education Program to Provide Health Care to Persons with  
5 Developmental Disabilities" within **[the University of Medicine and  
6 Dentistry of New Jersey]** Rutgers, The State University. The  
7 purpose of the program is to provide physicians and dentists with  
8 graduate and fellowship training through academic institutions in  
9 the State and continuing medical and dental education on a  
10 Statewide basis, in the provision of medical and dental services to  
11 persons with developmental disabilities to ensure that these services  
12 are accessible and adequately available to persons with  
13 developmental disabilities in the State.  
14 (cf: P.L.1999,c.353,s.1)

15  
16       69. Section 2 of P.L.1999, c.353 (C.18A:64G-36) is amended to  
17 read as follows:

18       2. There is established a 17-member Consortium on Physician  
19 and Dentist Training in Health Care for Persons with  
20 Developmental Disabilities to advise the director of the program on  
21 the implementation of this act.

22       a. The members of the consortium shall include: one  
23 representative each from the pediatric medicine, family medicine,  
24 internal medicine, neurology and psychiatry programs at **[the  
25 University of Medicine and Dentistry of New Jersey]** Rutgers, The  
26 State University, one representative from the New Jersey Dental  
27 School, and one representative of the University Affiliated  
28 Program, to be appointed by the President of **[the University of  
29 Medicine and Dentistry of New Jersey]** Rutgers, The State  
30 University; the director of the Mainstreaming Medical Care  
31 program of The Arc of New Jersey, who shall serve ex officio; the  
32 Director of the Division of Developmental Disabilities in the  
33 Department of Human Services, who shall serve ex officio; the  
34 Director of the Division of Medical Assistance and Health Services  
35 in the Department of Human Services, who shall serve ex officio;  
36 the Commissioner of Health and Senior Services or the  
37 commissioner's designee, who shall serve ex officio; three health  
38 care provider public members appointed by the Commissioner of  
39 Human Services, one each upon the recommendation of the Medical  
40 Society of New Jersey, the New Jersey Association of Osteopathic  
41 Physicians and Surgeons and the New Jersey Dental Association;  
42 and three public members appointed by the Commissioner of  
43 Human Services, two of whom shall represent community  
44 organizations that advocate for persons with developmental  
45 disabilities and one of whom shall be a family member of a person  
46 with a developmental disability or a person with a developmental  
47 disability who is a self advocate.

1 The President of the University of Medicine and Dentistry of  
2 New Jersey and the Commissioner of Human Services shall make  
3 the appointments to the consortium within 60 days of the effective  
4 date of this act.

5 Members of the consortium shall serve for a term of three years  
6 and are eligible for reappointment, but of the members first  
7 appointed, five shall serve for a term of one year, four for a term of  
8 two years and four for a term of three years. Vacancies shall be  
9 filled in the same manner as the original appointments were made.

10 b. Members shall serve without compensation, but the public  
11 members shall be entitled to reimbursement for necessary expenses  
12 incurred in the performance of their duties and within the limits of  
13 funds appropriated to the program.

14 c. The consortium shall organize as soon as may be practicable  
15 after the appointment of its members. The Director of the Division  
16 of Developmental Disabilities shall serve as the chairman of the  
17 consortium. The members of the consortium shall elect a vice-  
18 chairman from among the members. All members, including ex  
19 officio members, shall be eligible to vote on all matters before the  
20 consortium. The director of the program, appointed pursuant to  
21 section 5 of this act, shall serve as secretary to the consortium.

22 d. The consortium shall assist the director of the program in  
23 establishing policies and procedures for the nomination and  
24 selection of physicians and dentists as program fellows. The  
25 consortium shall otherwise advise the director on the operation of  
26 the program as the director deems necessary, and as specified in this  
27 act.

28 (cf: P.L.1999, c.353, s.2)

29

30 70. Section 5 of P.L.1999, c.353 (C.18A:64G-39) is amended to  
31 read as follows:

32 5. The President of [the University of Medicine and Dentistry  
33 of New Jersey] Rutgers, The State University shall, in consultation  
34 with the consortium, appoint a director for the program who shall  
35 be a State licensed physician. The director of the program need not  
36 be solely responsible for the program and may continue to have  
37 other duties. The director may, in consultation with the consortium,  
38 appoint regional chairmen or chairmen of medical or dental practice  
39 specialties, as the director deems necessary for the operation of the  
40 program.

41 (cf: P.L.1999,c.353,s.5)

42

43 71. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to  
44 read as follows:

45 4. The council shall consist of 15 members, 12 voting members  
46 and three nonvoting members; four members of the council shall be  
47 appointed by the Governor and 11 shall be ex officio members. The  
48 appointments shall consist of three representatives of the public and

1 one student currently enrolled in a graduate medical training  
2 program; the appointed members shall be voting members of the  
3 council. The president of **【the University of Medicine and**  
4 **Dentistry of New Jersey】** Rutgers, The State University, who shall  
5 serve as chairperson; a dean from one of the medical schools of  
6 **【the University of Medicine and Dentistry of New Jersey】** Rutgers,  
7 The State University, to be selected by the president of **【the**  
8 **University of Medicine and Dentistry of New Jersey】** Rutgers, The  
9 State University; the dean of the School of Graduate Medical  
10 Education of Seton Hall University; the president of the New Jersey  
11 Hospital Association; the president of the Association of Hospital  
12 Directors of Medical Education of New Jersey; the president of the  
13 New Jersey Association of Osteopathic Physicians and Surgeons;  
14 the president of the Medical Society of New Jersey; and the  
15 president of the New Jersey Council of Teaching Hospitals or their  
16 designated representatives shall be ex officio, voting members of  
17 the council. The Commissioner of Health and Senior Services; the  
18 president of the State Board of Medical Examiners and the  
19 Commissioner of Human Services or their designated  
20 representatives shall be ex officio, nonvoting members. The  
21 appointed members shall serve for a three-year term or until a  
22 successor is appointed. For those first appointed, two shall be  
23 appointed for a one-year term; one shall be appointed for a two-year  
24 term; and one shall be appointed for a three-year term. Any  
25 vacancies in the voting membership other than by expiration of term  
26 shall be filled in the same manner as the original appointment but  
27 for the unexpired term only. To assist the council in carrying out  
28 the intent of this act:

29 a. The council may appoint advisory committees representative  
30 of the medical and health care professions, educators, and students,  
31 representatives of medical and health care facilities and consumers.  
32 The advisory committees shall provide advice and assistance to the  
33 council for the council's performance of its designated functions.

34 b. The council may employ an executive director and  
35 additional staff to provide expertise in the gathering and analysis of  
36 data and administration. The executive director shall have the right  
37 to speak on all matters at meetings of the council but shall have no  
38 vote. The council and the advisory committees shall serve without  
39 compensation, but shall be reimbursed for necessary expenses  
40 incurred in the performance of their duties.

41 (cf: P.L.2008, c.5, s.1)

42

43 72. Section 1 of P.L.2003, c.133 (C.18A:64H-9) is amended to  
44 read as follows:

45 1. a. There is created, within the **【Commission on Higher**  
46 **Education】** Office of the Secretary of Higher Education, the

1 "Advisory Committee on Alternatively Accredited Medical School  
2 Clinical Clerkships."

3 The advisory committee shall consist of 11 members as follows:  
4 the Commissioner of Health and Senior Services or his designee,  
5 who shall serve ex officio; four members appointed by the  
6 Governor who include one representative of the Medical Society of  
7 New Jersey, one representative of the New Jersey Association of  
8 Osteopathic Physicians and Surgeons, one representative of the  
9 New Jersey Hospital Association and one representative of an  
10 alternatively accredited medical school; two members appointed by  
11 the President of the Senate who include one representative of the  
12 New Jersey Council of Teaching Hospitals and one representative  
13 of a teaching hospital in New Jersey that has students from an  
14 alternatively accredited medical school participating in a clinical  
15 clerkship program; two members appointed by the Speaker of the  
16 General Assembly who include one representative of an  
17 alternatively accredited medical school and one representative of a  
18 teaching hospital in New Jersey that has students from a medical  
19 school of **[the University of Medicine and Dentistry of New Jersey]**  
20 Rutgers, The State University in a clinical clerkship program; one  
21 member appointed by the State Board of Medical Examiners; and  
22 one member appointed by the President of **[the University of**  
23 **Medicine and Dentistry of New Jersey]** Rutgers, The State  
24 University. No two members of the advisory committee shall be  
25 representatives of the same medical school or hospital.

26 b. Members shall serve for a term of three years from the date  
27 of their appointment and until their successors are appointed and  
28 qualified, except that of the members first appointed, four members  
29 shall serve for a term of one year, three members shall serve for a  
30 term of two years and three members shall serve for a term of three  
31 years. Vacancies shall be filled for the balance of the unexpired  
32 term in the same manner as the original appointments were made.  
33 A member of the advisory committee shall be eligible for  
34 reappointment.

35 c. The members of the advisory committee shall serve without  
36 compensation, but shall be reimbursed for necessary and reasonable  
37 expenses actually incurred in the performance of their duties, within  
38 the limits of funds appropriated or otherwise made available to the  
39 advisory committee for this purpose.

40 d. The advisory committee shall select a chairman from among  
41 its members, who shall serve a one-year term but may serve  
42 successive terms. The advisory committee shall meet upon the call  
43 of the chairman or of a majority of its members. A majority of the  
44 members of the advisory committee shall constitute a quorum, and  
45 no action of the advisory committee shall be taken except upon the  
46 affirmative vote of a majority of the members of the entire advisory  
47 committee.

1 e. As used in this act, "alternatively accredited medical school"  
2 means a medical school located outside the United States: (1) in a  
3 country that applies accreditation standards that have been  
4 determined by the National Committee on Foreign Medical  
5 Education and Accreditation within the United States Department of  
6 Education to be comparable to the accreditation standards applied to  
7 medical schools located within the United States; (2) that continues  
8 to meet the accreditation standards of that country; and (3) has  
9 medical school students participating in a clinical clerkship program  
10 in New Jersey prior to the effective date of this act, or is approved  
11 by the Advisory Graduate Medical Education Council of New  
12 Jersey pursuant to section 4 of this act to operate a clinical clerkship  
13 program in this State.

14 (cf: P.L.2003, c.133, s.1)

15

16 73. Section 2 of P.L.1985, c.103 (C.18A:64J-2) is amended to  
17 read as follows:

18 2. For the purposes of this act:

19 a. "Advanced technology center" means one or more outstanding  
20 programs or departments at New Jersey's public and private  
21 institutions of higher education, which are provided substantial and  
22 concentrated financial support to promote their development into  
23 national-level bases for innovative technology research.

24 b. "Business incubation facilities" means low-cost, short-term  
25 occupancy, rental spaces wherein assistance is granted to a targeted  
26 network of new companies employing selected technologies  
27 congruent with the strengths of the State's public and private  
28 institutions of higher education.

29 c. "Commission" means the Governor's Commission on Science  
30 and Technology as created by Executive Order No. 12 of 1982 or its  
31 successor which is established by the Legislature.

32 d. "Consortium" means a cooperative arrangement between two  
33 or more institutions of higher education to pursue a program for  
34 strengthening academic programs, improving administration or  
35 providing for other special needs.

36 e. "Innovation partnership grants" means matching grants to  
37 academic researchers performing applied research in emerging  
38 technologies at any of the State's public and private institutions of  
39 higher education, which are of strategic importance to the New  
40 Jersey economy, under regulations adopted by the commission  
41 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
42 (C. 52:14B-1 et seq.).

43 f. "Private institutions of higher education" means independent  
44 colleges, universities or institutes incorporated and located in New  
45 Jersey, which by virtue of law or character or license are nonprofit  
46 educational institutions authorized to grant academic degrees and  
47 which provide a level of education which is equivalent to the  
48 education provided by the State's public institutions of higher



1 education as attested by the receipt of and continuation of regional  
2 accreditation by the Middle States Association of Colleges and  
3 Schools, and which are eligible to receive State aid under the  
4 provisions of the Constitution of the United States and the  
5 Constitution of the State of New Jersey, but does not include any  
6 educational institution dedicated primarily to the education or  
7 training of ministers, priests, rabbis or other professional persons in  
8 the field of religion.

9 g. "Public institutions of higher education" means Rutgers, The  
10 State University, the State colleges, the New Jersey Institute of  
11 Technology, [the University of Medicine and Dentistry of New  
12 Jersey] Rowan University, the county colleges and any other public  
13 university or college now or hereafter established or authorized by  
14 law.

15 h. "Technology extension services" means programs that not only  
16 accelerate the application and transfer of technological innovations  
17 by the State's public and private institutions of higher education to  
18 existing industry, but also adapt these innovations to the  
19 requirements of individual business operations.

20 (cf: P.L.1985, c.103, s.2)

21

22 74. Section 3 of P.L.1985, c. 103 (C.18A:64J-3) is amended to  
23 read as follows:

24 3. There is established the Advanced Technology Center in  
25 Hazardous and Toxic Substance Management, hereinafter referred  
26 to as the center, at the New Jersey Institute of Technology in the  
27 City of Newark, County of Essex with the cooperation of a research  
28 and public policy consortium led by the New Jersey Institute of  
29 Technology and including Stevens Institute of Technology, [the  
30 University of Medicine and Dentistry of New Jersey] and Rutgers,  
31 The State University. Various other public and private institutions  
32 of higher education and their faculties may be considered for  
33 participation in the work of the center in the future by the  
34 commission.

35 (cf: P.L.1985, c.103, s.3)

36

37 75. Section 2 of P.L.1985, c.104 (C.18A:64J-9) is amended to  
38 read as follows:

39 2. For the purposes of this act:

40 a. "Advanced technology center" means one or more outstanding  
41 programs or departments at New Jersey's public and private  
42 institutions of higher education, which are provided substantial and  
43 concentrated financial support to promote their development into  
44 national-level bases for innovative technology research.

45 b. "Business incubation facilities" means low-cost, short-term  
46 occupancy, rental spaces wherein assistance is granted to a targeted  
47 network of new companies employing selected technologies

1 congruent with the strengths of the State's public and private  
2 institutions of higher education.

3 c. "Commission" means the Governor's Commission on Science  
4 and Technology as created by Executive Order No. 12 of 1982 or its  
5 successor which is established by the Legislature.

6 d. "Innovation partnership grants" means matching grants to  
7 academic researchers performing applied research in emerging  
8 technologies at any of the State's public and private institutions of  
9 higher education, which are of strategic importance to the New  
10 Jersey economy, under regulations adopted by the commission  
11 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
12 (C. 52:14B-1 et seq.).

13 e. "Private institutions of higher education" means independent  
14 colleges or universities incorporated and located in New Jersey,  
15 which by virtue of law or character or license are nonprofit  
16 educational institutions authorized to grant academic degrees and  
17 which provide a level of education which is equivalent to the  
18 education provided by the State's public institutions of higher  
19 education as attested by the receipt of and continuation of regional  
20 accreditation by the Middle States Association of Colleges and  
21 Schools, and which are eligible to receive State aid under the  
22 provisions of the Constitution of the United States and the  
23 Constitution of the State of New Jersey, but does not include any  
24 educational institution dedicated primarily to the education or  
25 training of ministers, priests, rabbis or other professional persons in  
26 the field of religion.

27 f. "Public institutions of higher education" means Rutgers, The  
28 State University, the State colleges, the New Jersey Institute of  
29 Technology, [the University of Medicine and Dentistry of New  
30 Jersey] Rowan University, the county colleges and any other public  
31 university or college now or hereafter established or authorized by  
32 law.

33 g. "Technology extension services" means programs that not  
34 only accelerate the application and transfer of technological  
35 innovations by the State's public and private universities to existing  
36 industry, but also adapt these innovations to the requirements of  
37 individual business operations.

38 (cf: P.L.1985, c.104, s.2)

39

40 76. Section 2 of P.L.1985, c.105 (C.18A:64J-16) is amended to  
41 read as follows:

42 2. For the purposes of this act:

43 a. "Advanced technology center" means one or more outstanding  
44 programs or departments at New Jersey's public and private  
45 institutions of higher education, which are provided substantial and  
46 concentrated financial support to promote their development into  
47 national-level bases for innovative technology research.

1 b. "Business incubation facilities" means low-cost, short-term  
2 occupancy, rental spaces wherein assistance is granted to a targeted  
3 network of new companies employing selected technologies  
4 congruent with the strengths of the State's public and private  
5 institutions of higher education.

6 c. "Commission" means the Governor's Commission on Science  
7 and Technology as created by Executive Order No. 12 of 1982 or its  
8 successor which is established by the Legislature.

9 d. "Innovation partnership grants" means matching grants to  
10 academic researchers performing applied research in emerging  
11 technologies at any of the State's public and private institutions of  
12 higher education, which are of strategic importance to the New  
13 Jersey economy, under regulations adopted by the commission  
14 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
15 (C.52:14B-1 et seq.).

16 e. "Private institutions of higher education" means independent  
17 colleges or universities incorporated and located in New Jersey,  
18 which by virtue of law or character or license are nonprofit  
19 educational institutions authorized to grant academic degrees and  
20 which provide a level of education which is equivalent to the  
21 education provided by the State's public institutions of higher  
22 education as attested by the receipt of and continuation of regional  
23 accreditation by the Middle States Association of Colleges and  
24 Schools, and which are eligible to receive State aid under the  
25 provisions of the Constitution of the United States and the  
26 Constitution of the State of New Jersey, but does not include any  
27 educational institution dedicated primarily to the education or  
28 training of ministers, priests, rabbis or other professional persons in  
29 the field of religion.

30 f. "Public institutions of higher education" means Rutgers, The  
31 State University, the State colleges, the New Jersey Institute of  
32 Technology, [the University of Medicine and Dentistry of New  
33 Jersey] Rowan University, the county colleges and any other public  
34 university or college now or hereafter established or authorized by  
35 law.

36 g. "Technology extension services" means programs that not only  
37 accelerate the application and transfer of technological innovations  
38 by the State's public and private institutions of higher education to  
39 existing industry, but also adapt these innovations to the  
40 requirements of individual business operations.

41 (cf: P.L.1985, c.105, s.2)

42

43 77. Section 3 of P.L.1985, c.105 (C.18A:64J-17) is amended to  
44 read as follows:

45 3. There is established the Advanced Technology Center in  
46 Biotechnology (hereinafter referred to as the center) under the  
47 [joint] governance of Rutgers, The State University [and the  
48 University of Medicine and Dentistry of New Jersey] and with the

1 participation of other public and private institutions of higher  
2 education and faculties who may be considered for participation in  
3 the work of the center in the future by the commission. The center  
4 shall be composed of various units at locations designated by the  
5 participating institutions, with the approval of the commission.

6 (cf: P.L.1985, c.105, s.3)

7

8 78. Section 2 of P.L.1985, c.106 (C.18A:64J-23) is amended to  
9 read as follows:

10 2. For the purposes of this act:

11 a. "Advanced technology center" means one or more outstanding  
12 programs or departments at New Jersey's public and private  
13 institutions of higher education, which are provided substantial and  
14 concentrated financial support to promote their development into  
15 national-level bases for innovative technology research.

16 b. "Business incubation facility" means low-cost, short-term  
17 occupancy, rental spaces wherein assistance is granted to a targeted  
18 network of new companies employing selected technologies  
19 congruent with the strengths of the State's public and private  
20 institutions of higher education.

21 c. "Commission" means the Governor's Commission on Science  
22 and Technology as created by Executive Order No. 12 of 1982 or its  
23 successor which is established by the Legislature.

24 d. "Innovation partnership grants" means matching grants to  
25 academic researchers performing applied research in emerging  
26 technologies at any of the State's public and private institutions of  
27 higher education, which are of strategic importance to the New  
28 Jersey economy, under regulations adopted by the commission  
29 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
30 (C. 52:14B-1 et seq.).

31 e. "Private institutions of higher education" means independent  
32 colleges or universities incorporated and located in New Jersey,  
33 which by virtue of law or character or license are nonprofit  
34 educational institutions authorized to grant academic degrees and  
35 which provide a level of education which is equivalent to the  
36 education provided by the State's public institutions of higher  
37 education as attested by the receipt of and continuation of regional  
38 accreditation by the Middle States Association of Colleges and  
39 Schools, and which are eligible to receive State aid under the  
40 provisions of the Constitution of the United States and the  
41 Constitution of the State of New Jersey, but does not include any  
42 educational institution dedicated primarily to the education or  
43 training of ministers, priests, rabbis or other professional persons in  
44 the field of religion.

45 f. "Public institutions of higher education" means Rutgers, The  
46 State University, the State colleges, the New Jersey Institute of  
47 Technology, [the University of Medicine and Dentistry of New  
48 Jersey] Rowan University, the county colleges and any other public

1 university or college now or hereafter established or authorized by  
2 law.

3 g. "Technology extension services" means programs that not only  
4 accelerate the application and transfer of technological innovations  
5 by the State's public and private institutions of higher education to  
6 existing industry, but also adapt these innovations to the  
7 requirements of individual business operations.

8 (cf: P.L.1985, c.106, s.2)

9

10 79. Section 2 of P.L.1985, c.366 (C.18A:64J-30) is amended to  
11 read as follows:

12 2. For the purposes of this act:

13 a. "Advanced technology center" means one or more outstanding  
14 programs or departments at New Jersey's public and private  
15 institutions of higher education which are provided substantial and  
16 concentrated financial support to promote their development into  
17 national level bases for innovative technology research;

18 b. "Business incubation facilities" means low cost, short-term  
19 occupancy rental spaces wherein assistance is granted to a targeted  
20 network of new companies employing selected technologies  
21 congruent with the strengths of the State's public and private  
22 institutions of higher education;

23 c. "Commission" means the New Jersey Commission on Science  
24 and Technology as created by P.L. 1985, c. 102 (C. 52:9X-1 et  
25 seq.);

26 d. "Innovation partnership grants" means matching grants to  
27 academic researchers performing applied research in emerging  
28 technologies at any of the State's public and private institutions of  
29 higher education which are of strategic importance to the New  
30 Jersey economy under regulations adopted by the commission  
31 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
32 (C. 52:14B-1 et seq.);

33 e. "Private institutions of higher education" means independent  
34 colleges or universities incorporated and located in New Jersey,  
35 which by virtue of law or character or license, are nonprofit  
36 educational institutions authorized to grant academic degrees and  
37 provide a level of education which is equivalent to the education  
38 provided by the State's public institutions of higher education as  
39 attested by the receipt of and continuation of regional accreditation  
40 by the Middle States Association of Colleges and Schools, and  
41 which are eligible to receive State aid under the provisions of the  
42 Constitution of the United States and the Constitution of the State  
43 of New Jersey, but does not include any educational institution  
44 dedicated primarily to the education or training of ministers, priests,  
45 rabbis or other professional persons in the field of religion;

46 f. "Public institutions of higher education" means Rutgers, The  
47 State University, the State colleges, the New Jersey Institute of  
48 Technology, [the University of Medicine and Dentistry of New

1 Jersey] Rowan University, the county colleges and any other public  
2 university or college now or hereafter established or authorized by  
3 law;

4 g. "Technology extension services" means programs that not  
5 only accelerate the application and transfer of technological  
6 innovations by the State's public and private institutions of higher  
7 education to existing industry, but also adapt these innovations to  
8 the requirements of individual business operations.

9 (cf: P.L.1985, c.366, s.2)

10

11 80. Section 2 of P.L.1985, c.397 (C.18A:64J-39) is amended to  
12 read as follows:

13 2. For the purposes of this act:

14 a. "Advanced technology center" means one or more outstanding  
15 programs or departments at New Jersey's public and private  
16 institutions of higher education, which are provided substantial and  
17 concentrated financial support to promote their development into  
18 national-level bases for innovative technology research;

19 b. "Business incubation facilities" means low-cost, short-term  
20 occupancy rental spaces wherein assistance is granted to a targeted  
21 network of new companies employing selected technologies  
22 congruent with the strengths of the State's public and private  
23 institutions of higher education;

24 c. "Commission" means the New Jersey Commission on Science  
25 and Technology as created by P.L.1985, c.102 (C.52:9X-1 et seq.);

26 d. "Innovation partnership grants" means matching grants to  
27 academic researchers performing applied research in emerging  
28 technologies at any of the State's public and private institutions of  
29 higher education, which are of strategic importance to the New  
30 Jersey economy, under regulations adopted by the commission  
31 pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.  
32 52:14B-1 et seq.);

33 e. "Private institutions of higher education" means independent  
34 colleges or universities incorporated and located in New Jersey,  
35 which by virtue of law or character or license are nonprofit  
36 educational institutions authorized to grant academic degrees and  
37 provide a level of education which is equivalent to the education  
38 provided by the State's public institutions of higher education as  
39 attested by the receipt of and continuation of regional accreditation  
40 by the Middle States Association of Colleges and Schools, and  
41 which are eligible to receive State aid under the provisions of the  
42 Constitution of the United States and the Constitution of the State  
43 of New Jersey, but does not include any educational institution  
44 dedicated primarily to the education or training of ministers, priests,  
45 rabbis or other professional persons in the field of religion;

46 f. "Public institutions of higher education" means Rutgers, The  
47 State University, the State colleges, the New Jersey Institute of  
48 Technology, [the University of Medicine and Dentistry of New

1 Jersey] Rowan University, the county colleges and any other public  
2 university or college now or hereafter established or authorized by  
3 law;

4 g. "Technology extension services" means programs that not  
5 only accelerate the application and transfer of technological  
6 innovations by the State's public and private institutions of higher  
7 education to existing industry, but also adapt these innovations to  
8 the requirements of individual business operations.

9 (cf: P.L.1985, c.397, s.2)

10

11 81. N.J.S.18A:65-14 is amended to read as follows:

12 18A:65-14. The membership of the board of governors shall be  
13 classified as follows and consist of:

14 a. the president of the corporation, serving as an ex officio non-  
15 voting member; and

16 b. ~~11~~ 15 voting members,

17 i. ~~six~~ nine of whom shall be appointed by the Governor of the  
18 State, with the advice and consent of the Senate, ~~and~~ two of  
19 whom shall be from a northern county in the State.

20 ii. five of whom shall be appointed by the board of trustees,  
21 from among their members elected and serving under the provisions  
22 of subsection I.c. or I.d. of 18A:65-15, and

23 iii. the chairperson of the Rutgers-Newark board of governors.

24 All members shall serve for terms of six years, except that the  
25 terms of those initially appointed by the Governor which began on  
26 September 1, 1956, shall expire respectively (as designated by him)  
27 one, two, three, four, five and six years after June 30, 1956, and  
28 terms of those initially appointed by the board of trustees which  
29 began on September 1, 1956, shall expire respectively (as  
30 designated by the board) two, three, four, five and six years after  
31 June 30, 1956; all of whose respective successors shall be appointed  
32 to serve six-year terms. Governors may succeed themselves for not  
33 more than one additional term after having served one full six-year  
34 term (including an initial term beginning on September 1, 1956, and  
35 expiring on June 30, 1962).

36 (cf: P.L.1994, c.48, s.177)

37

38 82. Section 4 of P.L.2009, c.4 (C.18A:65A-1) is amended to read  
39 as follows:

40 4. a. The board of trustees of a public institution of higher  
41 education may implement an energy savings improvement program  
42 in the manner provided by this section whenever it determines that  
43 the savings generated from reduced energy use from the program  
44 will be sufficient to cover the cost of the program's energy  
45 conservation measures as set forth in an energy savings plan. Under  
46 such a program, a board of trustees may enter into an energy  
47 savings services contract with an energy services company to  
48 implement the program or the board may authorize separate

1 contracts to implement the program. The provisions of:  
2 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,  
3 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey  
4 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of  
5 Rutgers, the State University; [P.L.1970, c.102 (C.18A:64G-1 et  
6 al.), in the case of the University of Medicine and Dentistry of New  
7 Jersey]; P.L. , c. (C. ) (pending before the Legislature as this  
8 bill), in the case of Rowan University; and N.J.S.18A:64A-1 et seq.,  
9 in the case of the county colleges; shall apply to any contracts  
10 awarded pursuant to this section to the extent that the provisions of  
11 such law are not inconsistent with any provision of this section.

12 In the case of Rutgers, the State University, references in this  
13 section to the board of trustees shall mean the Rutgers board of  
14 governors.

15 b. (1) To be eligible to enter into an energy savings services  
16 contract, an energy services company shall be a commercial entity  
17 that is qualified to provide energy savings services in accordance  
18 with the provisions of this section. A public institution of higher  
19 education may enter into an energy savings services contract  
20 through public advertising for bids and the receipt of bids therefor.

21 (2) (a) Public works activities performed under an energy  
22 savings improvement program shall be subject to all requirements  
23 regarding public bidding, bid security, performance guarantees,  
24 insurance and other public contracting requirements that are  
25 applicable to public works contracts, to the extent not inconsistent  
26 with this section. A general contractor, energy services company  
27 serving as general contractor, or any subcontractor hired for the  
28 furnishing of plumbing and gas fitting and all kindred work, and of  
29 steam and hot water heating and ventilating apparatus, steam power  
30 plants and kindred work, and electrical work, structural steel and  
31 ornamental iron work, shall be classified by the Division of  
32 Property Management and Construction in the Department of the  
33 Treasury in order to perform public works activities under an  
34 energy savings improvement program.

35 (b) Individuals or organizations performing energy audits,  
36 acting as commissioning agents, or conducting verification of  
37 energy savings plans, implementation of energy conservation  
38 measures, or verifying guarantees shall be prequalified by the  
39 Division of Property Management and Construction in the  
40 Department of the Treasury to perform their work under an energy  
41 savings improvement program.

42 (c) Where there is a need for compatibility of a direct digital  
43 control system with previously installed control systems and  
44 equipment, the bid specifications may include a requirement for  
45 proprietary goods, and if so included, the bid specification shall set  
46 forth an allowance price for its supply which shall be used by all  
47 bidders in the public bidding process.



1 (3) An energy services company may be designated as the  
2 general contractor for improvements to be made pursuant to an  
3 energy savings plan, provided that the hiring of subcontractors that  
4 are required to be classified pursuant to subparagraph (a) of  
5 paragraph (2) of this subsection shall be performed pursuant to the  
6 public bidding requirements of the board of trustees. A contract  
7 with an energy savings company shall include, but not be limited to:  
8 preparation of an energy savings plan, the responsibilities of the  
9 parties for project schedules, installations, performance and quality,  
10 payment of subcontractors, project completion, commissioning,  
11 savings implementation; a requirement that the savings to be  
12 achieved by energy conservation measures be verified upon  
13 commissioning of the improvements; allocation of State and federal  
14 rebates and tax credits; and any other provisions deemed necessary  
15 by the parties.

16 (4) Except as provided in paragraph (5) of this subsection, a  
17 subsidiary or wholly-owned or partially-owned affiliate of the  
18 energy services company shall not be an eligible contractor or  
19 subcontractor under an energy savings services contract.

20 (5) When the energy services company is the manufacturer of  
21 direct digital control systems and contracts with the board of  
22 trustees to provide a guaranteed energy savings option pursuant to  
23 subsection f. of this section, the specification of such direct digital  
24 control systems may be treated as proprietary goods and if so  
25 treated, the bid specification shall set forth an allowance price for  
26 its supply by the energy services company which shall be used by  
27 all bidders in the public bidding process. Direct digital controls  
28 shall be open protocol format and shall meet the interoperability  
29 guidelines established by the American Society of Heating,  
30 Refrigerating and Air-Conditioning Engineers.

31 c. An energy savings improvement program may be financed  
32 through a lease-purchase agreement or through the issuance of  
33 energy savings obligations pursuant to this subsection.

34 (1) An energy savings improvement program may be financed  
35 through a lease-purchase agreement between a board of trustees and  
36 an energy services company or other public or private entity. Under  
37 a lease-purchase agreement, ownership of the energy savings  
38 equipment or improved facilities shall pass to the board of trustees  
39 when all lease payments have been made. Notwithstanding the  
40 provisions of any other law to the contrary, the duration of such a  
41 lease-purchase agreement shall not exceed 15 years, except that the  
42 duration of a lease purchase agreement for a combined heat and  
43 power or cogeneration project shall not exceed 20 years.

44 (2) Any lease-purchase or other agreement entered into in  
45 connection with an energy savings improvement program may be a  
46 general obligation of the public institution of higher education  
47 pursuant to this subsection, and may contain: a clause making it  
48 subject to the availability and appropriation annually of sufficient

1 funds as may be required to meet the extended obligation; and a  
2 non-substitution clause maintaining that if the agreement is  
3 terminated for non-appropriation, the board of trustees may not  
4 replace the leased equipment or facilities with equipment or  
5 facilities that perform the same or similar functions.

6 (3) A board of trustees may arrange for incurring energy savings  
7 obligations to finance an energy savings improvement program and  
8 may enter into any agreement with the New Jersey Educational  
9 Facilities Authority or other persons in connection with the issuance  
10 by the authority of its obligations on behalf of the public institution  
11 of higher education in order to finance the institution's energy  
12 savings improvement program. Energy savings obligations may be  
13 funded through appropriations for utility services in the annual  
14 budget of the board, or incurred as a general obligation of the public  
15 institution of higher education in connection with the issuance by  
16 the New Jersey Educational Facilities Authority of bonds or notes  
17 pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county  
18 college, by a sponsoring county as a refunding bond pursuant to  
19 N.J.S.40A:2-52 et seq., including the issuance of bond anticipation  
20 notes as may be necessary, provided that all such bonds and notes  
21 mature within the periods authorized for such energy savings  
22 obligations.

23 (4) Lease-purchase agreements and energy savings obligations  
24 shall not be used to finance maintenance, guarantees, or verification  
25 of guarantees of energy conservation measures. Lease-purchase  
26 agreements and energy savings obligations may be used to finance  
27 the cost of an energy audit or the cost of verification of energy  
28 savings as part of adopting an energy savings plan. Maturity  
29 schedules of lease-purchase agreements or energy savings  
30 obligations must exceed the estimated useful life of the individual  
31 energy conservation measures.

32 d. (1) The energy audit component of an energy savings  
33 improvement program shall be conducted either by the board of  
34 trustees or by a qualified third party retained by the board for that  
35 purpose. It shall not be conducted by an energy services company  
36 subsequently hired to develop an energy savings improvement  
37 program. The energy audit shall identify the current energy use of  
38 any or all facilities and energy conservation measures that can be  
39 implemented in which the energy savings and energy efficiency  
40 could be realized and maximized.

41 (2) To implement an energy savings improvement program, a  
42 board of trustees shall develop an energy savings plan that consists  
43 of one or more energy conservation measures. The plan shall:

44 (a) contain the results of an energy audit;

45 (b) describe the energy conservation measures that will  
46 comprise the program;

47 (c) estimate greenhouse gas reductions resulting from those  
48 energy savings;

1 (d) identify all design and compliance issues that require the  
2 professional services of an architect or engineer and identify who  
3 will provide these services;

4 (e) include an assessment of risks involved in the successful  
5 implementation of the plan;

6 (f) identify the eligibility for, and costs and revenues associated  
7 with the PJM Independent System Operator for demand response  
8 and curtailable service activities;

9 (g) include schedules showing calculations of all costs of  
10 implementing the proposed energy conservation measures and the  
11 projected energy savings;

12 (h) identify maintenance requirements necessary to ensure  
13 continued energy savings, and describe how they will be fulfilled;  
14 and

15 (i) if developed by an energy services company, a description  
16 of, and cost estimates of an energy savings guarantee.

17 All professionals providing engineering services under the plan  
18 shall have errors and omissions insurance.

19 (3) Prior to the adoption of the plan, the board of trustees shall  
20 contract with a qualified third party to verify the projected energy  
21 savings to be realized from the proposed program have been  
22 calculated as required by subsection e. of this section.

23 (4) Upon adoption, the plan shall be submitted to the Board of  
24 Public Utilities, which shall post it on the Internet on a public  
25 webpage maintained for such purpose. If the board of trustees  
26 maintains its own website, it shall also post the plan on that site.  
27 The Board of Public Utilities may require periodic reporting  
28 concerning the implementation of the plan.

29 (5) Verification by a qualified third party shall be required when  
30 energy conservation measures are placed in service or  
31 commissioned, to ensure the savings projected in the energy savings  
32 plan shall be achieved.

33 (6) Energy-related capital improvements that do not reduce  
34 energy usage may be included in an energy savings improvement  
35 program but the cost of such improvements shall not be financed as  
36 a lease-purchase or through energy savings obligations authorized  
37 by subsection c. of this section. Nothing herein is intended to  
38 prevent the financing of such capital improvements through  
39 otherwise authorized means.

40 (7) A qualified third party when required by this subsection may  
41 include an employee of the public institution of higher education  
42 who is properly trained and qualified to perform such work.

43 e. (1) The calculation of energy savings for the purposes of  
44 determining that the energy savings resulting from the program will  
45 be sufficient to cover the cost of the program's energy conservation  
46 measures, as provided in subsection a. of this section, shall involve  
47 determination of the dollar amount saved through implementation  
48 of an energy savings improvement program using the guidelines of

1 the International Performance Measurement and Verification  
2 Protocol or other protocols approved by the Board of Public  
3 Utilities and standards adopted by the Board of Public Utilities  
4 pursuant to this section. The calculation shall include all applicable  
5 State and federal rebates and tax credits, but shall not include the  
6 cost of an energy audit and the cost of verifying energy savings.  
7 The calculation shall state which party has made application for  
8 rebates and credits and how these applications translate into energy  
9 savings.

10 (2) For the purposes of this section, the Board of Public Utilities  
11 shall adopt standards and uniform values for interest rates and  
12 escalation of labor, electricity, oil, and gas, as well as standards for  
13 presenting these costs in a life cycle and net present value format,  
14 standards for the presentation of obligations for carbon reductions,  
15 and other standards that the board may determine necessary.

16 f. (1) When an energy services company is awarded an energy  
17 savings services contract, it shall offer the board of trustees the  
18 option to purchase, for an additional amount, an energy savings  
19 guarantee. The guarantee, if accepted by a separate vote of the  
20 board of trustees, shall insure that the energy savings resulting from  
21 the energy savings improvement program, determined periodically  
22 over the duration of the guarantee, will be sufficient to defray all  
23 payments required to be made pursuant to the lease-purchase  
24 agreement or energy savings obligation, and if the savings are not  
25 sufficient, the energy services company will reimburse the board of  
26 trustees for any additional amounts. Annual costs of a guarantee  
27 shall not be financed or included as costs in an energy savings plan  
28 but shall be fully disclosed in an energy savings plan.

29 (2) When a guaranteed energy savings option is purchased, the  
30 contract shall require a qualified third party to verify the energy  
31 savings at intervals established by the parties.

32 g. As used in this section:

33 "direct digital control systems" means the devices and  
34 computerized control equipment that contain software and computer  
35 interfaces that perform the logic that control a building's heating,  
36 ventilating, and air conditioning system. Direct digital controls  
37 shall be open protocol format and shall meet the interoperability  
38 guidelines established by the American Society of Heating,  
39 Refrigerating and Air-Conditioning Engineers;

40 "educational facility" means a structure suitable for use as a  
41 dormitory, dining hall, student union, administrative building,  
42 academic building, library, laboratory, research facility, classroom,  
43 athletic facility, health care facility, teaching hospital, and parking,  
44 maintenance, storage or utility facility or energy conservation  
45 measures and other structures or facilities related thereto or required  
46 or useful for the instruction of students or the conducting of  
47 research or the operation of an institution for higher education, and  
48 public libraries, and the necessary and usual attendant and related

1 facilities and equipment, but shall not include any facility used or to  
2 be used for sectarian instruction or as a place for religious worship;  
3 "energy conservation measure" means an improvement that  
4 results in reduced energy use, including, but not limited to,  
5 installation of energy efficient equipment; demand response  
6 equipment; combined heat and power systems; facilities for the  
7 production of renewable energy; water conservation measures,  
8 fixtures or facilities; building envelope improvements that are part  
9 of an energy savings improvement program; and related control  
10 systems for each of the foregoing;  
11 "energy related capital improvement" means a capital  
12 improvement that uses energy but does not result in a reduction of  
13 energy use;  
14 "energy saving obligation" means a bond, note or other  
15 agreement evidencing the obligation to repay borrowed funds  
16 incurred in order to finance energy saving improvements;  
17 "energy savings" means a measured reduction in fuel, energy,  
18 operating or maintenance costs resulting from the implementation  
19 of one or more energy conservation measures services when  
20 compared with an established baseline of previous fuel, energy,  
21 operating or maintenance costs, including, but not limited to, future  
22 capital replacement expenditures avoided as a result of equipment  
23 installed or services performed as part of an energy savings plan;  
24 "energy savings improvement program" means an initiative of a  
25 public institution of higher education to implement energy  
26 conservation measures in existing facilities, provided that the value  
27 of the energy savings resulting from the program will be sufficient  
28 to cover the cost of the program's energy conservation measures;  
29 "energy savings plan" means the document that describes the  
30 actions to be taken to implement the energy savings improvement  
31 program;  
32 "energy savings services contract" means a contract with an  
33 energy savings company to develop an energy savings plan, prepare  
34 bid specifications, manage the performance, provision,  
35 construction, and installation of energy conservation measures by  
36 subcontractors, to offer a guarantee of energy savings derived from  
37 the implementation of an energy savings plan, and may include a  
38 provision to manage the bidding process;  
39 "energy services company" means a commercial entity that is  
40 qualified to develop and implement an energy savings plan in  
41 accordance with the provisions of this section;  
42 "public works activities" means any work subject to the  
43 provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and  
44 "water conservation measure" means an alteration to a facility or  
45 equipment that reduces water consumption, maximizes the  
46 efficiency of water use, or reduces water loss.

1 h. (1) The State Treasurer and the Board of Public Utilities may  
2 take such action as is deemed necessary and consistent with the  
3 intent of this section to implement its provisions.

4 (2) The State Treasurer and the Board of Public Utilities may  
5 adopt implementation guidelines or directives, and adopt such  
6 administrative rules, pursuant to the "Administrative Procedure  
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the  
8 implementation of those agencies' respective responsibilities under  
9 this section, except that notwithstanding any provision of P.L.1968,  
10 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and  
11 the Board of Public Utilities may adopt, immediately upon filing  
12 with the Office of Administrative Law, such rules and regulations  
13 as deemed necessary to implement the provisions of this act which  
14 shall be effective for a period not to exceed 12 months and shall  
15 thereafter be amended, adopted or re-adopted in accordance with  
16 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

17 (cf: P.L. 2009, c.4, s.4)

18  
19 83. Section 2 of P.L.1969, c.242 (C.18A:66-168) is amended to  
20 read as follows:

21 2. Repeal of the act and parts of acts, and all amendments and  
22 supplements thereto, pursuant to section 1 of this act, is subject to  
23 the following provisos:

24 a. The alternate benefit programs established by **[the Board of**  
25 **Trustees of the University of Medicine and Dentistry,]** the Board  
26 of Governors of Rutgers, The State University of New Jersey, the  
27 Board of Trustees of the New Jersey Institute of Technology and  
28 the Board of Higher Education for certain employees of State and  
29 county colleges, are continued except as the benefit and  
30 contribution schedules are revised by this act.

31 b. The timely filing of applications for transfer from the Public  
32 Employees' Retirement System, the Teachers' Pension and Annuity  
33 Fund and the Group Annuity Plan as specified in such acts shall be  
34 deemed to have not been revised by this act.

35 c. The transfer of employee and employer contributions from the  
36 Public Employees' Retirement System, the Teachers' Pension and  
37 Annuity Fund and the Group Annuity Plan to the insurers or mutual  
38 fund companies of the alternate benefit programs shall be  
39 considered as having met the requirements of said acts and shall be  
40 continued as provided by this act.

41 d. Any contributions made by a member of the alternate benefit  
42 program for any additional death benefit coverage established under  
43 said acts shall not be returnable to the member or his beneficiary in  
44 any manner, or for any reason whatsoever, nor shall any  
45 contributions made for the additional death benefit coverage be  
46 included in any annuity payable to any such member or to his  
47 beneficiary.

48 (cf: P.L.1993, c.385, s.1)

1 84. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to  
2 read as follows:

3 3. As used in this act:

4 a. "Accumulated deductions" means those contributions as  
5 defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84  
6 (C.43:15A-6).

7 b. "Base salary" means a participant's regular base or  
8 contractual salary. It shall exclude bonus, overtime or other forms  
9 of extra compensation such as (1) longevity lump sum payments,  
10 (2) lump sum terminal sick leave or vacation pay, (3) the value of  
11 maintenance, (4) individual pay adjustments made within or at the  
12 conclusion of the participant's final year of service, (5) retroactive  
13 salary adjustments or other pay adjustments made in the  
14 participant's final year of service unless such adjustment was made  
15 as a result of a general pay adjustment for all personnel of the  
16 department or institution, (6) any unscheduled individual  
17 adjustment made in the final year to place the member at the  
18 maximum salary level within his salary range and (7) any pay for  
19 services rendered during the summer vacation period by a  
20 participant who is required to work only 10 months of the year.

21 c. "Base annual salary" means the base salary upon which  
22 contributions by the member and his employer to the alternate  
23 benefit program were based during the last year of creditable  
24 service.

25 d. (Deleted by amendment, P.L.1994, c.48).

26 e. ["University of Medicine and Dentistry" means the  
27 University of Medicine and Dentistry of New Jersey established  
28 pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-  
29 3).] Deleted by amendment, P.L. , c. (pending before the  
30 Legislature as this bill)

31 f. "County colleges" means the colleges so defined in  
32 N.J.S.18A:64A-1.

33 g. "Division of Pensions" means the division established in the  
34 Department of the Treasury pursuant to section 1 of P.L.1955, c.70  
35 (C.52:18A-95) and is the agency responsible for the administration  
36 of the alternate benefit program of the State and county colleges  
37 and for the administration of the group life and disability insurances  
38 of all alternate benefit programs established in the State for public  
39 employees.

40 h. "Full-time officers" and "full-time members of the faculty"  
41 shall include the president, vice president, secretary and treasurer of  
42 the respective school. "Full-time" shall also include eligible full-  
43 time officers and full-time members of the faculty who are granted  
44 sabbaticals or leaves of absence with pay where the compensation  
45 paid is 50% or more of the base salary at the time the leave  
46 commences and the period of eligibility terminates with the end of  
47 the school year following the year in which the sabbatical began.  
48 "Part-time" shall be defined as an appointment where the employee

1 receives a salary or wages for a period of less than 50% of the  
2 normal work week. These definitions shall apply to teaching or  
3 administrative staff members or to employees serving in a dual  
4 capacity where the appointment includes teaching as well as  
5 administrative duties.

6 i. "Group Annuity Plan" refers to the Group Annuity Contract  
7 R-134 between the Board of Trustees of the New Jersey Institute of  
8 Technology and the Prudential Insurance Company of America.

9 j. "Member" or "participant" means a full-time officer or a  
10 full-time member of the faculty participating in the alternate benefit  
11 program, and after the effective date of P.L.2008, c.89, means an  
12 adjunct faculty member or a part-time instructor whose employment  
13 agreement begins after that effective date.

14 k. "New Jersey Institute of Technology" means the Newark  
15 College of Engineering.

16 l. "Pension reserve" means those moneys as defined in  
17 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

18 m. "Rutgers, The State University" means the institution of  
19 higher education described in chapter 65 of Title 18A of the New  
20 Jersey Statutes.

21 n. "State Colleges" means the colleges so described in chapter  
22 64 of Title 18A of the New Jersey Statutes and any former State  
23 college designated as a public research university pursuant to  
24 P.L. , c. (C. ) (pending before the Legislature as this bill).

25 o. "Mutual fund company" means an investment company or  
26 trust regulated by the federal "Investment Company Act of 1940,"  
27 15 U.S.C.s. 80a-1 et seq.

28 (cf: P.L.2008, c.89, s.12)

29

30 85. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to  
31 read as follows:

32 4. All full-time officers and all full-time members of the faculty  
33 of **【the University of Medicine and Dentistry of New Jersey,】**  
34 Rutgers, The State University, the Newark College of Engineering,  
35 Rowan University, the State and county colleges and all regularly  
36 appointed teaching and administrative staff members in applicable  
37 positions, as determined by the Director of the Division of Pensions  
38 in the Department of the Treasury, shall be eligible and shall  
39 participate in the alternate benefit program, except those persons  
40 appointed in a part-time or temporary capacity, physicians and  
41 dentists holding employment in positions titled intern, resident or  
42 fellow on or after the effective date of this amendatory act, persons  
43 compensated on a fee basis, persons temporarily in the United  
44 States under an F or J visa and members of the Teachers' Pension  
45 and Annuity Fund, the Public Employees' Retirement System, the  
46 Police and Firemen's Retirement System or the Group Annuity Plan,  
47 who did not elect to transfer to the alternate benefit program in  
48 accordance with the provisions of chapter 64C or 65 of Title 18A of



1 the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or  
2 c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181 (C.18A:66-154 et  
3 seq.). An eligible person who has been enrolled in the alternate  
4 benefit program for at least one year pursuant to this section may  
5 continue to be enrolled in the program, notwithstanding promotion  
6 or transfer to a position within the institution not otherwise eligible  
7 for the program.

8 Any person participating in the alternate benefit program shall be  
9 ineligible for membership in the Teachers' Pension and Annuity  
10 Fund, the Public Employees' Retirement System, the Police and  
11 Firemen's Retirement System or the Group Annuity Plan and any  
12 person electing to participate in the alternate benefit program shall  
13 thereby waive all rights and benefits provided by the Teachers'  
14 Pension and Annuity Fund, the Public Employees' Retirement  
15 System, the Police and Firemen's Retirement System or the Group  
16 Annuity Plan as a member of said fund, system or plan, except as  
17 herein and otherwise provided by law or under terms of the Group  
18 Annuity Plan.

19 Any person required to participate in the alternate benefit  
20 program by reason of employment, who at the time of such  
21 employment is a member of the Teachers' Pension and Annuity  
22 Fund, shall be permitted to transfer his membership in said fund to  
23 the Public Employees' Retirement System, by waiving all rights and  
24 benefits which would otherwise be provided by the alternate benefit  
25 program. Any such new employee who is a member of the Public  
26 Employees' Retirement System will be permitted to continue his  
27 membership in that system, by waiving all rights and benefits which  
28 would otherwise be provided by the alternate benefit program.  
29 Such waivers shall be accomplished by filing forms satisfactory to  
30 the Division of Pensions within 30 days of the beginning date of  
31 employment.

32 Any person receiving a benefit by reason of his retirement from  
33 any retirement or pension system of the State of New Jersey or any  
34 political subdivision thereof shall be ineligible to participate in the  
35 alternate benefit program.

36 No person eligible for participation in the alternate benefit  
37 program shall be eligible for, or receive, benefits under chapters 4  
38 and 8B of Title 43 of the Revised Statutes.

39 The alternate benefit programs established pursuant to this act  
40 are deemed to be pension funds or retirement systems for purposes  
41 of P.L.1968, c.23 (C.43:3C-1 et seq.).

42 (cf: P.L.1994, c.48, s.188)

43

44 86. Section 7 of P.L.1969, c.242 (C.18A:66-173) is amended to  
45 read as follows:

46 7. (a) When a member of the Teachers' Pension and Annuity  
47 Fund or the Public Employees' Retirement System or the Police and  
48 Firemen's Retirement System elects to transfer to an alternate

1 benefit program by filing the proper application form declaring his  
2 election to participate in such alternate benefit program, the  
3 respective retirement system shall transfer the amount of his  
4 accumulated deductions as of the date of transfer to his individual  
5 account in the program.

6 (b) There shall also be transferred from the contingent reserve  
7 fund or the pension fund of the Teachers' Pension and Annuity Fund  
8 or the Public Employees' Retirement System or the Police and  
9 Firemen's Retirement System or from the Group Annuity Plan to the  
10 individual's account in the alternate benefit program, the pension  
11 reserve required as of the date of his transfer to provide a pension  
12 for each year of service credited to the account of the member as set  
13 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in  
14 section 38 or section 48 of P.L.1954, c. 84 as such sections have  
15 been amended and supplemented as of July 1, 1969 (C.43:15A-38,  
16 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241  
17 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
18 for each year of service credited under the Group Annuity Plan.  
19 Such transfer from the contingent reserve fund or the pension fund  
20 of the Teachers' Pension and Annuity Fund or the Public  
21 Employees' Retirement System or the Police and Firemen's  
22 Retirement System or the Group Annuity Plan shall be made at the  
23 time of the member's transfer to the alternate benefit program in the  
24 case of any such member who has then met the eligibility  
25 requirements for a pension under the aforementioned N.J.S.18A:66-  
26 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,  
27 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
28 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
29 the Group Annuity Plan. In the case of any member who elects to  
30 participate in the alternate benefit program who has not then met  
31 the eligibility requirements for a pension under N.J.S.18A:66-36 or  
32 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,  
33 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
34 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
35 under the Group Annuity Plan, the transfer from the contingent  
36 reserve fund or the pension fund of the Teachers' Pension and  
37 Annuity Fund or the Public Employees' Retirement System or the  
38 Police and Firemen's Retirement System or the Group Annuity Plan  
39 shall be effected at the time such requirements have been met,  
40 taking into account for the purpose of such eligibility requirement  
41 his years of membership service at the time of his election and his  
42 subsequent years of service as a full-time member of the faculty of  
43 **[the University of Medicine and Dentistry,]** Rutgers, The State  
44 University, the New Jersey Institute of Technology, Rowan  
45 University, or the State or county colleges or as an eligible  
46 employee of the Department of Higher Education, or at the time he  
47 shall have 10 years of credit for New Jersey service and becomes  
48 physically incapacitated for the performance of duty if he had been

1 a member of the Teachers' Pension and Annuity Fund or the Public  
2 Employees' Retirement System or the Police and Firemen's  
3 Retirement System as of the date of transfer.

4 The annuity to be used in determining the amount of pension is  
5 the actuarial equivalent of the member's accumulated deductions  
6 transferred from the Teachers' Pension and Annuity Fund or the  
7 Public Employees' Retirement System or the Police and Firemen's  
8 Retirement System to the date the member attains 60 years of age, if  
9 subsequent to the date of election. The amount of pension is that  
10 established by formula within N.J.S.18A:66-44 or section 48 of  
11 P.L.1954, c.84 as such sections have been amended and  
12 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of  
13 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and  
14 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84  
15 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)  
16 enacted subsequent to this act or the Group Annuity Plan shall have  
17 no application to the provisions of this act.

18 In the event that the eligibility requirement under N.J.S.18A:66-  
19 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section  
20 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity  
21 Plan is changed at some future date to permit members to become  
22 eligible for such benefit prior to the completion of 15 years of  
23 service, the transfer of the reserve from the contingent reserve fund  
24 or the pension fund of the Teachers' Pension and Annuity Fund or  
25 the Public Employees' Retirement System or the Police and  
26 Firemen's Retirement System or from the Group Annuity Plan shall  
27 be effective as of the date the member who had elected the alternate  
28 benefit program meets the amended eligibility requirement or the  
29 effective date of the amendment, whichever is later.

30 In the event an option is available with respect to the distribution  
31 of employee and employer contributions between fixed and variable  
32 annuities under the alternate benefit program, the employee shall  
33 have the right to determine the percentage distribution of these  
34 funds subject to any limitations imposed by the designated insurer  
35 or insurers.

36 (c) No transfer of pension reserves shall be made pursuant to  
37 this section where more than two consecutive years elapse in which  
38 no employer contributions to an alternate benefit program are  
39 required.

40 (cf: P.L.1993, c.385, s.5)

41

42 87. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to  
43 read as follows:

44 8. (a) **[**The University of Medicine and Dentistry of New  
45 Jersey,**]** Rutgers, The State University and the New Jersey Institute  
46 of Technology shall reduce the compensation of each participant in  
47 the alternate benefit program and pay over to the insurers or mutual  
48 fund companies for the benefit of the participant an employee

1 contribution for the retirement annuity contract or contracts equal to  
2 5% of the participant's base salary. The intervals for deductions or  
3 reductions and payments shall be determined by the respective  
4 school governing bodies.

5 The Division of Pensions and Benefits shall provide for  
6 reductions from the compensation of each participant in the  
7 alternate benefit program employed by the State and county  
8 colleges of an employee contribution equal to 5% of the  
9 participant's base salary and pay this amount to the insurers or  
10 mutual fund companies for the individual's retirement annuity  
11 contract or contracts. The intervals for deductions or reductions  
12 and payments shall be determined by the Division of Pensions and  
13 Benefits.

14 The Division of Pensions and Benefits may require that all  
15 participant contributions be made in accordance with section 414(h)  
16 of the federal Internal Revenue Code (26 U.S.C. s.414(h)).

17 (b) Based on a certification to the Division of Pensions and  
18 Benefits by [the University of Medicine and Dentistry of New  
19 Jersey,] Rutgers, The State University [and], the New Jersey  
20 Institute of Technology, and Rowan University of the number and  
21 base salary of participants, the division shall authorize the State to  
22 make payment of the employer contributions to the alternate benefit  
23 program at a rate equal to 8% of the employee's base salary, except  
24 the amount of the contribution shall not exceed 8% of the maximum  
25 salary for department officers established pursuant to section 1 of  
26 P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the  
27 designated insurers or mutual fund companies for the benefit of  
28 each participant.

29 Based on a certification by the Division of Pensions and Benefits  
30 of the number and base salary of participants employed by the State  
31 and county colleges, the State shall make payment of the employer  
32 contributions to the alternate benefit program at a rate equal to 8%  
33 of the employee's base salary, except the amount of the contribution  
34 shall not exceed 8% of the maximum salary for department officers  
35 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-  
36 15.107), which moneys shall be paid to the designated insurers or  
37 mutual fund companies for the benefit of each participant.

38 (c) For the member of the Public Employees' Retirement System  
39 employed by the county colleges, who is defined in the regulations  
40 of the Division of Pensions and Benefits as a full-time faculty  
41 member and who is permitted to transfer his membership and does  
42 so, the State shall pay the employer contribution to the alternate  
43 benefit program at a rate equal to 8% of the member's base salary,  
44 except the amount of the contribution shall not exceed 8% of the  
45 maximum salary for department officers established pursuant to  
46 section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member  
47 continues membership in the Public Employees' Retirement System,  
48 the State shall pay the employer contribution to the retirement

1 system on his behalf and such employer contribution shall be at a  
2 rate equal to the normal contribution made by the State on behalf of  
3 nonveteran members of the Public Employees' Retirement System.

4 (d) For any nonacademic employee of a county college, as  
5 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is  
6 eligible for the program according to the regulations of the Director  
7 of the Division of Pensions and Benefits, the county college shall  
8 pay the employer contribution to the retirement system on the  
9 employee's behalf in the same manner as the State, pursuant to this  
10 section.

11 (cf: P.L.2010, c.31, s.1)

12

13 88. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended to  
14 read as follows:

15 24. The **【Board of Trustees of the University of Medicine and**  
16 **Dentistry of New Jersey, the】** Board of Governors of Rutgers, The  
17 State University, the Board of Trustees of the New Jersey Institute  
18 of Technology, the Board of Trustees of Rowan University, and the  
19 boards of trustees of State and county colleges, are hereby  
20 authorized to enter into agreement with each employee participating  
21 in the alternate benefit program whereby the employee agrees to  
22 take a reduction in salary with respect to amounts earned after the  
23 effective date of such agreement in return for the agreement of the  
24 respective institution to use a corresponding amount to purchase an  
25 annuity for such employee so as to obtain the benefits afforded  
26 under section 403(b) of the federal Internal Revenue Code, as  
27 amended. Any such agreement shall specify the amount of such  
28 reduction, the effective date thereof, and shall be legally binding  
29 and irrevocable with respect to amounts earned while the agreement  
30 is in effect; provided, however, that such agreement may be  
31 terminated after it has been in effect for a period of not less than  
32 one year upon notice in writing by either party, and provided further  
33 that not more than one such agreement shall be entered into during  
34 any taxable year of the employee. For the purposes of this section,  
35 any annuity or other contract which meets the requirements of  
36 section 403(b) of the federal Internal Revenue Code, as amended,  
37 may be utilized. The amount of the reduction in salary under any  
38 agreement entered into between the institutions and any employee  
39 pursuant to this section shall not exceed the limitations set forth in  
40 P.L.93-406 (Employment Retirement Income Security Act of 1974)  
41 and Section 415(c) of the Internal Revenue Code of 1954 as  
42 amended for such year.

43 Amounts payable pursuant to this section by an institution on  
44 behalf of an employee for a pay period shall be transmitted and  
45 credited not later than the fifth business day after the date on which  
46 the employee is paid for that pay period.

47 (cf: P.L.1999, c.247, s.2)

1 89. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended to  
2 read as follows:

3 25. No retirement, death or other benefit shall be payable by the  
4 State, **【the University of Medicine and Dentistry,】** Rutgers, The  
5 State University, the New Jersey Institute of Technology, Rowan  
6 University or the Division of Pensions under the alternate benefit  
7 program. Benefits shall be payable to participating employees and  
8 their beneficiaries only by the designated insurers or mutual fund  
9 companies under the terms of the contracts.  
10 (cf: P.L.1994, c.48, s.192)

11  
12 90. Section 3 of P.L.1969, c.142 (C.18A:71-30) is amended to  
13 read as follows:

14 3. As used in this act, unless the context clearly indicates  
15 otherwise, the following terms shall have the following meanings:

16 (a) The term "board" shall mean the Board of Directors of the  
17 New Jersey Educational Opportunity Fund created by section 4 of  
18 P.L.1968, c.142 (C.18A:71-31).

19 (b) (Deleted by amendment, P.L.1994, c.48).

20 (c) The term "department" shall mean the Department of State.

21 (d) The term "fund" shall mean the New Jersey Educational  
22 Opportunity Fund created by section 4 of P.L.1968, c.142  
23 (C.18A:71-31).

24 (e) The term "higher education" shall mean that education  
25 which is provided by any or all of the public institutions of higher  
26 education as herein defined or any or all equivalent private  
27 institutions.

28 (f) The term "public institutions of higher education" shall mean  
29 and include Rutgers, The State University, the New Jersey Institute  
30 of Technology, **【the University of Medicine and Dentistry of New**  
31 **Jersey】** Rowan University, the **【nine】** eight State colleges, the  
32 county colleges, and any other public universities, colleges or  
33 county colleges now or hereafter established or authorized by law.

34 (cf: P.L.1994, c.48, s.212)

35  
36 91. N.J.S.18A:71A-4 is amended to read as follows:

37 18A:71A-4. a. The Board of the Higher Education Student  
38 Assistance Authority shall consist of 18 members as follows: the  
39 State Treasurer, ex-officio, or a designee; the **【chairperson of the**  
40 **Commission on Higher Education】** Secretary of Higher Education,  
41 ex-officio, or a designee from among the public members of the  
42 commission; the chairperson of the Board of Directors of the  
43 Educational Opportunity Fund, ex-officio, or a designee from  
44 among the public members of the board; five representatives from  
45 eligible institutions in this State, including one from Rutgers, the  
46 State University, one from either the New Jersey Institute of  
47 Technology or **【the University of Medicine and Dentistry of New**

1 Jersey] Rowan University, one from the county colleges, one from  
2 the State colleges, and one from the independent institutions of  
3 higher education in the State; two students from different collegiate  
4 institutional sectors; seven public members who shall be residents  
5 of this State, including one who shall represent a lender party to a  
6 participation agreement with the authority; and the executive  
7 director of the authority, or designee, who shall be an ex-officio,  
8 non-voting member of the board.

9 b. The seven public members, including the lender member,  
10 shall be appointed by the Governor with the advice and consent of  
11 the Senate. No more than four of the public members shall be  
12 members of the same political party. The institutional  
13 representatives shall be nominated by the respective institution in  
14 the case of Rutgers, the State University, New Jersey Institute of  
15 Technology, [and University of Medicine and Dentistry of New  
16 Jersey] and Rowan University. The remaining institutional  
17 representatives shall be nominated by the respective sector  
18 association. Institutional representatives shall be appointed by the  
19 Governor with the advice and consent of the Senate. The student  
20 members shall be the individuals that the Student Advisory  
21 Committee elects as its chairperson and vice-chairperson. The  
22 Student Advisory Committee shall be created by the board to  
23 include students from all collegiate institutional sectors. The  
24 necessary appointments shall be made within 45 days of the  
25 enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

26 c. Public and institutional members of the board shall serve a  
27 term of four years and until a successor is appointed and qualified,  
28 except in the case of the first members so appointed, four of whom  
29 shall be appointed for a term of four years, four of whom shall be  
30 appointed for a term of three years, two of whom shall be appointed  
31 for a term of two years, and two of whom shall be appointed for a  
32 term of one year. Student members shall serve a term of office not  
33 to exceed two years. Any vacancy in the membership of the board,  
34 occurring otherwise than by expiration of term, shall be filled in the  
35 same manner as the original appointment or election was made, but  
36 for the unexpired term only.

37 (cf: N.J.S.18A:71A-4)

38

39 92. Section 3 of P.L.2000, c.163 (C.18A:71B-55) is amended to  
40 read as follows:

41 3. As used in this act, the following terms shall have the  
42 following meanings:

43 "Board" means the Board of Trustees of the Tony Pompelio  
44 Commemorative Scholarship Fund for the children of crime victims  
45 created pursuant to this act.

46 "Chairman" means the Chairman of the Violent Crimes  
47 Compensation Board.

1 "Executive director" means the chief executive and  
2 administrative officer of the authority.

3 "Authority" means the Higher Education Student Assistance  
4 Authority established pursuant to N.J.S.18A:71A-1 et seq., the  
5 "Higher Education Student Assistance Authority Law," or any  
6 body, entity, commission, or department succeeding to the principal  
7 functions thereof or to whom the powers conferred upon the  
8 authority by N.J.S.18A:71A-1 et seq. shall be given by law.

9 "Public Institutions of Higher Education" means the State  
10 colleges and universities created pursuant to chapter 64 of Title 18A  
11 of the New Jersey Statutes; the county colleges; [the University of  
12 Medicine and Dentistry of New Jersey]; the New Jersey Institute of  
13 Technology; Rutgers, the State University; Rowan University; and  
14 any other public universities, colleges, county colleges and junior  
15 colleges now or hereafter established or authorized by law.

16 (cf: P.L.2000, c.163, s.3)

17

18 93 N.J.S.18A:71C-32 is amended to read as follows:

19 18A:71C-32. "Approved site" means a site located within a State  
20 designated underserved area or a health professional shortage area,  
21 or a clinic which is part of the extramural network of dental clinics  
22 established by the New Jersey Dental School of [the University of  
23 Medicine and Dentistry of New Jersey] Rutgers, The State  
24 University, or a site that has been determined by the Higher  
25 Education Student Assistance Authority, in consultation with the  
26 Department of Health and Senior Services, to serve medically  
27 underserved populations according to criteria determined by the  
28 authority, including, but not limited to, the percentage of medically  
29 underserved patients served.

30 "Authority" means the Higher Education Student Assistance  
31 Authority.

32 "Eligible qualifying loan expenses" means the cumulative  
33 outstanding balance of student loans covering the cost of attendance  
34 at an undergraduate institution of medical, dental, or other primary  
35 care professional education at the time an applicant is selected for  
36 the program. Interest paid or due on qualifying loans that an  
37 applicant has taken out for use in paying the costs of undergraduate  
38 medical, dental, or other primary care professional education shall  
39 be considered eligible for reimbursement under the program. The  
40 authority may establish a limit on the total amount of qualifying  
41 loans which may be redeemed for participants under the program,  
42 provided that the total redemption of qualifying loans does not  
43 exceed \$120,000, or the maximum amount authorized by the federal  
44 government, whichever is greater, either in State funds or the sum  
45 of federal, State, and other non-federal matching funds, pursuant to  
46 section 338I of the Public Health Service Act (42 U.S.C.s.254q-1),  
47 whichever is applicable.



1 "Executive director" means the executive director of the Higher  
2 Education Student Assistance Authority.

3 "Health professional shortage area" (HPSA) means an urban or  
4 rural area, a population group or a public or non-profit private  
5 medical or dental facility or other public facility which the  
6 Secretary of Health and Human Services determines has a health  
7 professional shortage pursuant to section 332 of the Public Health  
8 Service Act (42 U.S.C. s.254e).

9 "Primary care" means the practice of family medicine, general  
10 internal medicine, general pediatrics, general obstetrics,  
11 gynecology, pediatric dentistry, general dentistry, public health  
12 dentistry, and any other areas of medicine or dentistry which the  
13 Commissioner of Health and Senior Services may define as primary  
14 care. Primary care also includes the practice of a nurse-practitioner,  
15 certified nurse-midwife, and physician assistant.

16 "Primary care practitioner" means a State-licensed or certified  
17 health care professional who has obtained a degree in allopathic or  
18 osteopathic medicine, dentistry, or another primary care profession  
19 at an undergraduate institution of medical, dental, or other primary  
20 care professional education, as applicable.

21 "Program" means the Primary Care Practitioner Loan  
22 Redemption Program established pursuant to N.J.S.18A:71C-33.

23 "Program participant" means a primary care practitioner who  
24 contracts with the authority to engage in the clinical practice of  
25 primary care at an approved site in exchange for the redemption of  
26 eligible qualifying loan expenses provided under the program.

27 "Qualifying loan" means a government or commercial loan for  
28 the actual costs paid for tuition and reasonable education and living  
29 expenses relating to the obtaining of a degree in allopathic or  
30 osteopathic medicine, dentistry, or another primary care profession.

31 "State designated underserved area" means a geographic area in  
32 this State which has been ranked by the Commissioner of Health  
33 and Senior Services on the basis of health status and economic  
34 indicators as reflecting a medical or dental health professional  
35 shortage.

36 "Total and permanent disability" means a physical or mental  
37 disability that is expected to continue indefinitely or result in death  
38 and renders a participant in the program unable to perform that  
39 person's service obligation, as determined by the executive director  
40 or his designee.

41 "Undergraduate medical, dental, or other primary care  
42 professional education" means the period of time between entry into  
43 medical school, dental school, or other primary care professional  
44 training program and the award of a degree in allopathic or  
45 osteopathic medicine, dentistry, or another primary care profession,  
46 respectively.

47 (cf: P.L.2009, c.145, s.1)

1 94. N.J.S.18A:71C-35 is amended to read as follows:

2 18A:71C-35. The Commissioner of Health and Senior Services,  
3 after consultation with the Commissioner of Corrections and the  
4 Commissioner of Human Services, shall designate and establish a  
5 ranking of State designated underserved areas. The criteria used by  
6 the Commissioner of Health and Senior Services in designating  
7 areas shall include, but not be limited to:

8 a. the financial resources of the population under  
9 consideration, including the percentage of the population that is  
10 eligible for medical assistance pursuant to P.L.1968, c.413  
11 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8 et seq.), and the  
12 percentage of the population that does not have health insurance  
13 coverage;

14 b. the population's access to primary care services;

15 c. appropriate physician, dentist, or other primary care staffing  
16 in State, county, municipal and private nonprofit health care  
17 facilities and in clinics which are part of the extramural network of  
18 dental clinics established by the New Jersey Dental School of [the  
19 University of Medicine and Dentistry of New Jersey] Rutgers, The  
20 State University; and

21 d. the extent to which racial and ethnic disparities in health  
22 care in a geographic area, including, but not limited to, disparities  
23 in the incidence of cancer, cardiovascular disease, stroke, chemical  
24 dependency, diabetes, asthma, homicide, suicide, accidental injury,  
25 infant mortality, child immunization rates, HIV/AIDS, dental caries,  
26 and periodontal disease, indicate the need to increase access to  
27 primary care services among racial and ethnic minority populations  
28 in that area.

29 The Commissioner of Health and Senior Services shall transmit  
30 the list of State designated underserved areas and the number of  
31 positions needed in each area to the executive director or designee.  
32 (cf: P.L. 2009, c.145, s.4)

33

34 95. Section 10 of P.L.2009, c. 145 (C.18A:71C-36.1) is amended  
35 to read as follows:

36 10. a. A program participant, as a condition of participation, shall  
37 be required to adhere to performance standards established by the  
38 executive director or his designee and if the approved site is a clinic  
39 which is part of the extramural network of dental clinics established  
40 by the New Jersey Dental School of [the University of Medicine  
41 and Dentistry of New Jersey] Rutgers, The State University the  
42 program participant shall also meet performance standards set by  
43 the New Jersey Dental School.

44 b. The standards shall include, but not be limited to,  
45 requirements that a participant:

46 (1) maintain residency in the State;

47 (2) maintain a license or certification to practice a primary care  
48 profession in the State;

- 1 (3) remain current with payments on student loans;  
2 (4) enter into a mutually acceptable contract with an approved  
3 site;  
4 (5) maintain satisfactory performance of services rendered at an  
5 approved site; and  
6 (6) report to the authority or its designee, on a form and in a  
7 manner prescribed by the authority or its designee, on the program  
8 participant's performance of services rendered at an approved site  
9 prior to repayment of the annual amount eligible for redemption.  
10 (cf: P.L.2009, c.145, s.10)

11

12 96. N.J.S.18A:71C-38 is amended to read as follows:

13 18A:71C-38. Each program participant shall serve a six-month  
14 probationary period upon initial placement at an approved site.  
15 During that period, the primary care staff of the approved site, or in  
16 the case of a clinic which is part of the extramural network of dental  
17 clinics established by the New Jersey Dental School of [the  
18 University of Medicine and Dentistry of New Jersey] Rutgers, The  
19 State University, the director of the clinics and the vice-dean of the  
20 dental school, together with the program participant and the  
21 executive director or his designee, shall evaluate the suitability of  
22 the placement for the program participant. At the end of the  
23 probationary period, the primary care staff shall recommend the  
24 continuation of the program participant's present placement, a  
25 change in placement, or its determination that the program  
26 participant is an unsuitable candidate for the program. If the  
27 primary care staff of the approved site recommends a change in  
28 placement, the executive director or a designee shall approve an  
29 alternate placement at an approved site. If the primary care staff  
30 determines that the program participant is not a suitable candidate  
31 for the program, the executive director or his designee shall take  
32 this recommendation into consideration in regard to the program  
33 participant's final acceptance into the program. No loan redemption  
34 payment shall be made during the six-month probationary period;  
35 however, a program participant shall receive credit for the six-  
36 month period in calculating the first year of required service under  
37 the loan redemption contract.

38 (cf: P.L.2009, c.145, s.7)

39

40 97. N.J.S.18A:72A-3 is amended to read as follows:

41 18A:72A-3. As used in this act, the following words and terms  
42 shall have the following meanings, unless the context indicates or  
43 requires another or different meaning or intent:

44 "Authority" means the New Jersey Educational Facilities  
45 Authority created by this chapter or any board, body, commission,  
46 department or officer succeeding to the principal functions thereof  
47 or to whom the powers conferred upon the authority by this chapter  
48 shall be given by law;

1 "Bond" means bonds or notes of the authority issued pursuant to  
2 this chapter;

3 "County college capital project" means any capital project of a  
4 county college certified pursuant to section 2 of P.L.1971, c.12  
5 (C.18A:64A-22.2) and approved by the State Treasurer for funding  
6 pursuant to the "County College Capital Projects Fund Act,"  
7 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

8 "Dormitory" means a housing unit with necessary and usual  
9 attendant and related facilities and equipment, and shall include a  
10 dormitory of a public or private school, or of a public or private  
11 institution of higher education;

12 "Educational facility" means a structure suitable for use as a  
13 dormitory, dining hall, student union, administration building,  
14 academic building, library, laboratory, research facility, classroom,  
15 athletic facility, health care facility, teaching hospital, and parking  
16 maintenance storage or utility facility and other structures or  
17 facilities related thereto or required or useful for the instruction of  
18 students or the conducting of research or the operation of an  
19 institution for higher education, and public libraries, and the  
20 necessary and usual attendant and related facilities and equipment,  
21 but shall not include any facility used or to be used for sectarian  
22 instruction or as a place for religious worship;

23 "Emerging needs program" means a program at one or more  
24 public or private institutions of higher education directed to meeting  
25 new and advanced technology needs or to supporting new academic  
26 programs in science and technology;

27 "Higher education equipment" means any property consisting of,  
28 or relating to, scientific, engineering, technical, computer,  
29 communications or instructional equipment;

30 "Participating college" means a public institution of higher  
31 education or private college which, pursuant to the provisions of  
32 this chapter, participates with the authority in undertaking the  
33 financing and construction or acquisition of a project;

34 "Project" means a dormitory or an educational facility or any  
35 combination thereof, or a county college capital project;

36 "Private college" means an institution for higher education other  
37 than a public college, situated within the State and which, by virtue  
38 of law or charter, is a nonprofit educational institution empowered  
39 to provide a program of education beyond the high school level;

40 "Private institution of higher education" means independent  
41 colleges or universities incorporated and located in New Jersey,  
42 which by virtue of law or character or license, are nonprofit  
43 educational institutions authorized to grant academic degrees and  
44 which provide a level of education which is equivalent to the  
45 education provided by the State's public institutions of higher  
46 education as attested by the receipt of and continuation of regional  
47 accreditation by the Middle States Association of Colleges and  
48 Schools, and which are eligible to receive State aid;

1 "Public institution of higher education" means Rutgers, The State  
2 University, the State colleges, the New Jersey Institute of  
3 Technology, [the University of Medicine and Dentistry of New  
4 Jersey] Rowan University, the county colleges and any other public  
5 university or college now or hereafter established or authorized by  
6 law;

7 "School" means a secondary school, military school, or boarding  
8 school;

9 "University" means Rutgers, The State University.  
10 (cf: P.L.2000, c.56, s.10)

11

12 98. N.J.S.18A:72A-26 is amended to read as follows:

13 18A:72A-26. In order to provide new dormitories and to enable  
14 the construction and financing thereof, to refinance indebtedness  
15 hereafter created by the authority for the purpose of providing a  
16 dormitory or dormitories or additions or improvements thereto, or  
17 for any one or more of said purposes, but for no other purpose  
18 unless authorized by law, each of the following bodies shall have  
19 the powers hereafter enumerated to be exercised upon such terms  
20 and conditions, including the fixing of any consideration or rental to  
21 be paid or received, as it shall determine by resolution as to such  
22 property and each shall be subject to the performance of the duties  
23 hereafter enumerated, that is to say, the treasurer as to such as are  
24 located on land owned by the State or by the authority, the board of  
25 governors of the university, the board of trustees of the New Jersey  
26 Institute of Technology [or the University of Medicine and  
27 Dentistry of New Jersey] or Rowan University, the board of  
28 trustees of a State college or the board of trustees of a county  
29 college as to such as are located on land owned by the university or  
30 by the particular college respectively, namely:

31 a. The power to sell and to convey to the authority title in fee  
32 simple in any such land and any existing dormitories thereon owned  
33 by the State or owned by the board of trustees of a county college or  
34 the power to sell and to convey to the authority such title as the  
35 university or the college respectively may have in any such land and  
36 any existing dormitories thereon.

37 b. The power to lease to the authority any land and any existing  
38 dormitories thereon so owned for a term or terms not exceeding 50  
39 years each.

40 c. The power to lease or sublease from the authority, and to  
41 make available, any such land and existing dormitories conveyed or  
42 leased to the authority under subsections a. and b. of this section,  
43 and any new dormitories erected upon such land or upon any other  
44 land owned by the authority, any rentals to be payable, as to the  
45 university or as to any such college from available funds other than  
46 moneys appropriated to it by the State.

47 d. The power and duty, upon receipt of notice of any assignment  
48 by the authority of any lease or sublease made under subsection c.

1 of this section, or of any of its rights under any such lease or  
2 sublease, to recognize and give effect to such assignment, and to  
3 pay to the assignee thereof rentals or other payments then due or  
4 which may become due under any such lease or sublease which has  
5 been so assigned by the authority.

6 (cf: P.L.1994, c.48, s.238)

7

8 99. N.J.S.18A:72A-27.1 is amended to read as follows:

9 18A:72A-27.1. In addition to the powers and duties with respect  
10 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the  
11 treasurer, the board of governors of the university, the board of  
12 trustees of the New Jersey Institute of Technology, the board of  
13 trustees of a State college, the board of trustees of Rowan  
14 University, and the board of trustees of a county college [and the  
15 board of trustees of the University of Medicine and Dentistry of  
16 New Jersey] shall also have the same power and be subject to the  
17 same duties in relation to any conveyance, lease or sublease made  
18 under subsection a., b., or c. of section 18A:72A-26, with respect to  
19 revenue producing facilities; that is to say, structures or facilities  
20 which produce revenues sufficient to pay the rentals due and to  
21 become due under any lease or sublease made under subsection c.  
22 of section 18A:72A-26 including, without limitation, student unions  
23 and parking facilities.

24 (cf: P.L.1994, c.48, s.239)

25

26 100. Section 48 of P.L.2009, c.90 (C.18A:72A-82) is amended to  
27 read as follows:

28 48. As used in sections 48 and 49 of P.L.2009, c.90  
29 (C.18A:72A-82 and C.18A:72A-83):

30 "Board" means the Local Finance Board established in the  
31 Division of Local Government Services in the Department of  
32 Community Affairs.

33 "Bonds" mean bonds, notes or other obligations issued to finance  
34 or refinance higher education projects by a municipality, or on  
35 behalf of a municipality by a county improvement authority created  
36 pursuant to the "county improvement authorities law," P.L.1960,  
37 c.183 (C.40:37A-44 et seq.).

38 "Higher education partnership agreement" means an agreement  
39 between a municipality and an institution of higher education  
40 providing for the issuance of bonds by the municipality, a county  
41 improvement authority or a redevelopment entity, and the pledge of  
42 payments by the institution of higher education to secure those  
43 bonds to finance a higher education project, or part thereof.

44 "Higher education project" means the establishment and  
45 construction of higher education buildings and the expansion and  
46 construction of additional facilities at, and the acquisition of  
47 additional and upgraded equipment for existing higher education  
48 buildings, including but not limited to the planning, erecting,

1 purchasing, improving, developing, constructing, reconstructing,  
2 extending, rehabilitating, renovating, upgrading, demolishing and  
3 equipping of facilities at institutions of higher education.

4 "Institution of higher education" means: Rutgers, The State  
5 University; a State college or university established pursuant to  
6 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
7 Institute of Technology; [the University of Medicine and Dentistry  
8 of New Jersey] Rowan University; a county college and any other  
9 public university or college now or hereafter established or  
10 authorized by State law; and any college or university incorporated  
11 and located in New Jersey, which by virtue of law or character or  
12 license is a nonprofit educational institution authorized to grant  
13 academic degrees and which provides a level of education which is  
14 equivalent to the education provided by the State's public  
15 institutions of higher education, as attested by the receipt of and  
16 continuation of regional accreditation by the Middle States  
17 Association of Colleges and Schools, and which is eligible to  
18 receive State aid under the provisions of the Constitution of the  
19 United States and the Constitution of the State of New Jersey, but  
20 does not include any educational institution dedicated primarily to  
21 the education or training of ministers, priests, rabbis or other  
22 professional persons in the field of religion.

23 "Municipality" means the municipal governing body or an entity  
24 acting on behalf of the municipality if permitted by the federal  
25 Internal Revenue Code of 1986, or, if a redevelopment agency or  
26 redevelopment entity is established in the municipality pursuant to  
27 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
28 provides, the redevelopment agency or entity so established.

29 (cf: P.L.2009, c.90, s.48)

30

31 101. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to  
32 read as follows:

33 3. As used in this act:

34 a. "Audiotorily impaired" means a hearing impairment of such  
35 severity that the individual depends primarily upon visual  
36 communication.

37 b. "Competent authority" means any doctor of medicine or any  
38 doctor of osteopathy licensed to practice medicine and surgery in  
39 this State.

40 c. (Deleted by amendment, P.L.1994, c.48).

41 d. "Eligible student" means any student "admitted to a public or  
42 independent institution of higher education who is" suffering from a  
43 visual impairment, auditory impairment or a specific learning  
44 disability within guidelines established by the Commission on  
45 Higher Education pursuant to regulations promulgated under this  
46 act.

47 e. "Independent institution of higher education" means a college  
48 or university incorporated and located in New Jersey, which by

1 virtue of law or character or license is a nonprofit educational  
2 institution authorized to grant academic degrees and which provides  
3 a level of education which is equivalent to the education provided  
4 by the State's public institutions of higher education, as attested by  
5 the receipt of and continuation of regional accreditation by the  
6 Middle States Association of Colleges and Schools, and which is  
7 eligible to receive State aid under the provisions of the Constitution  
8 of the United States and the Constitution of the State of New Jersey,  
9 but does not include any educational institution dedicated primarily  
10 to the education or training of ministers, priests, rabbis or other  
11 professional persons in the field of religion.

12 f. "Learning disability" means a significant barrier to learning  
13 caused by a disorder in one or more of the basic psychological  
14 processes involved in understanding or in using language, spoken or  
15 written, which disorder may manifest itself in imperfect ability to  
16 listen, think, speak, read, write, spell, or do mathematical  
17 calculations. The disorder includes conditions such as perceptual  
18 handicap, brain injury, minimal brain dysfunction, dyslexia, and  
19 developmental aphasia. This term shall not include learning  
20 problems which are primarily the result of visual, hearing, or motor  
21 handicaps, mental retardation, emotional disturbances, or  
22 environmental, cultural, or economic disadvantage.

23 g. "Program" means the Higher Education Services for Visually  
24 Impaired, Auditorily Impaired and Learning Disabled Students  
25 Program established pursuant to this act.

26 h. "Public institution of higher education" means Rutgers, The  
27 State University, the New Jersey Institute of Technology, [the  
28 University of Medicine and Dentistry of New Jersey] Rowan  
29 University, the State colleges and the county colleges.

30 i. "Support services" or "supportive services" means services  
31 that assist eligible students in obtaining a college education and  
32 include, but are not limited to, interpreters, note takers, and tutors.

33 j. "Visually impaired" means a vision impairment where the better  
34 eye with correction does not exceed 20/200 or where there is a field  
35 defect in the better eye in which the diameter of the field is no  
36 greater than 20 degrees.

37 (cf: P.L.1994, c.48, s.282)

38

39 102. Section 2 of P.L.1987, c.183 (C.18A:72J-2) is amended to  
40 read as follows:

41 2. There are created the Martin Luther King Physician-Dentist  
42 Scholarships which shall be maintained by the State and awarded  
43 and administered pursuant to this act to students from  
44 disadvantaged or minority backgrounds enrolled in the [University  
45 of Medicine and Dentistry of New Jersey and the Fairleigh  
46 Dickinson] Rutgers University School of Dentistry.

47 (cf: P.L.1987, c.183, s.2)



1       103. Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is amended to  
2 read as follows:

3       2. The Early Intervention Program in the Department of Health  
4 and Senior Services established pursuant to section 2 of P.L.1993,  
5 c.309 (C.26:1A-36.7) shall conduct activities to address the specific  
6 needs of children with autism spectrum disorders and their families.  
7 These activities shall include, but not be limited to, the following:

8       a. developing, in consultation with autism experts and  
9 advocates, including, but not limited to, the Governor's Council for  
10 Medical Research and Treatment of Autism, Autism Speaks, The  
11 New Jersey Center for Outreach and Services for the Autism  
12 Community, The Autism Center of New Jersey Medical School at  
13 **【the University of Medicine and Dentistry of New Jersey】** Rutgers,  
14 The State University, the Statewide Parent Advocacy Network, Inc.,  
15 and the New Jersey chapter of the American Academy of Pediatrics,  
16 guidelines for health care professionals to use in evaluating infants  
17 and toddlers living in the State for autism and to ensure the timely  
18 referral by health care professionals of infants and toddlers who are  
19 identified as having autism or suspected of being on the autism  
20 spectrum to the Early Intervention Program in order to provide  
21 appropriate services to those infants and toddlers as early as  
22 possible;

23       b. referring affected children who are identified as having  
24 autism or suspected of being on the autism spectrum and their  
25 families to schools and agencies, including community, consumer,  
26 and parent-based agencies, and organizations and other programs  
27 mandated by Part C of the "Individuals with Disabilities Education  
28 Act" (20 U.S.C. s.1431 et seq.), which offer programs specifically  
29 designed to meet the unique needs of children with autism;

30       c. collecting data on Statewide autism screening, diagnosis,  
31 and intervention programs and systems that can be used for applied  
32 research, program evaluation, and policy development; and

33       d. disseminating information on the medical care of individuals  
34 with autism to health care professionals and the general public.

35 (cf: P.L.2007, c.172, s.2)

36

37       104. Section 23 of P.L.1972, c.29 (C.26:2I-23) is amended to  
38 read as follows:

39       23. In order to provide new health care organizations and to  
40 enable the construction and financing thereof, to refinance  
41 indebtedness hereafter created by the authority for the purpose of  
42 providing one or more health care organizations or additions or  
43 improvements thereto or modernization thereof or for any one or  
44 more of said purposes but for no other purpose unless authorized by  
45 law, each of the following bodies shall have the powers hereafter  
46 enumerated to be exercised upon such terms and conditions,  
47 including the fixing of fair consideration or rental to be paid or  
48 received, as it shall determine by resolution as to such property and

1 each shall be subject to the performance of the duties hereafter  
2 enumerated, that is to say, the Department of Health and Senior  
3 Services as to such as are located on land owned by, or owned by  
4 the State and held for, any State institution or on lands of the  
5 institutions under the jurisdiction of the Department of Health and  
6 Senior Services or of the Department of Human Services, or by the  
7 authority, the Commissioner of Human Services as to State  
8 institutions operated by that department, the board of trustees or  
9 governing body of any public health care organization, the board of  
10 **[trustees of the University of Medicine and Dentistry of New**  
11 **Jersey]** governors of Rutgers, The State University, as to such as  
12 are located on land owned by the university, or by the State for the  
13 university, the State or by the particular public health care  
14 organization, respectively, namely:

15 a. The power to sell and to convey to the authority title in fee  
16 simple in any such land and any existing health care facility thereon  
17 owned by the State and held for any department thereof or of any of  
18 the institutions under the jurisdiction of the Department of Health  
19 and Senior Services or the power to sell and to convey to the  
20 authority such title as the State or the public health care  
21 organization, respectively, may have in any such land and any  
22 existing health care facility thereon.

23 b. The power to lease to the authority any land and any existing  
24 health care facility thereon so owned for a term or terms not  
25 exceeding 50 years each.

26 c. The power to lease or sublease from the authority, and to  
27 make available, any such land and existing health care facility  
28 conveyed or leased to the authority under subsections a. and b. of  
29 this section, and any new health care facility erected upon such land  
30 or upon any other land owned by the authority.

31 d. The power and duty, upon receipt of notice of any  
32 assignment by the authority of any lease or sublease made under  
33 subsection c. of this section, or of any of its rights under any such  
34 lease or sublease, to recognize and give effect to such assignment,  
35 and to pay to the assignee thereof rentals or other payments then  
36 due or which may become due under any such lease or sublease  
37 which has been so assigned by the authority.

38 (cf: P.L.1997, c.435, s.9)

39

40 105. Section 25 of P.L.1972, c.29 (C.26:2I-25) is amended to  
41 read as follows:

42 25. In addition to the powers and duties with respect to health  
43 care organizations given under sections 23 and 24 of P.L.1972, c.29  
44 (C.26:2I-23 and C.26:2I-24, respectively), the board of trustees or  
45 governing body of any State institution or public health care  
46 organization and the board of **[trustees of the University of**  
47 **Medicine and Dentistry of New Jersey]** governors of Rutgers, The  
48 State University shall also have the same powers and be subject to

1 the same duties in relation to any conveyance, lease or sublease  
2 made under subsection a., b., or c. of section 24 of P.L.1972, c.29  
3 (C.26:2I-24), with respect to revenue producing facilities; that is to  
4 say, structures or facilities which produce revenues sufficient to pay  
5 the rentals due and to become due under any lease or sublease made  
6 under subsection c. of section 24 of P.L.1972, c.29 (C.26:2I-24),  
7 including, without limitation, extended care and parking facilities.  
8 (cf: P.L.1997, c.435, s.11)

9  
10 106. Section 27 of P.L.1972, c.29 (C.26:2I-27) is amended to  
11 read as follows:

12 27. To the extent not otherwise expressly provided under  
13 existing law, all powers and duties conferred upon any State  
14 institution or **[the University of Medicine and Dentistry of New**  
15 **Jersey]** Rutgers, The State University or any county, city or  
16 municipal health care organization pursuant to this act shall be  
17 exercised and performed by resolution of its governing body and all  
18 powers and duties conferred upon any of these health care  
19 organizations pursuant to this act shall be exercised and performed  
20 by resolution of its board of trustees or governing body.  
21 (cf: P.L.1997, c.435, s.12)

22  
23 107. Section 1 of P.L. 1986, c.106 (C.26:2K-35) is amended to  
24 read as follows:

25 1. As used in this act:

26 a. "Commissioner" means the Commissioner of the Department  
27 of Health and Senior Services.

28 b. "Dispatch" means the coordinated request for and dispatch  
29 of the emergency medical service helicopter response unit by a  
30 central communications center located in the service area, following  
31 protocols developed by the mobile intensive care hospital, the  
32 regional trauma or critical care center, the commissioner and the  
33 superintendent.

34 c. "Emergency medical service helicopter response unit" means  
35 a specially equipped hospital-based emergency medical service  
36 helicopter staffed by advanced life support personnel and operated  
37 for the provision of advanced life support services under the  
38 medical direction of a mobile intensive care program and the  
39 regional trauma or critical care center authorized by the  
40 commissioner.

41 d. "Emergency medical transportation" means the prehospital  
42 or interhospital transportation of an acutely ill or injured patient by  
43 a dedicated emergency medical service helicopter response unit  
44 operated, maintained and piloted by the Division of State Police of  
45 the Department of Law and Public Safety, pursuant to regulations  
46 adopted by the commissioner under chapter 40 of Title 8 of the New  
47 Jersey Administrative Code.

1 e. "Medical direction" means the medical control and medical  
2 orders transmitted from the physician of the mobile intensive care  
3 hospital or from the physician at the regional trauma or critical care  
4 center to the staff of the helicopter. The mobile intensive care unit  
5 coordinating center and regional trauma or critical care center shall  
6 have the ability to cross patch and consult with each other as  
7 approved by the commissioner.

8 f. "Mobile intensive care hospital" means a hospital authorized  
9 by the commissioner to develop and maintain a mobile intensive  
10 care unit to provide advanced life support services in accordance  
11 with P.L.1984, c.146 (C.26:2K-7 et al.).

12 g. "Regional trauma center" means a State designated level one  
13 hospital-based trauma center equipped and staffed to provide  
14 emergency medical services to an accident or trauma victim,  
15 including, but not limited to, the level one trauma centers at [the  
16 University of Medicine and Dentistry of New Jersey-] University  
17 Hospital in Newark, known as the "Eric Munoz Trauma Center,"  
18 and at the Cooper Hospital/University Medical Center in Camden.

19 h. "Critical care center" means a hospital authorized by the  
20 commissioner to provide regional critical care services, such as  
21 trauma, burn, spinal cord, cardiac, poison or neonatal care.

22 i. "Superintendent" means the Superintendent of the Division  
23 of State Police of the Department of Law and Public Safety.  
24 (cf: P.L. 2010, c.80, s.1)

25  
26 108. Section 2 of P.L.1986, c.134 (C.26:2N-2) is amended to  
27 read as follows:

28 2. The commissioner shall prepare and make available to all  
29 health care providers in the State and parents and guardians, upon  
30 request, a pamphlet which explains the benefits and possible  
31 adverse reactions to immunizations for pertussis. This pamphlet  
32 may contain any information which the commissioner deems  
33 necessary and may be revised by the department whenever new  
34 information concerning these immunizations becomes available.  
35 The pamphlet shall include the following information:

36 a. A list of the immunizations required for admission to a public  
37 or private school in the State;

38 b. Specific information regarding the pertussis vaccine which  
39 includes:

40 (1) The circumstances under which pertussis vaccine should not  
41 be administered or should be delayed, including the categories of  
42 persons who are significantly more vulnerable to major adverse  
43 reactions than are members of the general population;

44 (2) Possible adverse reactions to pertussis vaccine and the early  
45 warning signs or symptoms that may be precursors to a major  
46 adverse reaction which, upon occurrence, should be brought to the  
47 immediate attention of the health care provider who administered  
48 the vaccine;

1 (3) A form that the parent or guardian may use to monitor  
2 symptoms of a possible adverse reaction and which includes places  
3 where the parent or guardian can record information about the  
4 symptoms that will assist the health care provider; and

5 (4) Measures that a parent or guardian should take to reduce the  
6 risk of, or to respond to, a major adverse reaction including  
7 identification of who should be notified of the reaction and when  
8 the notification should be made.

9 The commissioner shall prepare the pamphlet in consultation with  
10 the Medical Society of New Jersey [and the University of Medicine  
11 and Dentistry of New Jersey] and shall adopt by regulation the  
12 information contained in the pamphlet, pursuant to the  
13 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et  
14 seq.)

15 (cf: P.L.1986, c.134, s.2)

16

17 109. Section 2 of P.L.1999, c.66 (C.26:2U-2) is amended to read  
18 as follows:

19 2. The Department of Health and Senior Services, in  
20 consultation with the New Jersey Chronic Fatigue Syndrome  
21 Association, Inc., and the Academy of Medicine of New Jersey  
22 [and the University of Medicine and Dentistry of New Jersey],  
23 shall prepare and make available to all health care providers in the  
24 State, upon request, a manual which provides information about the  
25 clinical significance, diagnosis and treatment of chronic fatigue  
26 syndrome. The manual may contain any other information which  
27 the Commissioner of Health and Senior Services deems necessary  
28 and may be revised by the department whenever new information  
29 about chronic fatigue syndrome becomes available. The department  
30 shall publicize and make available the manual to the maximum  
31 extent possible.

32 (cf: P.L.1999, c.66, s.2)

33

34 110. Section 4 of P.L.1984, c.126 (C.26:5C-4) is amended to  
35 read as follows:

36 4. [The University of Medicine and Dentistry of New Jersey]  
37 Rutgers, The State University shall, in coordination with the State  
38 Department of Health and Senior Services, serve as a resource  
39 center and may offer diagnostic procedures, medical treatment,  
40 counseling, as well as any other services that may be necessary to  
41 assist AIDS victims and their families.

42 (cf: P.L.1984, c.126, s.4)

43

44 111. Section 115 of P.L.2008, c.29 (C.26:2NN-1) is amended to  
45 read as follows:

46 115. a. The Department of Health and Senior Services shall  
47 maintain a toll-free information "Law Enforcement Officer Crisis  
48 Intervention Services" telephone hotline on a 24-hour basis.

1 The hotline shall receive and respond to calls from law  
2 enforcement officers and sheriff's officers who have been involved  
3 in any event or incident which has produced personal or job-related  
4 depression, anxiety, stress, or other psychological or emotional  
5 tension, trauma, or disorder for the officer and officers who have  
6 been wounded in the line of duty. The operators of the hotline shall  
7 seek to identify those officers who should be referred to further  
8 debriefing and counseling services, and to provide such referrals.  
9 In the case of wounded officers, those services may include peer  
10 counseling, diffusing, debriefing, group therapy and individual  
11 therapy as part of a coordinated assistance program, to be known as  
12 the "Blue Heart Law Enforcement Assistance Program," designed  
13 and implemented by the **【University of Medicine and Dentistry of**  
14 **New Jersey's】 University Behavioral Healthcare Unit of Rutgers,**  
15 **The State University.**

16 b. The operators of the hotline shall be trained by the  
17 Department of Health and Senior Services and, to the greatest  
18 extent possible, shall be persons, who by experience or education,  
19 are: (1) familiar with post trauma disorders and the emotional and  
20 psychological tensions, depressions, and anxieties unique to law  
21 enforcement officers and sheriff's officers; or (2) trained to provide  
22 counseling services involving marriage and family life, substance  
23 abuse, personal stress management and other emotional or  
24 psychological disorders or conditions which may be likely to  
25 adversely affect the personal and professional well-being of a law  
26 enforcement officer and a sheriff's officer.

27 c. To ensure the integrity of the telephone hotline and to  
28 encourage officers to utilize it, the commissioner shall provide for  
29 the confidentiality of the names of the officers calling, the  
30 information discussed by that officer and the operator, and any  
31 referrals for further debriefing or counseling; provided, however,  
32 the commissioner may, by rule and regulation, (1) establish  
33 guidelines providing for the tracking of any officer who exhibits a  
34 severe emotional or psychological disorder or condition which the  
35 operator handling the call reasonably believes might result in harm  
36 to the officer or others and (2) establish a confidential registry of  
37 wounded New Jersey law enforcement officers.

38 (cf: P.L.2008, c.29, s.115)

39

40 112. Section 10 of P.L.2011, c.210 (C.26:5B-6) is amended to  
41 read as follows:

42 10. a. The Department of Health and Senior Services, in  
43 consultation with the Medical Society of New Jersey and **【the**  
44 **【University of Medicine and Dentistry of New Jersey】 Rutgers,**  
45 **The State University,** shall prepare, and make available on its  
46 Internet website, information in English and Spanish, which is  
47 designed to be easily understandable by the general public, about  
48 the genetic risk factors associated with, and the symptoms and

1 treatment of, sickle cell anemia, in addition to any other information  
2 that the Commissioner of Health and Senior Services deems  
3 necessary for the purposes of this act. The department shall revise  
4 this information whenever new information about sickle cell anemia  
5 becomes available.

6 b. The department shall prepare an informational booklet in  
7 English and Spanish that contains the information posted on its  
8 website pursuant to subsection a. of this section, as funds become  
9 available for that purpose. The department shall make a supply of  
10 booklets available to all licensed health care facilities engaged in  
11 the diagnosis or treatment of sickle cell anemia, as well as to health  
12 care professionals, community health centers, members of the  
13 public, and social services agencies upon their request.

14 (cf: P.L.2011, c.210, s.10)

15

16 113. Section 2 of P.L.2005, c.379 (C.34:11-56.59) is amended to  
17 read as follows:

18 2. As used in this act:

19 "Commissioner" means the Commissioner of Labor and  
20 Workforce Development or the commissioner's duly authorized  
21 representatives.

22 "Building services" means any cleaning or building maintenance  
23 work, including but not limited to sweeping, vacuuming, floor  
24 cleaning, cleaning of rest rooms, collecting refuse or trash, window  
25 cleaning, engineering, securing, patrolling, or other work in  
26 connection with the care, securing, or maintenance of an existing  
27 building, except that "building services" shall not include any  
28 maintenance work or other public work for which a contractor is  
29 required to pay the "prevailing wage" as defined in section 2 of  
30 P.L.1963, c.150 (C.34:11-56.26).

31 "Leased by the State" means that not less than 55% of the  
32 property or premises is leased by the State, provided that the portion  
33 of the property or premises that is leased by the State measures  
34 more than 20,000 square feet.

35 "Prevailing wage for building services" means the wage and  
36 benefit rates designated by the commissioner based on the  
37 determinations made by the General Services Administration  
38 pursuant to the federal "Service Contract Act of 1965" (41 U.S.C.  
39 s.351 et seq.), for the appropriate localities and classifications of  
40 building service employees.

41 "The State" means the State of New Jersey and all of its  
42 departments, bureaus, boards, commissions, agencies and  
43 instrumentalities, including any State institutions of higher  
44 education, but does not include political subdivisions.

45 "State institutions of higher education," means Rutgers, The  
46 State University of New Jersey [ , the University of Medicine and  
47 Dentistry of New Jersey] Rowan University, and the New Jersey  
48 Institute of Technology, and any of the State colleges or universities

1 established pursuant to chapter 64 of Title 18A of the New Jersey  
2 Statutes, but does not include any county college established  
3 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.  
4 (cf: P.L.2005, c.379, s.2)

5  
6 114. Section 1 of P.L.2011, c.116 (C.38A:13-10) is amended to  
7 read as follows:

8 1. a. The Legislature finds and declares that the Department of  
9 Military and Veterans' Affairs, in conjunction with **【the University**  
10 **of Medicine and Dentistry】** Rutgers, The State University of New  
11 Jersey, has established a veteran to veteran peer support program  
12 telephone helpline. The helpline receives and responds to calls  
13 from veterans, servicemembers, and their families. It provides them  
14 with access to a comprehensive mental health provider network of  
15 mental health professionals specializing in post traumatic stress  
16 disorder and other veterans issues. All services are free and  
17 confidential.

18 b. Since its inception, the helpline has fielded over 6,000 calls  
19 from veterans and their families and based on prior statistics, a 10%  
20 increase in calls has been projected.

21 c. The helpline is funded through an allocation from a State  
22 appropriation for post traumatic stress disorder. It is appropriate  
23 that the helpline have a separate annual appropriation.  
24 (cf: P.L.2011, c.116, s.1)

25  
26 115. Section 2 of P.L.2011, c.116 (C.38A:13-11) is amended to  
27 read as follows:

28 2. a. The Department of Military and Veterans' Affairs shall  
29 establish, in coordination with University Behavioral HealthCare of  
30 **【the University of Medicine and Dentistry】** Rutgers, The State  
31 University of New Jersey, a toll free veteran to veteran peer support  
32 helpline.

33 b. The helpline shall be accessible 24 hours a day seven days  
34 per week and shall respond to calls from veterans, servicemembers  
35 and their families. The operators of the helpline shall seek to  
36 identify the veterans, servicemembers and their families who should  
37 be referred to further peer support and counseling services, and  
38 provide referrals.

39 c. The operators of the helpline shall be trained by University  
40 Behavioral Healthcare of **【the University of Medicine and**  
41 **Dentistry】** Rutgers, The State University of New Jersey and, to the  
42 greatest extent possible, shall be trained veterans or mental health  
43 professionals with military service expertise and (1) familiar with  
44 post traumatic stress disorder, traumatic brain injury and the  
45 emotional and psychological tensions, depressions, and anxieties  
46 unique to veterans, servicemembers, and their families or (2)  
47 trained to provide counseling services involving marriage and



1 family life, substance abuse, personal stress management and other  
2 emotional or psychological disorders or conditions which may be  
3 likely to adversely affect the personal and service related well-being  
4 of veterans, servicemembers, and their families.

5 d. The Department of Military and Veterans' Affairs and [the  
6 University of Medicine and Dentistry] Rutgers, The State  
7 University of New Jersey shall provide for the confidentiality of the  
8 names of the persons calling, the information discussed, and any  
9 referrals for further peer support or counseling; provided, however,  
10 the Department of Military and Veterans' Affairs and [the  
11 University of Medicine and Dentistry] Rutgers, The State  
12 University of New Jersey may establish guidelines providing for the  
13 tracking of any person who exhibits a severe emotional or  
14 psychological disorder or condition which the operator handling the  
15 call reasonably believes might result in harm to the veteran or  
16 servicemember or any other person.

17 (cf: P.L.2011, c.116, s.2)

18

19 116. Section 3 of P.L.2011, c.116 (C.38A:13-12) is amended to  
20 read as follows:

21 3. University Behavioral Healthcare of [the University of  
22 Medicine and Dentistry] Rutgers, The State University of New  
23 Jersey shall maintain a list of credentialed military-oriented  
24 behavioral healthcare providers throughout the State of New Jersey.  
25 Case management services shall also be provided to ensure that  
26 veterans, servicemembers, and their families receive ongoing  
27 counseling throughout all pre and post deployment events in New  
28 Jersey. The continuum of services shall utilize the National Yellow  
29 Ribbon guidelines while providing ongoing peer support  
30 customized for each branch of military service.

31 (cf: P.L.2011, c.116, s.3)

32

33 117. Section 4 of P.L.2011, c.116 (C.38A:13-13) is amended to  
34 read as follows:

35 4. In establishing the helpline authorized under the provisions  
36 of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant  
37 General of the Department of Military and Veterans' Affairs and  
38 University Behavioral Healthcare of [the University of Medicine  
39 and Dentistry] Rutgers, The State University of New Jersey shall  
40 consult on a quarterly basis with the New Jersey Division of Mental  
41 Health Services within the Department of Human Services, the  
42 United States Department of Veterans' Affairs, the New Jersey  
43 Veterans Healthcare Network, at least two New Jersey Veteran  
44 Centers, and at least two State recognized veteran groups.

45 (cf: P.L.2011, c.116, s.4)

1       118. Section 25 of P.L.1954, c.84 (C.43:15A-25) is amended to  
2 read as follows:

3       25. a. The annuity savings fund shall be the fund in which shall  
4 be credited accumulated deductions and contributions by members  
5 or on their behalf to provide for their allowances. A single account  
6 shall be established in this fund for each person who is or shall  
7 become a member and all contributions deducted from each such  
8 member's compensation shall be credited to this single account.

9       b. (1) Members enrolled in the retirement system on or after July  
10 1, 1994 shall contribute 5% of compensation to the system.  
11 Members enrolled in the system prior to July 1, 1994 shall  
12 contribute 5% of compensation to the system effective with the  
13 payroll period for which the beginning date is closest to July 1,  
14 1995, provided, however, that any member enrolled before July 1,  
15 1994, whose full contribution rate under the system prior to the  
16 revisions by this act was less than 6%, shall pay 4% of  
17 compensation to the system effective with the payroll period for  
18 which the beginning date is closest to July 1, 1995, and 5% of  
19 compensation to the system effective with the payroll period for  
20 which the beginning date is closest to July 1, 1996.

21       (2) Members enrolled in the retirement system on or after July  
22 1, 2007 who are:

23       employees of the State, other than employees of the Judicial  
24 Branch;

25       employees of an independent State authority, board, commission,  
26 corporation, agency or organization;

27       employees of a local school district, regional school district,  
28 county vocational school district, county special services school  
29 district, jointure commission, educational services commission,  
30 State-operated school district, charter school, county college, any  
31 officer, board, or commission under the authority of the  
32 Commissioner of Education or of the State Board of Education, and  
33 any other public entity which is established pursuant to authority  
34 provided by Title 18A of the New Jersey Statutes; or

35       employees of a State public institution of higher education [,  
36 other than employees of the University of Medicine and Dentistry  
37 of New Jersey] shall contribute 5.5% of compensation to the  
38 system, and all such members described above enrolled in the  
39 system prior to July 1, 2007 shall contribute 5.5% of compensation  
40 to the system effective with the payroll period for which the  
41 beginning date is closest to July 1, 2007.

42       Members enrolled in the retirement system on or after July 1,  
43 2008, other than those described in the paragraph above, shall  
44 contribute 5.5% of compensation to the system. Members enrolled  
45 in the system prior to July 1, 2008, other than those described in the  
46 paragraph above, shall contribute 5.5% of compensation to the  
47 system effective with the payroll period that begins immediately  
48 after July 1, 2008.

1 (3) Members of the retirement system shall contribute 6.5% of  
2 compensation to the system on and after the effective date of  
3 P.L.2011, c.78, with an additional contribution of 1% to be phased  
4 in in equal increments over a period of seven years commencing  
5 with the first year following that effective date.

6 c. The retirement system shall certify to each State department  
7 or subdivision thereof, and to each branch of the State service not  
8 included in a State department, and to every other employer, the  
9 proportion of each member's compensation to be deducted and to  
10 facilitate the making of deductions the retirement system may  
11 modify the deduction required by a member by such an amount as  
12 shall not exceed 1/10 of 1% of the compensation upon the basis of  
13 which the deduction is to be made.

14 If payment in full, representing the monthly or biweekly  
15 transmittal and report of salary deductions, is not made within 15  
16 days of the due date established by the retirement system, interest at  
17 the rate of 6% per annum shall commence to run against the total  
18 transmittal of salary deductions for the period on the first day after  
19 such fifteenth day.

20 d. Every employee to whom this act applies shall be deemed to  
21 consent and agree to any deduction from his compensation required  
22 by this act and to all other provisions of this act. Notwithstanding  
23 any other law, rule or regulation affecting the salary, pay,  
24 compensation, other perquisites, or tenure of a person to whom this  
25 act applies, or shall apply, and notwithstanding that the minimum  
26 salary, pay, or compensation or other perquisites provided by law  
27 for him shall be reduced thereby, payment, less such deductions,  
28 shall be a full and complete discharge and acquittance of all claims  
29 and demands for service rendered by him during the period covered  
30 by such payment.

31 (cf: P.L.2011, c.78, s.10)

32  
33 119. Section 3 of P.L.1948, c.110 (C.43:21-27) is amended to  
34 read as follows:

35 3. As used in this act, unless the context clearly requires  
36 otherwise:

37 (a) (1) "Covered employer" means, with respect to whether an  
38 employer is required to provide benefits during an employee's own  
39 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
40 individual or type of organization, including any partnership,  
41 association, trust, estate, joint-stock company, insurance company  
42 or corporation, whether domestic or foreign, or the receiver, trustee  
43 in bankruptcy, trustee or successor thereof, or the legal  
44 representative of a deceased person, who is an employer subject to  
45 the "unemployment compensation law" (R.S.43:21-1 et seq.),  
46 except the State, its political subdivisions, and any instrumentality  
47 of the State unless such governmental entity elects to become a  
48 covered employer pursuant to paragraph (2) of this subsection (a);

1 provided, however, that commencing with the effective date of this  
2 act, the State of New Jersey, including Rutgers, The State  
3 University [, the University of Medicine and Dentistry of New  
4 Jersey] and the New Jersey Institute of Technology, shall be  
5 deemed a covered employer, as defined herein.

6 "Covered employer" means, after June 30, 2009, with respect to  
7 whether the employer is an employer whose employees are eligible  
8 for benefits during periods of family temporary disability leave  
9 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December  
10 31, 2008, whether employees of the employer are required to make  
11 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual  
12 or type of organization, including any partnership, association,  
13 trust, estate, joint-stock company, insurance company or domestic  
14 or foreign corporation, or the receiver, trustee in bankruptcy, trustee  
15 or successor thereof, or the legal representative of a deceased  
16 person, who is an employer subject to the "unemployment  
17 compensation law" (R.S.43:21-1 et seq.), including any  
18 governmental entity or instrumentality which is an employer under  
19 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or  
20 instrumentality has not elected to be a covered employer pursuant to  
21 paragraph (2) of this subsection (a).

22 (2) Any governmental entity or instrumentality which is an  
23 employer under R.S.43:21-19(h)(5) may, with respect to the  
24 provision of benefits during an employee's own disability pursuant  
25 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered  
26 employer" under this subsection beginning with the date on which  
27 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of  
28 any year thereafter by filing written notice of such election with the  
29 division within at least 30 days of the effective date. Such election  
30 shall remain in effect for at least two full calendar years and may be  
31 terminated as of January 1 of any year thereafter by filing with the  
32 division a written notice of termination at least 30 days prior to the  
33 termination date.

34 (b) (1) "Covered individual" means, with respect to whether an  
35 individual is eligible for benefits during an individual's own  
36 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
37 person who is in employment, as defined in the "unemployment  
38 compensation law" (R.S.43:21-1 et seq.), for which the individual is  
39 entitled to remuneration from a covered employer, or who has been  
40 out of such employment for less than two weeks, except that a  
41 "covered individual" who is employed by the State of New Jersey,  
42 including Rutgers, The State University [, the University of  
43 Medicine and Dentistry of New Jersey and] or the New Jersey  
44 Institute of Technology, or by any governmental entity or  
45 instrumentality which elects to become a "covered employer"  
46 pursuant to this amendatory act, shall not be eligible to receive any  
47 benefits under the "Temporary Disability Benefits Law" until such  
48 individual has exhausted all sick leave accumulated as an employee

1 in the classified service of the State or accumulated under terms and  
2 conditions similar to classified employees or accumulated under the  
3 terms and conditions pursuant to the laws of this State or as the  
4 result of a negotiated contract with any governmental entity or  
5 instrumentality which elects to become a "covered employer."

6 "Covered individual" shall not mean, with respect to whether an  
7 individual is eligible for benefits during an individual's own  
8 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
9 member of the Division of State Police in the Department of Law  
10 and Public Safety.

11 (2) "Covered individual" means, with respect to whether an  
12 individual is eligible for benefits during the individual's period of  
13 family temporary disability leave pursuant to P.L.1948, c.110  
14 (C.43:21-25 et al.), any individual who is in employment, as  
15 defined in the "unemployment compensation law" (R.S.43:21-1 et  
16 seq.), for which the individual is entitled to remuneration from a  
17 covered employer, or who has been out of that employment for less  
18 than two weeks.

19 (c) "Division" or "commission" means the Division of  
20 Temporary Disability Insurance of the Department of Labor and  
21 Workforce Development, and any transaction or exercise of  
22 authority by the director of the division shall be deemed to be  
23 performed by the division.

24 (d) "Day" shall mean a full calendar day beginning and ending  
25 at midnight.

26 (e) "Disability" shall mean such disability as is compensable  
27 under section 5 of P.L.1948, c.110 (C.43:21-29).

28 (f) "Disability benefits" shall mean any cash payments which  
29 are payable to a covered individual for all or part of a period of  
30 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

31 (g) "Period of disability" with respect to any covered individual  
32 shall mean:

33 (1) The entire period of time during which the covered  
34 individual is continuously and totally unable to perform the duties  
35 of the covered individual's employment because of the covered  
36 individual's own disability, except that two periods of disability due  
37 to the same or related cause or condition and separated by a period  
38 of not more than 14 days shall be considered as one continuous  
39 period of disability; provided the individual has earned wages  
40 during such 14-day period with the employer who was the  
41 individual's last employer immediately preceding the first period of  
42 disability; and

43 (2) On or after July 1, 2009, the entire period of family  
44 temporary disability leave taken from employment by the covered  
45 individual.

46 (h) "Wages" shall mean all compensation payable by covered  
47 employers to covered individuals for personal services, including

1 commissions and bonuses and the cash value of all compensation  
2 payable in any medium other than cash.

3 (i) (1) (Deleted by amendment, P.L.2001, c.17).

4 (2) (Deleted by amendment, P.L.2001, c.17).

5 (3) "Base week" with respect to periods of disability  
6 commencing on or after October 1, 1985 and before January 1,  
7 2001, means any calendar week during which a covered individual  
8 earned in employment from a covered employer remuneration equal  
9 to not less than 20% of the Statewide average weekly wage  
10 determined under subsection (c) of R.S.43:21-3, which shall be  
11 adjusted to the next higher multiple of \$1.00 if not already a  
12 multiple thereof.

13 (4) "Base week" with respect to periods of disability  
14 commencing on or after January 1, 2001, means any calendar week  
15 of a covered individual's base year during which the covered  
16 individual earned in employment from a covered employer  
17 remuneration not less than an amount 20 times the minimum wage  
18 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on  
19 October 1 of the calendar year preceding the calendar year in which  
20 the benefit year commences, which amount shall be adjusted to the  
21 next higher multiple of \$1.00 if not already a multiple thereof,  
22 except that if in any calendar week an individual subject to this  
23 paragraph is in employment with more than one employer, the  
24 covered individual may in that calendar week establish a base week  
25 with respect to each of the employers from whom the covered  
26 individual earns remuneration equal to not less than the amount  
27 defined in this paragraph during that week.

28 (j) (1) "Average weekly wage" means the amount derived by  
29 dividing a covered individual's total wages earned from the  
30 individual's most recent covered employer during the base weeks in  
31 the eight calendar weeks immediately preceding the calendar week  
32 in which a period of disability commenced, by the number of such  
33 base weeks.

34 (2) If the computation in paragraph (1) of this subsection (j)  
35 yields a result which is less than the individual's average weekly  
36 earnings in employment with all covered employers during the base  
37 weeks in such eight calendar weeks, then the average weekly wage  
38 shall be computed on the basis of earnings from all covered  
39 employers during the base weeks in the eight calendar weeks  
40 immediately preceding the week in which the period of disability  
41 commenced.

42 (3) For periods of disability commencing on or after July 1,  
43 2009, if the computations in paragraphs (1) and (2) of this  
44 subsection (j) both yield a result which is less than the individual's  
45 average weekly earnings in employment with all covered employers  
46 during the base weeks in the 26 calendar weeks immediately  
47 preceding the week in which the period of disability commenced,  
48 then the average weekly wage shall, upon a written request to the

1 department by the individual on a form provided by the department,  
2 be computed by the department on the basis of earnings from all  
3 covered employers of the individual during the base weeks in those  
4 26 calendar weeks, and, in the case of a claim for benefits from a  
5 private plan, that computation of the average weekly wage shall be  
6 provided by the department to the individual and the individual's  
7 employer.

8 When determining the "average weekly wage" with respect to a  
9 period of family temporary disability leave for an individual who  
10 has a period of family temporary disability immediately after the  
11 individual has a period of disability for the individual's own  
12 disability, the period of disability is deemed to have commenced at  
13 the beginning of the period of disability for the individual's own  
14 disability, not the period of family temporary disability.

15 (k) "Child" means a biological, adopted, or foster child,  
16 stepchild or legal ward of a covered individual, child of a domestic  
17 partner of the covered individual, or child of a civil union partner of  
18 the covered individual, who is less than 19 years of age or is 19  
19 years of age or older but incapable of self-care because of mental or  
20 physical impairment.

21 (l) "Domestic partner" means a domestic partner as defined in  
22 section 3 of P.L.2003, c.246 (C.26:8A-3).

23 (m) "Civil union" means a civil union as defined in section 2 of  
24 P.L.2006, c.103 (C.37:1-29).

25 (n) "Family member" means a child, spouse, domestic partner,  
26 civil union partner or parent of a covered individual.

27 (o) "Family temporary disability leave" means leave taken by a  
28 covered individual from work with an employer to (1) participate in  
29 the providing of care, as defined in the "Family Leave Act,"  
30 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted  
31 pursuant to that act, for a family member of the individual made  
32 necessary by a serious health condition of the family member; or (2)  
33 be with a child during the first 12 months after the child's birth, if  
34 the individual, or the domestic partner or civil union partner of the  
35 individual, is a biological parent of the child, or the first 12 months  
36 after the placement of the child for adoption with the individual.  
37 "Family temporary disability leave" does not include any period of  
38 time in which a covered individual is paid benefits pursuant to  
39 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable  
40 to perform the duties of the individual's employment due to the  
41 individual's own disability.

42 (p) "Health care provider" means a health care provider as  
43 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et  
44 seq.), and any regulations adopted pursuant to that act.

45 (q) "Parent of a covered individual" means a biological parent,  
46 foster parent, adoptive parent, or stepparent of the covered  
47 individual or a person who was a legal guardian of the covered  
48 individual when the covered individual was a child.

1 (r) "Placement for adoption" means the time when a covered  
2 individual adopts a child or becomes responsible for a child pending  
3 adoption by the covered individual.

4 (s) "Serious health condition" means an illness, injury,  
5 impairment or physical or mental condition which requires:  
6 inpatient care in a hospital, hospice, or residential medical care  
7 facility; or continuing medical treatment or continuing supervision  
8 by a health care provider.

9 (t) "12-month period" means, with respect to an individual who  
10 establishes a valid claim for disability benefits during a period of  
11 family temporary disability leave, the 365 consecutive days that  
12 begin with the first day that the individual first establishes the  
13 claim.

14 (cf: P.L.2008, c.17, s.2)

15

16 120. Section 22 of P.L.1948, c.110 (C.43:21-46) is amended to  
17 read as follows:

18 22. State disability benefits fund. (a) The State disability  
19 benefits fund, hereinafter referred to as the fund, is hereby  
20 established. The fund shall remain in the custody of the State  
21 Treasurer, and to the extent of its cash requirements shall be  
22 deposited in authorized public depositories in the State of New  
23 Jersey. There shall be deposited in and credited to the fund the  
24 amount of worker and employer contributions provided under  
25 subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7  
26 and subsection (e) of R.S.43:21-7, less refunds authorized by the  
27 chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and  
28 the entire amount of interest and earnings from investments of the  
29 fund, and all assessments, fines and penalties collected under this  
30 act. The fund shall be held in trust for the payment of disability  
31 benefits pursuant to this act, for the payment of benefits pursuant to  
32 subsection (f) of R.S. 43:21-4, and for the payment of any  
33 authorized refunds of contributions. All warrants for the payment  
34 of benefits shall be issued by and bear only the signature of the  
35 Director of the Division of Unemployment and Temporary  
36 Disability Insurance or his duly authorized agent for that purpose.  
37 All other moneys withdrawn from the fund shall be upon warrant  
38 signed by the State Treasurer and countersigned by the Director of  
39 the Division of Unemployment and Temporary Disability Insurance  
40 of the Department of Labor of the State of New Jersey. The  
41 Treasurer shall maintain books, records and accounts for the fund,  
42 appoint personnel and fix their compensation within the limits of  
43 available appropriations. The expenses of the Treasurer in  
44 administering the fund and its accounts shall be charged against the  
45 administration account, as hereinafter established. A separate  
46 account, to be known as the administration account, shall be  
47 maintained in the fund, and there shall be credited to such account  
48 an amount determined to be sufficient for proper administration, not



1 to exceed, however, 1/10 of 1% of the wages with respect to which  
2 current contributions are payable into the fund, and the entire  
3 amount of any assessments against covered employers, as  
4 hereinafter provided, for costs of administration prorated among  
5 approved private plans. The costs of administration of this act,  
6 including R.S.43:21-4(f), shall be charged to the administration  
7 account.

8 (b) A further separate account, to be known as the unemployment  
9 disability account, shall be maintained in the fund. Such account  
10 shall be charged with all benefit payments under R.S.43:21-4(f).

11 Prior to July 1 of each calendar year, the Division of  
12 Unemployment and Temporary Disability Insurance of the  
13 Department of Labor of the State of New Jersey shall determine the  
14 average rate of interest and other earnings on all investments of the  
15 State disability benefits fund for the preceding calendar year. An  
16 amount equal to the sum of the amounts withdrawn from the  
17 unemployment trust fund pursuant to section 23 hereof multiplied  
18 by such average rate shall be determined by the division and  
19 credited to the unemployment disability account as of the end of the  
20 preceding calendar year.

21 If the unemployment disability account shall show an  
22 accumulated deficit in excess of \$200,000.00 at the end of any  
23 calendar year after interest and other earnings have been credited as  
24 provided hereinabove, the division shall determine the ratio of such  
25 deficit to the total of all taxable wages paid during the preceding  
26 calendar year, and shall make an assessment against all employers  
27 in an amount equal to the taxable wages paid by them during such  
28 preceding calendar year to employees, multiplied by such ratio, but  
29 in no event shall any such assessment exceed 1/10 or 1% of such  
30 wages; provided, however, that the assessment made against the  
31 State (including Rutgers, The State University [, the University of  
32 Medicine and Dentistry of New Jersey] and the New Jersey  
33 Institute of Technology) shall not exceed the sum of all benefits  
34 paid under the provisions of R.S.43:21-4(f) as the result of  
35 employment with the State. Such amounts shall be collectible by  
36 the division in the same manner as provided for the collection of  
37 employee contributions under this chapter (R.S.43:21-1 et seq.). In  
38 making this assessment, the division shall furnish to each affected  
39 employer a brief summary of the determination thereof. The  
40 amount of such assessments collected by the division shall be  
41 credited to the unemployment disability account.

42 As used in this section, "taxable wages" shall mean wages with  
43 respect to which employer contributions have been paid or are  
44 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

45 (c) A board of trustees, consisting of the State Treasurer, the  
46 Secretary of State, the Commissioner of Labor and Industry, the  
47 director of the division, and the State Comptroller, is hereby  
48 created. The board shall invest and reinvest all moneys in the fund

1 in excess of its cash requirements, and such investments shall be  
2 made in obligations legal for savings banks; provided, however, that  
3 the provisions of this subsection shall in all respects be subject to  
4 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

5 (d) There is hereby appropriated, to be paid out of the fund, such  
6 amounts as may from time to time be required for the payment of  
7 disability benefits, and such amounts as may be required each year,  
8 as contained in the annual appropriation act, for the administration  
9 of this act, including R.S.43:21-4(f).  
10 (cf: P.L.1994, c.112, s.3)

11  
12 121. Section 2 of P.L.1999, c.201 (C.52:9E-2) is amended to  
13 read as follows:

14 2. As used in this act:

15 a. "Approved research project" means a peer reviewed  
16 scientific research project, which is approved by the commission  
17 and which focuses on the treatment and cure of spinal cord injuries  
18 and diseases that damage the spinal cord.

19 b. "Commission" means the New Jersey Commission on  
20 Spinal Cord Research established pursuant to this act.

21 c. "Institutional support services" means all services, facilities,  
22 equipment, personnel and expenditures associated with the creation  
23 and maintenance of approved research projects.

24 d. "Qualifying research institution" means [the University of  
25 Medicine and Dentistry of New Jersey;] Rutgers, The State  
26 University; Princeton University; the Kessler Medical  
27 Rehabilitation Research and Education Corporation; the Coriell  
28 Institute for Medical Research; and any other research institution in  
29 the State approved by the commission.

30 (cf: P.L.1999, c.201, s.2)

31  
32 122. Section 3 of P.L.1999, c.201 (C.52:9E-3) is amended to  
33 read as follows:

34 3. a. There is established in the Executive Branch of the State  
35 government, the New Jersey Commission on Spinal Cord Research.  
36 For the purposes of complying with the provisions of Article V,  
37 Section IV, paragraph 1 of the New Jersey Constitution, the  
38 commission is allocated within the Department of Health and  
39 Senior Services, but notwithstanding that allocation, the  
40 commission shall be independent of any supervision or control by  
41 the department or by any board or officer thereof.

42 b. The commission shall consist of [11] 10 members,  
43 including the Commissioner of Health and Senior Services, or his  
44 designee, who shall serve ex officio; [one representative of the  
45 University of Medicine and Dentistry of New Jersey;] one  
46 representative of Rutgers, The State University; one representative  
47 of the federally designated Spinal Cord Injury Model System; one

1 representative from the American Paralysis Association; and six  
2 public members who are residents of the State knowledgeable about  
3 spinal cord injuries and who include at least one physician licensed  
4 in this State and at least one person with a spinal cord injury. The  
5 members shall be appointed by the Governor with the advice and  
6 consent of the Senate.

7 c. The term of office of each appointed member shall be three  
8 years, but of the members first appointed, three shall be appointed  
9 for a term of one year, four for terms of two years, and three for  
10 terms of three years. All vacancies shall be filled for the balances of  
11 the unexpired terms in the same manner as the original  
12 appointments. Appointed members are eligible for reappointment  
13 upon the expiration of their terms. A member shall continue to  
14 serve upon the expiration of his term until a successor is appointed.

15 The members of the commission shall not receive compensation  
16 for their services, but shall be reimbursed for the actual and  
17 necessary expenses incurred in the performance of their duties as  
18 members of the commission.

19 (cf: P.L.1999, c.201, s.3)

20

21 123. Section 2 of P.L.2003, c.200 (C.52:9EE-2) is amended to  
22 read as follows:

23 2. As used in this act:

24 "Approved research project" means a scientific research project,  
25 which is approved by the commission and which focuses on the  
26 treatment and cure of brain injuries.

27 "Commission" means the New Jersey State Commission on Brain  
28 Injury Research established pursuant to this act.

29 "Institutional support services" means all services, facilities,  
30 equipment, personnel and expenditures associated with the creation  
31 and maintenance of approved research projects.

32 "Qualifying research institution" means [the University of  
33 Medicine and Dentistry of New Jersey and] Rutgers, The State  
34 University of New Jersey and any other institution approved by the  
35 commission, which is conducting an approved research project.

36 (cf: P.L.2003, c.200, s.2)

37

38 124. Section 3 of P.L.2003, c.200 (C.52:9EE-3) is amended to  
39 read as follows:

40 3. a. There is established in the Executive Branch of the State  
41 government, the New Jersey State Commission on Brain Injury  
42 Research. For the purposes of complying with the provisions of  
43 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
44 the commission is allocated within the Department of Health and  
45 Senior Services, but notwithstanding that allocation, the  
46 commission shall be independent of any supervision or control by  
47 the department or by any board or officer thereof.

1       b. The commission shall consist of ~~11~~ 10 members,  
2 including the Commissioner of Health and Senior Services, or his  
3 designee, who shall serve ex officio; ~~one representative of the~~  
4 ~~University of Medicine and Dentistry of New Jersey;~~ one  
5 representative of Rutgers, The State University of New Jersey; six  
6 public members, appointed by the Governor with the advice and  
7 consent of the Senate, one of whom shall be a licensed physician in  
8 this State and one of whom shall be a person with a brain injury;  
9 and two public members, one of whom shall be appointed by the  
10 President of the Senate and one of whom shall be appointed by the  
11 Speaker of the General Assembly. All public members shall be  
12 residents of the State or otherwise associated with the State, and  
13 shall be known for their knowledge, competence, experience or  
14 interest in brain injury medical research.

15       c. The term of office of each public member shall be three  
16 years, but of the members first appointed, three shall be appointed  
17 for terms of one year, three for terms of two years, and two for  
18 terms of three years. All vacancies shall be filled for the balances of  
19 the unexpired terms in the same manner as the original  
20 appointments. Appointed members are eligible for reappointment  
21 upon the expiration of their terms. A member shall continue to  
22 serve upon the expiration of his term until a successor is appointed.

23       The members of the commission shall not receive compensation  
24 for their services, but shall be reimbursed for the actual and  
25 necessary expenses incurred in the performance of their duties as  
26 members of the commission.

27 (cf: P.L.2003, c.200, s.3)

28

29       125. Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended to read  
30 as follows:

31       3. As used in this act:

32       a. "Approved research project" means a scientific research  
33 project, which is approved by the commission and which focuses on  
34 the genetic, biochemical, viral, microbiological and environmental  
35 causes of cancer, and may include, but is not limited to, behavioral,  
36 socio-economic, demographic and psychosocial research or research  
37 into methods of clinical treatment; or which focuses on pain  
38 management and palliative care for persons diagnosed with cancer.

39       b. "Commission" means the New Jersey State Commission on  
40 Cancer Research established pursuant to this act.

41       c. "Institutional support services" means all services, facilities,  
42 equipment, personnel and expenditures associated with the creation  
43 and maintenance of approved research projects.

44       d. "Qualifying research institution" means the Institute for  
45 Medical Research in Camden, New Jersey, ~~the University of~~  
46 ~~Medicine and Dentistry of New Jersey,~~ Rutgers--The State  
47 University, Princeton University and any other institution approved

1 by the commission, which is conducting an approved research  
2 project.

3 (cf: P.L.2000, c.63, s.1)

4

5 126. Section 2 of P.L.2008, c.85 (C.52:16A-100) is amended to  
6 read as follows:

7 2. a. The Ellis Island Advisory Commission is hereby created  
8 and established in the Executive Branch of the State Government.  
9 For the purposes of complying with the provisions of Article V,  
10 Section IV, paragraph 1, of the New Jersey Constitution, the  
11 commission is allocated within the Department of State.

12 The commission shall consist of **【20】** 19 voting members, as  
13 follows:

14 (1) a representative of the Governor's office, the Secretary of  
15 State or a designee, the State Treasurer or a designee, the Attorney  
16 General or a designee, the Commissioner of Environmental  
17 Protection or a designee, the Commissioner of Education or a  
18 designee, the Executive Director of the New Jersey Commerce  
19 Commission or a designee, the Commissioner of Health and Senior  
20 Services or a designee, the Commissioner of Transportation or a  
21 designee, the New Jersey State representative of the National Trust  
22 for Historic Preservation or a designee, and the President of Save  
23 Ellis Island, Inc. or a designee, each serving ex officio;

24 (2) four members of the Legislature, of whom one shall be  
25 appointed by the Senate President, one by the Senate Minority  
26 Leader, one by the Speaker of the General Assembly and one by the  
27 Minority Leader of the General Assembly. Legislators appointed to  
28 the commission shall serve as members thereof for terms co-  
29 extensive with their respective terms as members of the Houses of  
30 the Legislature from which they were appointed; and

31 (3) **【five】** four members shall be appointed by the Governor,  
32 with the advice and consent of the Senate, of whom one shall be a  
33 representative of Rutgers, the State University of New Jersey,  
34 chosen with expertise in immigration issues, **【and one shall be a**  
35 **representative of the University of Medicine and Dentistry of New**  
36 **Jersey, chosen with expertise in public health issues,】** and three  
37 shall be members of the public, chosen with due regard for their  
38 knowledge of the role of Ellis Island in American history, including  
39 one member with expertise in the hospitality industry and one  
40 member with expertise in the development industry. No public  
41 members shall hold elective office.

42 b. Each public member of the commission shall serve for a  
43 term of three years, except that of the initial members so appointed:  
44 one member shall serve for one year, two members shall serve for  
45 two years, and two members shall serve for three years. Public  
46 members shall be eligible for reappointment. They shall serve until  
47 their successors are appointed and qualified, and the term of any  
48 successor of any incumbent shall be calculated from the expiration

1 of the term of that incumbent. A vacancy occurring other than by  
2 expiration of the term shall be filled in the same manner as the  
3 original appointment but for the unexpired term only. Public  
4 members may be removed by the Governor for cause.

5 c. The members of the commission shall serve without  
6 compensation but shall be reimbursed for necessary expenses  
7 incurred in the performance of their duties subject to the availability  
8 of funds.

9 d. The Secretary of State, or a designee, shall serve as chair,  
10 and the members of the commission shall elect annually one of the  
11 public members to serve as vice-chair. The chair may appoint a  
12 secretary, who need not be a member of the commission. The  
13 presence of a majority of the full membership of the commission  
14 shall be required for the conduct of official business.

15 e. The commission shall meet at the call of the chair. The  
16 commission shall hold at least two meetings annually which shall  
17 be held at the State capitol and at such other times and places as the  
18 commission may deem expedient, including on Ellis Island.

19 (cf: P.L.2008, c.85, s.2)

20

21 127. Section 12 of P.L.1978, c.39 (C.52:18A-174) is amended to  
22 read as follows:

23 12. Subject to the independent approval of the State Treasurer,  
24 the board may authorize the transfer of funds necessary to permit  
25 individuals employed at [the University of Medicine and Dentistry  
26 of New Jersey,] the New Jersey Institute of Technology, Rutgers,  
27 The State University, Rowan University, and any other agency,  
28 authority, commission, or instrumentality of State government  
29 which has an independent corporate existence, to participate in the  
30 plan.

31 (cf: P.L.1985, c.449, s.1)

32

33 128. Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is amended to  
34 read as follows:

35 1. The Director of the Division of Purchase and Property may,  
36 by joint action, purchase any articles used or needed by the State  
37 and the Palisades Interstate Park Commission, the New Jersey  
38 Highway Authority, the New Jersey Turnpike Authority, the  
39 Delaware River Joint Toll Bridge Commission, the Port Authority  
40 of New York and New Jersey, the South Jersey Port Corporation,  
41 the Passaic Valley Sewerage Commission, the Delaware River Port  
42 Authority, Rutgers, The State University, [the University of  
43 Medicine and Dentistry of New Jersey] Rowan University, the  
44 New Jersey Sports and Exposition Authority, the New Jersey  
45 Housing Finance Agency, the New Jersey Mortgage Finance  
46 Authority, the New Jersey Health Care Facilities Financing  
47 Authority, the New Jersey Education Facilities Authority, the New  
48 Jersey Economic Development Authority, the South Jersey

1 Transportation Authority, the Hackensack Meadowlands  
2 Development Commission, the New Jersey Water Supply  
3 Authority, the Higher Education Student Assistance Authority or  
4 any other agency, commission, board, authority or other such  
5 governmental entity which is established and is allocated to a State  
6 department or any bi-state governmental entity of which the State of  
7 New Jersey is a member.

8 (cf: P.L.1999, c.440, s.89)

9

10 129. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
11 read as follows:

12 2. The Foundation for Technology Advancement shall be  
13 governed by a ~~23-member~~ 22-member board of trustees who are  
14 appointed as follows:

15 a. The Executive Director of the New Jersey Commerce  
16 Commission; the Executive Director of the New Jersey Economic  
17 Development Authority; the Executive Director of the New Jersey  
18 Commission on Science and Technology; and the Chief Technology  
19 Officer in the Office of Information Technology; or their designees,  
20 all of whom shall serve ex officio;

21 b. A faculty member appointed by the president of each of the  
22 following academic institutions: The New Jersey Institute of  
23 Technology; Rutgers, the State University; ~~the University of~~  
24 ~~Medicine and Dentistry of New Jersey;~~ and Princeton University,  
25 all of whom shall serve ex officio; and

26 c. Fifteen public members appointed by the Governor as  
27 follows: a representative of each of the following organizations: the  
28 New Jersey Technology Council, the Biotechnology Council of  
29 New Jersey, the Forum for Academicians, Scientists and  
30 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
31 Region for Tomorrow States Organization, the New Jersey Business  
32 and Industry Association, the Commerce and Industry Association  
33 of New Jersey, the New Jersey State Chamber of Commerce, the  
34 New Jersey Tooling and Manufacturing Association, the Research  
35 and Development Council of New Jersey, the American Electronics  
36 Association - New Jersey/Pennsylvania Council, and a  
37 representative employed by a corporation from each of the  
38 following industry sectors: pharmaceuticals, financial services,  
39 advanced technology, information technology, and nanotechnology.

40 Of the public members first appointed, four shall serve for a term  
41 of two years, four for a term of three years, four for a term of four  
42 years, and three for a term of five years.

43 Members appointed thereafter shall serve five-year terms, and  
44 any vacancy shall be filled by appointment for the unexpired term  
45 only. A member is eligible for reappointment. Vacancies in the  
46 membership of the foundation shall be filled in the same manner as  
47 the original appointments were made.

1 The members shall elect a chair and vice chair from the  
2 membership of the board of trustees.

3 (cf: P.L.2007, c.253, s.38)

4

5 130. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended to  
6 read as follows:

7 5. a. (1) Except where a limitations provision expressly and  
8 specifically applies to actions commenced by the State or where a  
9 longer limitations period would otherwise apply, and subject to any  
10 statutory provisions or common law rules extending limitations  
11 periods, any civil action concerning the remediation of a  
12 contaminated site or the closure of a sanitary landfill facility  
13 commenced by the State pursuant to the State's environmental laws  
14 shall be commenced within three years next after the cause of action  
15 shall have accrued.

16 (2) For purposes of determining whether a civil action subject to  
17 the limitations periods specified in paragraph (1) of this subsection  
18 has been commenced within time, no cause of action shall be  
19 deemed to have accrued prior to January 1, 2002 or until the  
20 contaminated site is remediated or the sanitary landfill has been  
21 properly closed, whichever is later.

22 b. (1) Except where a limitations provision expressly and  
23 specifically applies to actions commenced by the State or where a  
24 longer limitations period would otherwise apply, and subject to any  
25 statutory provisions or common law rules extending limitations  
26 periods, any civil action concerning the payment of compensation  
27 for damage to, or loss of, natural resources due to the discharge of a  
28 hazardous substance, commenced by the State pursuant to the  
29 State's environmental laws, shall be commenced within five years  
30 and six months next after the cause of action shall have accrued.

31 (2) For purposes of determining whether a civil action subject to  
32 the limitations periods specified in paragraph (1) of this subsection  
33 has been commenced within time, no cause of action shall be  
34 deemed to have accrued prior to January 1, 2002 or until the  
35 completion of the remedial action for the entire contaminated site or  
36 the entire sanitary landfill facility, whichever is later.

37 c. As used in this section:

38 "State's environmental laws" means the "Spill Compensation and  
39 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water  
40 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),  
41 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and  
42 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
43 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330  
44 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,  
45 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical  
46 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the  
47 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279  
48 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and



1 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the  
2 "Regional Low-Level Radioactive Waste Disposal Facility Siting  
3 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or  
4 regulation by which the State may compel a person to perform  
5 remediation activities on contaminated property; and

6 "State" means the State, its political subdivisions, any office,  
7 department, division, bureau, board, commission or agency of the  
8 State or one of its political subdivisions, and any public authority or  
9 public agency, including, but not limited to, the New Jersey Transit  
10 Corporation [and the University of Medicine and Dentistry of New  
11 Jersey] .

12 d. Nothing in the amendatory provisions to this section adopted  
13 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a  
14 limitations period that has expired prior to the date of enactment of  
15 P.L.2009, c.60 (C.58:10C-1 et al.).  
16 (cf: P.L.2009, c.60, s.50)

17

18 131. Section 8 of P.L.2001, c.246 (App.A:9-71) is amended to  
19 read as follows:

20 8. a. There is established in the Department of Law and Public  
21 Safety the Domestic Security Preparedness Planning Group, which  
22 shall assist the task force in performing its duties under this act. In  
23 cooperation with the task force, the planning group shall develop  
24 and provide to the task force, for consideration, a coordinated plan  
25 to be included in the State Emergency Operations Plan to prepare  
26 for, respond to, mitigate and recover from incidents of terrorism.

27 b. The members of the planning group shall include the  
28 Director of the New Jersey Office of Emergency Management, the  
29 Adjutant General of Military and Veterans' Affairs or his designee,  
30 the Commissioner of Agriculture or his designee, the Commissioner  
31 of Community Affairs or his designee, the Commissioner of  
32 Corrections or his designee, the Commissioner of Environmental  
33 Protection or his designee, the Commissioner of Health and Senior  
34 Services or his designee, the Commissioner of Human Services, or  
35 his designee, the Commissioner of Transportation or his designee,  
36 the Executive Director of the New Jersey Transit Corporation or his  
37 designee, the State Treasurer or his designee, the New Jersey State  
38 Medical Examiner or his designee, [a representative of the  
39 University of Medicine and Dentistry of New Jersey,] the President  
40 of the Board of Public Utilities or his designee, a representative of  
41 the New Jersey County Emergency Management Coordinators  
42 Association, a representative of the New Jersey State Fire Chiefs  
43 Association, and a representative of the New Jersey State Police  
44 Chiefs Association. The planning group may include, to the extent  
45 such individuals may be made available for such purpose, a  
46 representative of the Federal Emergency Management Agency, a  
47 representative of the Federal Bureau of Investigation, a  
48 representative of the American Red Cross, and a representative of

1 such other charitable groups as may be appropriate. The  
2 chairperson of the task force shall appoint the chair and vice chair  
3 of the planning group.  
4 (cf: P.L.2001, c.246, s.8)

5  
6 132. The following sections are repealed:  
7 P.L.1970, c.102 (C.18A:64G-1 et seq.);  
8 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-  
9 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,  
10 18A:64G-3.6);  
11 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,  
12 18A:64G-3.9, and 18A:64G-3.);  
13 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and  
14 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

15  
16 133. This act shall take effect on the 180th day after the date of  
17 enactment, but anticipatory administrative action may be taken in  
18 advance of the operative date as shall be necessary for the  
19 implementation of this act.

#### 20 21 STATEMENT

22  
23 This bill, the “New Jersey Medical and Health Sciences  
24 Education Restructuring Act,” implements numerous changes to the  
25 State’s public system of higher education.

26 The bill transfers all schools, institutes, and centers of the  
27 University of Medicine and Dentistry of New Jersey, other than the  
28 School of Osteopathic Medicine, to Rutgers, The State University.  
29 The bill provides for the appropriate transfer of: facilities;  
30 appropriations, grants and other moneys available to the transferred  
31 entities; employees of; and all files, books, papers, records,  
32 equipment, and other property of the transferred entities to Rutgers,  
33 The State University. The bill provides that all orders, rules or  
34 regulations made or promulgated by the schools, institutes, and  
35 centers, or by the University of Medicine and Dentistry of New  
36 Jersey on their behalf, will be continued with full force and effect as  
37 the orders, rules and regulations of Rutgers, The State University  
38 until amended or repealed pursuant to law. The bill further  
39 provides that the bill will not affect any actions or proceedings,  
40 civil or criminal, brought by or against the schools, institutes, and  
41 centers of the University of Medicine and Dentistry of New Jersey.

42 The bill provides that all debts of the University of Medicine and  
43 Dentistry associated with the schools, institutes, and centers will be  
44 transferred to Rutgers, The State University.

45 This bill also transfers the School of Osteopathic Medicine of the  
46 University of Medicine and Dentistry of New Jersey to Rowan  
47 University. The bill provides for the appropriate transfer of:  
48 facilities; appropriations, grants and other moneys available to the

1 school; employees of; and all files, books, papers, records,  
2 equipment, and other property of the school to Rowan University.  
3 The bill provides that all orders, rules or regulations made or  
4 promulgated by the school, or by the University of Medicine and  
5 Dentistry of New Jersey on its behalf, will be continued with full  
6 force and effect as the orders, rules and regulations of Rowan  
7 University until amended or repealed pursuant to law. The bill  
8 further provides that the bill will not affect any actions or  
9 proceedings, civil or criminal, brought by or against the School of  
10 Osteopathic Medicine.

11 The bill provides that all debts of the University of Medicine and  
12 Dentistry of New Jersey associated with the School of Osteopathic  
13 Medicine will be transferred to Rowan University.

14 The bill provides protections for University of Medicine and  
15 Dentistry of New Jersey employees with regard to pension rights,  
16 health benefits, collective bargaining, and civil service status if any,  
17 as well as the tenure, rank, or academic track of any person holding  
18 a faculty position, who may be transferred to, or otherwise become  
19 employees of, Rutgers, The State University or Rowan University  
20 as a result of a reorganization pursuant or subsequent to the bill.  
21 The employees, upon transfer to a new entity, are to retain any  
22 accrued seniority, rank, and tenure, which are to be applied when  
23 determining eligibility for all benefits, including all paid leave time,  
24 longevity increases, and promotions.

25 The bill designates University Hospital as the principal teaching  
26 hospital of New Jersey Medical School, but stipulates that  
27 University Hospital is to be treated and accounted for as a separate  
28 legal entity from the university, and prohibits its assets, liabilities,  
29 and funds from being consolidated or commingled with those of the  
30 university.

31 The bill requires that all monies allocated to the University of  
32 Medicine and Dentistry of New Jersey for the use of University  
33 Hospital, regardless of their source, and which remain unexpended  
34 on the effective date of the bill, be transferred to the hospital, and  
35 that all appropriations intended for the use of University Hospital,  
36 on or after the effective date of the bill, be made directly to the  
37 hospital.

38 The bill establishes a nine-member board, to be designated as the  
39 University Hospital Community Oversight Board, which is  
40 responsible for ensuring community access to services provided at  
41 University Hospital. The membership of the board is comprised of:  
42 (1) four ex officio members, including the President of Rutgers  
43 University; and the Chief Executive Officer, Chief Financial  
44 Officer, and Chief Medical Officer of University Hospital; and (2)  
45 five public members, including two representatives of organized  
46 labor appointed by the heads of labor unions that represent persons  
47 employed at University Hospital and three persons with one each  
48 appointed by the Governor with the advice and consent of the

1 Senate, the President of the Senate, and the Speaker of the General  
2 Assembly. The board is to meet at such times and places as it  
3 designates, and University Hospital is to provide such staff support  
4 to the board as it deems necessary to carry out its duties.

5 The bill provides protections for University Hospital officers and  
6 employees with regard to pension rights, health benefits, collective  
7 bargaining, and civil service status if any, as well as the tenure,  
8 rank, or academic track of any person holding a faculty position that  
9 is associated with University Hospital, who may be transferred to,  
10 or otherwise become employees of, a new entity as a result of a  
11 restructuring or reorganization pursuant or subsequent to the bill.  
12 The employees, upon transfer to a new entity, are to retain any  
13 accrued seniority, rank, and tenure, which are to be applied when  
14 determining eligibility for all benefits, including all paid leave time,  
15 longevity increases, and promotions.

16 The bill requires that University Hospital obtain approval from  
17 the Superior Court of New Jersey prior to entering into a transaction  
18 that results in the acquisition of the hospital, and satisfy the  
19 requirements of the “Community Health Care Assets Protection  
20 Act,” P.L.2000, c.143 (C.26:2H-7.10 et seq.), to the maximum  
21 extent to which those provisions are determined applicable by the  
22 Attorney General, in consultation with the Commissioner of Health  
23 and Senior Services.

24 The bill adds three nonvoting, ex-officio members to the  
25 University Hospital Board of Directors, as follows: the Dean of  
26 New Jersey Medical School, the Dean of New Jersey Dental  
27 School; and the Commissioner of Health and Senior Services. In  
28 addition, the bill revises the existing membership of the board of  
29 directors by replacing the four ex-officio members of the University  
30 Hospital Board of Trustees with four public members appointed by  
31 the Governor, with the advice and consent of the Senate, in addition  
32 to the five public members of the board of directors who are already  
33 appointed in that manner. A person who is a member of the board  
34 of directors on the effective date of the bill would, however, be  
35 permitted to serve for the balance of the term for which that person  
36 was appointed.

37 This bill establishes new governance structures for Rutgers  
38 University-Newark and Rutgers University-Camden. Under the  
39 bill’s provisions, a board of governors is established at Rutgers  
40 University –Newark. The membership of the board will include the  
41 chancellor of Rutgers University-Newark, two members appointed  
42 by the board of governors of Rutgers University from among its  
43 members, one member appointed by the board of trustees of Rutgers  
44 University from among its members, and four members who are  
45 residents of the northern counties of the State appointed by the  
46 Governor. The campus board of governors will have authority to:  
47 maintain a separate debt service account for Rutgers University-  
48 Newark; propose capital projects and bonding for Rutgers

1 University-Newark to the board of governors of Rutgers University;  
2 propose an annual budget for Rutgers University-Newark to the  
3 board of governors of Rutgers University; recommend new  
4 academic programs and degree requirements for Rutgers  
5 University-Newark to the board of governors of Rutgers University;  
6 and recommend candidates for promotion and tenure at Rutgers  
7 University-Newark to the board of governors of Rutgers University.

8 Under the bill's provisions, a campus board of trustees is  
9 established at Rutgers University-Camden. The membership of the  
10 board will include the chancellor of Rutgers University-Camden,  
11 two members appointed by the board of governors of Rutgers  
12 University from among its members, one member appointed by the  
13 board of trustees of Rutgers University from among its members,  
14 and four members who are residents of the southern counties of the  
15 State appointed by the Governor.

16 The campus board of trustees of Rutgers University-Camden  
17 trustees will have authority similar to that of the board of governors  
18 of the university, such as setting tuition and fees, disbursing funds  
19 appropriated to each of those campuses, preparing an annual  
20 budget, planning for capital projects, and entering into contracts for  
21 the construction of such projects. However, the board of governors  
22 of Rutgers University will determine standards for the  
23 establishment and evaluation of academic programs, standards for  
24 the award of degrees, and standards for the promotion and award of  
25 tenure to faculty.

26 Under the bill's provisions, the board of governors of Rutgers  
27 University will continue to hold title to the property and assets  
28 located on Rutgers University-Camden. However, the board of  
29 governors will enter into a 99-year lease agreement with the campus  
30 board of trustees under which the board of governors will have no  
31 responsibility or control over the property and assets. Under the  
32 lease agreements, the board of trustees of Rutgers University-  
33 Camden will make an annual payment of \$1 and will also pay any  
34 debt service associated with the facilities and properties located on  
35 the campus. At the end of the lease agreement Rutgers University-  
36 Camden will have the option to purchase the property at fair market  
37 value.

38 The Rutgers University board of governors and the Rutgers  
39 University-Camden board of trustees will also enter into an  
40 agreement in regard to participation of the campus in the central  
41 administrative services and systems provided by Rutgers  
42 University, such as the library system and information technology  
43 systems.

44 The bill establishes the Joint Rowan University-Rutgers Camden  
45 Board of Governors. Under the bill, the authorities granted to the  
46 boards of trustees at Rutgers University-Camden and Rowan  
47 University will be subject to the approval of the joint board. In  
48 addition, the bill authorizes the joint board to: approve or

1 disapprove of any decision of the board of trustees of Rowan  
2 University or the board of trustees of Rutgers University-Camden;  
3 determine policies for the organization, administration, and  
4 development of curriculum and programs of Rowan University and  
5 Rutgers University-Camden, including dual degree programs and  
6 partnerships between the institutions; make joint faculty  
7 appointments to Rowan University and Rutgers University-Camden;  
8 determine policies for the shared utilization of each institution's  
9 resources including housing, student affairs, and security; provide  
10 curricular oversight of joint programs of Rowan University and  
11 Rutgers University-Camden; and develop plans and policies for the  
12 operation and governance of health science facilities, including  
13 policies concerning the development and financing of capital  
14 improvements or expansions of health science facilities

15 Under the bill, Rowan University is established as a public  
16 research university along with Rutgers, The State University and  
17 the New Jersey Institute of Technology. Currently, Rowan  
18 University is one of nine State colleges organized pursuant to  
19 chapter 64 of Title 18A of the New Jersey Statutes.

20 Under this bill, the current board of trustees of Rowan University  
21 is continued. The board of trustees is given authority similar to that  
22 of the boards of the other public research universities in the State,  
23 including the authority to participate as the general partner or as a  
24 limited partner, either directly or through a subsidiary corporation  
25 created by the university, in limited partnerships, general  
26 partnerships, or joint ventures engaged in the development,  
27 manufacture, or marketing of products, technology, scientific  
28 information or health care services.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3102**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 25, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 3102, with committee amendments.

As amended, the bill, designated as the “New Jersey Medical and Health Sciences Education Restructuring Act,” implements numerous changes to the State’s public system of higher education.

As amended, the bill transfers all schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey (UMDNJ), other than the School of Osteopathic Medicine, the entire Stratford campus, the remaining facilities in Camden, and University Hospital, to Rutgers, The State University. The bill provides that all debts of UMDNJ associated with the schools, institutes, and centers will be transferred to Rutgers, The State University.

This bill also transfers the School of Osteopathic Medicine, the entire Stratford Campus, and the remaining facilities in Camden of the University of Medicine and Dentistry of New Jersey to Rowan University. The bill provides that all debts of UMDNJ incurred in the operation and administration of the School of Osteopathic Medicine and debt specifically and directly related to the real and personal property being transferred in Stratford will be transferred to Rowan University.

The bill provides protections for all employees of University Hospital and the institutions of higher education that may be impacted by the bill, including employees of UMDNJ, Rutgers University-Newark, Rutgers University-Camden, and Rowan University with regard to pension rights, health benefits, collective bargaining, and civil service status, as well as the tenure, contract tenure, rank, or academic track of any person holding a faculty position. The employees, upon transfer to a new entity, are to retain any accrued seniority, rank, and tenure, which are to be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, and promotions.

The bill provides that UMDNJ employees will continue to be represented by the majority representative that represented them on the bill’s effective date, unless they choose to change their representative pursuant to law. The bill provides that Rutgers, The State University,

Rowan University, and University Hospital must assume all obligations under existing or expired collective negotiations agreements that covered employees of UMDNJ on the bill's effective date for the employees who are transferred to those institutions. The bill further provides that employees in an existing UMDNJ negotiations unit who are transferred to or become employees of Rutgers, The State University, Rowan University, or University Hospital will be deemed to constitute an appropriate collective negotiations unit under the "New Jersey Employer-Employee Relations Act." The bill stipulates that there will be no layoff on and between the enactment date of the bill and July 1, 2014 of any employee represented by a majority representative, who is employed on the bill's enactment date, at UMDNJ, Rutgers, The State University, or Rowan University as a result of any reorganization, restructuring, transfer, or acquisition of any school, facility, hospital, entity, function, or operation of those institutions that occurs pursuant to or as a result of the bill's implementation.

The bill provides that a Labor Management Committee (LMC) must be established within 60 days of the bill's effective date. The LMC will be comprised of one representative from each of the majority representatives representing employees of Rutgers, The State University and UMDNJ and representatives of the administration of Rutgers, The State University. The LMC will review all proposed restructuring and reorganization plans and will make recommendations to the board of governors of Rutgers, The State University regarding personnel and labor relations related to the proposed plans.

The bill designates University Hospital as the principal teaching hospital of New Jersey Medical School and New Jersey Dental School and any other Newark-based medical education program, but stipulates that University Hospital is to be treated and accounted for as a separate non-profit legal entity from Rutgers, The State University, and prohibits its assets, liabilities, and funds from being consolidated or commingled with those of Rutgers, The State University.

The bill requires that all monies allocated to UMDNJ for the use of University Hospital, regardless of their source, and which remain unexpended on the effective date of the bill, be transferred to the hospital, and that all appropriations intended for the use of University Hospital, on or after the effective date of the bill, be made directly to the hospital. The amount of State funding provided to University Hospital must be sufficient to maintain the level of community services provided to University Hospital on the bill's effective date. The bill also provides, that to the maximum extent possible and consistent with applicable law, the State will assist University Hospital in the refinancing of that portion of the debt of UMDNJ attributable to University Hospital.

The bill establishes a nine-member advisory board, to be designated as the University Hospital Community Oversight Board.



The purpose of the board is to ensure that the mission of the hospital and the intent of the “Newark Agreements” are upheld.

The bill requires that University Hospital obtain approval from the Superior Court of New Jersey prior to entering into a transaction that results in the acquisition of the hospital, and satisfy the requirements of the “Community Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10 et seq.). The bill establishes criteria to be considered by the Attorney General when making a determination that a proposed acquisition is in the public interest. The bill also provides that prior to entering into a contract with a nonprofit corporation for the management or operation of University Hospital, the Department of Health and Senior Services will review and approve such contracts. The bill establishes criteria for such review and approval.

The bill adds four, ex-officio members to the University Hospital Board of Directors, as follows: the Dean of New Jersey Medical School, the Dean of New Jersey Dental School, the President of Rutgers, The State University or a designee, and the Chancellor of the School of Biomedical and Health Sciences of Rutgers University. In addition, the bill revises the existing membership of the board of directors by replacing the four ex-officio members of the University Hospital Board of Trustees with two public members appointed by the Governor, with the advice and consent of the Senate, in addition to the five public members of the board of directors who are already appointed in that manner. A person who is a member of the board of directors on the effective date of the bill would, however, be permitted to serve for the balance of the term for which that person was appointed.

The bill revises the membership of the board of governors of Rutgers, The State University. The bill increases the membership of the board from 11 to 15 voting members by: increasing the number of members appointed by the Governor from six to seven; and providing for the appointment of one other member by the Governor upon the joint recommendation of the President of the Senate and the Speaker of the General Assembly which member must be a resident of Essex County. The bill also increases the number of members of the board of trustees of Rutgers University who serve on the board of governors from five to seven and provides that one such member must be a resident of Essex County and one must be a resident of Middlesex County.

The bill directs the president of Rutgers, The State University, in consultation with the campus advisory board, to appoint a chancellor for Rutgers University-New Brunswick, who may not be the president. The chancellor of Rutgers University-New Brunswick will have direct responsibility for the management of Rutgers University-New Brunswick. The bill similarly establishes the position of chancellor at Rutgers University-Newark with management responsibility for that campus.

Under the bill's provisions, a campus advisory board is established at both Rutgers University–Newark and Rutgers University–New Brunswick. Each of the campus advisory boards will consist of 11 members including: the chancellor of the respective campus; the member of the board of governors of Rutgers, The State University who is appointed by the university board of trustees, and who is a resident of Essex County in the case of the Rutgers University–Newark advisory board and a resident of Middlesex County in the case of the Rutgers University–New Brunswick advisory board; two faculty members one of whom is appointed by the faculty union and one of whom is elected by the Faculty Council of the respective campus; one member of the administration appointed by the chancellor of the respective campus; one staff member selected from among the staff unions; two student representatives appointed by the respective student government associations; and three members of the local community two of whom will be selected by the Office of Community Affairs from among community organizations with one of these members being a campus alumnus, and one of whom will be selected by the mayors of the respective cities. The campus advisory board will: advise the president and the board of governors of Rutgers University on the selection of the chancellor for the campus; propose capital projects and bonding for Rutgers University–Newark to the board of governors of Rutgers University; and propose an annual budget for Rutgers University–Newark to the board of governors of Rutgers University.

The bill provides that the schools, institutes, and centers of UMDNJ that are being transferred to Rutgers University will comprise a university-wide School of Biomedical and Health Sciences. The school will also include the Rutgers University School of Nursing, the Ernest Mario School of Pharmacy, the Institute of Health, Health Policy, and Aging Research, and the University Behavioral Healthcare.

Under the bill's provisions, a campus board of trustees is established at Rutgers University–Camden. The membership of the board will include the chancellor of Rutgers University–Camden, two members appointed by the board of governors of Rutgers, The State University from among its members, one member appointed by the board of trustees of Rutgers University from among its members, and four members who are residents of the southern counties of the State appointed by the Governor.

The campus board of trustees of Rutgers University–Camden will have authority similar to that of the board of governors of Rutgers University, such as setting tuition and fees, disbursing appropriated funds, preparing an annual budget, planning for capital projects, and entering into contracts for the construction of such projects. However, the board of governors of Rutgers University will determine standards for the establishment and evaluation of academic programs, standards

for the award of degrees, and standards for the promotion and award of tenure to faculty. In the event that the board of trustees of Rutgers University-Camden takes any action that would violate these standards, then it would no longer be able to use the designation “Rutgers.”

The bill directs the board of governors of Rutgers, The State University to enter into a lease, use and occupancy, or other utilization agreement with the board of trustees of Rutgers University-Camden for a term of 99 years under which Rutgers University-Camden will be permitted to use and occupy all property and assets real or personal constituting the Rutgers University-Camden campus. However the property and assets subject to the utilization agreement will remain the property of Rutgers, The State University, but Rutgers will have no responsibility or control over the property and assets during the term of the agreement. There will be a payment of \$1 per year made by Rutgers University-Camden to the board of governors of Rutgers University, as well as the payment of the allocable portion of debt service on bonds, notes, or other obligations issued by Rutgers University directly related to the facilities and property of Rutgers University-Camden. At the end of the term of the utilization agreement, Rutgers University-Camden will have the option to purchase the property at fair market value.

The Rutgers University board of governors and the Rutgers University-Camden board of trustees will also enter into an agreement in regard to participation of the campus in the central administrative services and systems provided by Rutgers University, such as the library system and information technology systems.

The bill establishes the Rowan University-Rutgers Camden Board of Governors. Under the bill, the authorities granted to the boards of trustees at Rutgers University-Camden and Rowan University will be subject to the approval of the board. In addition, the bill authorizes the board to: approve or disapprove of any decision of the board of trustees of Rowan University or the board of trustees of Rutgers University-Camden; determine policies for the organization, administration, and development of curriculum and programs of Rowan University and Rutgers University-Camden, including dual degree programs and partnerships between the institutions; make joint faculty appointments to Rowan University and Rutgers University-Camden; determine policies for the shared utilization of each institution’s resources including housing, student affairs, and security; provide curricular oversight of joint programs of Rowan University and Rutgers University-Camden; and develop plans and policies for the operation and governance of health science facilities, including policies concerning the development and financing of capital improvements or expansions of health science facilities.

Under the bill, Rowan University is established as a public research university along with Rutgers, The State University and the

New Jersey Institute of Technology. Currently, Rowan University is one of nine State colleges organized pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

The current board of trustees of Rowan University is continued. The board of trustees is given authority similar to that of the boards of the other public research universities in the State, including the authority to participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Reduce the number of members to be appointed by the Governor to the board of governors of Rutgers, The State University from nine to seven and add a member to the board of governors who will be appointed by the Governor upon the joint recommendation of the President of the Senate and the Speaker of the General Assembly and who must be a resident of Essex County. The board of trustees will also be provided two additional appointments from among its members to the board of governors, in addition to the five members it currently appoints, one of whom will be a resident of Essex County and one of whom will be a resident of Middlesex County;
- provide for the establishment of a Labor Management Committee (LMC), comprised of majority representatives of employees of Rutgers, The State University and UMDNJ and representatives of the administration of Rutgers, The State University;
- direct the president of Rutgers, The State University to appoint a chancellor for Rutgers University-Newark and a chancellor for Rutgers University-New Brunswick with direct responsibility for the management of the respective campus;
- provide for the establishment of a campus advisory board at each of the Rutgers University-Newark and Rutgers University-New Brunswick campuses and outline the responsibilities of those advisory boards;
- provide that Rutgers be held harmless, subject to annual appropriations, for costs or losses experienced in 2014 or 2015 associated with liabilities of UMDNJ that were not identified in UMDNJ's certified financial statements for periods preceding the cost or loss;
- provide that the School of Osteopathic Medicine must maintain a primary clinical affiliation with at least one osteopathic hospital, clinical affiliations with other hospitals deemed necessary to fulfill its mission, and the current faculty practice plan. It must also maintain its

own academic programs at the undergraduate and graduate medical education levels;

- clarify that the transfer of all schools, institutes, and centers of UMDNJ to Rutgers, The State University does not include University Hospital, the entire Stratford campus, and the remaining facilities in Camden;
- alter the make-up of the board of directors of University Hospital;
- provide that University Hospital will be the principal teaching hospital of New Jersey Dental School, and any other Newark-based medical education program, in addition to New Jersey Medical School;
- provide that the amount of State funding provided to University Hospital must be sufficient to maintain the current level of community services and to maintain University Hospital as an acute care facility and trauma center;
- include the process by which University Hospital may contract with a nonprofit corporation to operate and manage the hospital;
- require that any nonprofit corporation that enters into a contract to operate and manage University Hospital must have its contract reviewed and approved by the Department of Health and Senior Services according to criteria set forth in the bill;
- establish criteria that the Attorney General must consider when determining whether a proposed acquisition of University Hospital is in the public interest;
  - prohibit, on and between the enactment date and July 1, 2014, the layoff of any employee of UMDNJ, Rutgers, The State University, or Rowan University, who was represented by a majority representative on the bill's enactment date, as a result of any reorganization, restructuring, merger or acquisition that occurs as a result of the implementation of the bill's provisions;
- direct Rowan University and Rutgers, The State University to continue to share those facilities, equipment, and fixtures of the Stratford campus that are shared on the bill's effective date until such time as the board of trustees or Rowan and the board of directors of Rutgers reach an agreement on their shared use;
- provide Rutgers, The State University and Rowan University with a process for the handling of medical malpractice claims incurred at schools of UMDNJ before or after the bill's effective date;
- require the Treasurer to establish a Transition Committee to advise the Treasurer on matters related to the division, allocation, and assignment of State appropriations, debt issues, allocation of budgets and State personnel, and costs and resources of centralized services involving the various schools;
- provide that the transfers under the bill are considered interdependent and essential and are non-severable. If any transfer is deemed unenforceable or invalid, the remaining transfers will be deemed unenforceable and invalid;

- change the effective date of the bill to provide that the sections of the bill establishing the boards of Rowan University, Rutgers University-Camden, the advisory boards of Rutgers University-Newark and Rutgers University-New Brunswick, the Rowan University-Rutgers Camden Board of Governors, and the University Hospital Community Oversight Board will take effect and become operational on the 90th day after the date of enactment and the remainder of the bill will take effect on July 1, 2013;
- provide that to the maximum extent possible and consistent with State law, the State will assist University Hospital in the refinancing of that portion of the debt of the University of Medicine and Dentistry of New Jersey which is attributable to the hospital;
- provide that rather than a 99-year lease, the board of governors of Rutgers University must enter into a lease, use and occupancy, or other agreement with the board of trustees for a term of 99 years pursuant to which Rutgers University-Camden will be permitted to use and occupy all property and assets constituting the Rutgers University-Camden campus;
- include a provision stating that if the board of trustees of Rutgers University-Camden takes any action that would violate the provisions of the bill regarding the authority of the board of governors of Rutgers University to establish standards for the establishment and evaluation of academic programs, the award of degrees, or the promotion and award of tenure to faculty, then it may no longer use the designation “Rutgers”;
- provide that the Rowan University-Rutgers Camden Board of Governors will be authorized to not take any action that would violate any of the bond covenants of Rutgers, The State University or Rowan University;
- provide that all monies previously allocated or otherwise provided to the University of Medicine and Dentistry of New Jersey for the use of Robert Wood Johnson Medical School, regardless of source, which remain unexpended on the effective date of the bill will be transferred to Rutgers University;
- establish a “School of Biomedical and Health Sciences” within Rutgers University comprised of the schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey that are transferred to Rutgers University and also the Rutgers University School of Nursing, the Ernest Mario School of Pharmacy, the Institute of Health, Health Policy, and Aging Research, and the University Behavioral Healthcare. The “School of Biomedical and Health Sciences will be led by a chancellor who will be appointed by the board of governors of Rutgers University; and
- provide that for a period of five years after the effective date of the bill, any substantive changes that result in the diminution, deterioration or reduction to essential health care services currently provided by University Hospital, will be reviewed by the University Hospital

Community Oversight Board and approved by the Department of Health and Senior Services through a licensing review process.

FISCAL IMPACT:

Treasury indicates that the bill will produce net savings from bond refinancing and the elimination of duplicative functions. The Executive and Rutgers University have independently estimated the impact of certain aspects of the bill. The Office of Legislative Services (OLS) has not obtained sufficient information to produce a comprehensive analysis of the bill.

Rutgers University estimates the bill will necessitate the defeasance of its outstanding bond indebtedness at a cost of \$155 million. The Executive offers no estimate of the impact of Rutgers University's refunding of the outstanding bonds because it assumes the bill will not violate any bond covenants. The OLS acknowledges the possibility, but not the certainty, that the bill would require defeasance of the debt, and has no information upon which to base an estimate of such costs. In addition, Rutgers University may be required to refund \$494.3 million of outstanding debt transferred from the University of Medicine and Dentistry of New Jersey (UMDNJ). The Executive estimates a net present value savings of \$43.6 million, due to lower interest rates, if the debt were refunded. The OLS cannot independently verify the ratings on such bonds nor the potential for restructuring costs or savings that could result.

University Hospital has \$110.0 million in outstanding bond debt and \$101.2 million in liabilities from the various units of UMDNJ. The Executive assumes that University Hospital can refund the bonds with bonds backed by the credit of the State and that doing so could result in net present value savings of \$8.5 million. The OLS neither concurs nor disagrees with these assessments, but notes that University Hospital may need additional State appropriations to maintain its current level of operations and to refund University Hospital debt. The Executive does not consider the \$101.2 million as a liability owed by University Hospital to UMDNJ.

Rutgers University estimates \$20-\$40 million for transition costs associated with acquiring and integrating UMDNJ, except for the School of Osteopathic Medicine and University Hospital. Rowan University has not provided an estimate for transition costs associated with acquiring and integrating the School of Osteopathic Medicine. The Executive anticipates one-time expenditures borne by Rutgers University and Rowan University for their respective acquisitions, but does not identify any specific costs. The OLS notes that the bill provides that the State will reimburse Rutgers University for any costs or losses associated with undisclosed liabilities of UMDNJ that were not reasonably foreseen or contemplated at the time of the transfer. The OLS cannot estimate the amount the State would reimburse

Rutgers University, and notes that such reimbursements are subject to annual appropriations.

The Executive offers no analysis about the liabilities arising from claims against University Hospital. The OLS notes that the bill does not include University Hospital in the Self-Insurance Reserve Fund and that University Hospital may be required to obtain its own insurance, the size and costs of which cannot be determined. The OLS notes that the bill allows Rutgers University and Rowan University to participate in the Self-Insurance Reserve Fund for medical malpractice claims, or if the institutions elect not to participate, to obtain their own medical malpractice insurance. The OLS cannot estimate the costs of obtaining insurance nor the size needed or desired by each institution.

Given the complexities of the bill and the entities to which it applies, and the absence of significant information to assess the bill's fiscal impact, the OLS notes the possibility that the bill could cause significant unanticipated costs to Rutgers University, Rowan University, University Hospital, and the State, as well as potential savings and benefits.



STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 3102**

with Assembly Floor Amendments  
(Proposed by Assemblyman WISNIEWSKI)

ADOPTED: JUNE 28, 2012

These floor amendments do the following:

- provide that any school, institute, or center of Rutgers, The State University based in Middlesex County will remain in Middlesex County;
- provide that the transfer of the schools institutes, and centers of the University of Medicine and Dentistry of New Jersey to Rutgers University will require the accreditation approval of the appropriate accrediting bodies;
- revise the governance structure proposed in the bill for Rutgers University-Camden to a campus board of directors that will have the authority to determine policies for the organization, administration, and development of Rutgers University-Camden, subject to the policies of Rutgers, The State University;
- remove provisions in the bill that would have enabled Rutgers University-Camden to set its own tuition and fees, borrow money for its needs, and purchase lands, buildings, equipment, materials, and supplies;
- remove a provision in the bill that would have given the Rowan University-Rutgers Camden Board of Governors authority over all matters concerning the supervision and operations of Rowan University and Rutgers University-Camden;
- provide that the Rowan University-Rutgers Camden Board of Governors will have the authority to approve or disapprove the establishment or expansion of any schools, programs, or departments after the bill's effective date in the area of the health sciences;
- direct Rowan University and Rutgers University-Camden to appropriate \$2.5 million per year to the Rowan University-Rutgers Camden Board of Governors for administration and other necessary expenses;
- remove a provision in the bill that directed the board of governors of Rutgers University to enter into a 99-year lease with Rutgers University-Camden;
- increase the number of members on the Rutgers University-Newark campus advisory board from 11 to 13 by the

addition of two public members who are resident of a northern county; and

- provide that of the members of the board of governors of Rutgers, The State University who are appointed by the Governor, one must be a resident of Camden County.

**SENATE, No. 2063**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JUNE 7, 2012

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

“New Jersey Medical and Health Sciences Education Restructuring Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the public system of higher education, revising  
2 various parts of the statutory law, and supplementing Title 18A  
3 of the New Jersey Statutes.

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

7  
8 1. (New section) This act shall be known and may be cited as  
9 the “New Jersey Medical and Health Sciences Education  
10 Restructuring Act.”

11  
12 2. (New section) a. In order to carry out the purposes of this act  
13 and to provide the program of medical and dental education  
14 required for the benefit of the State and the people of New Jersey,  
15 all rights to all of the schools, institutes, and centers of the  
16 University of Medicine and Dentistry of New Jersey, other than the  
17 School of Osteopathic Medicine, are hereby transferred to Rutgers,  
18 The State University.

19 Rutgers, The State University is hereby authorized to acquire the  
20 facilities of the schools, institutes, and centers of the University of  
21 Medicine and Dentistry of New Jersey, other than the facilities of  
22 the School of Osteopathic Medicine, and devote the same to the  
23 purposes of public higher education in the State in accordance with  
24 the terms of any gift, grant, trust, contract or other agreement with  
25 the State or any of its political subdivisions or with the United  
26 States or with any public body, department or any agency of the  
27 State or the United States or with any individual, firm or  
28 corporation.

29 b. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the University of Medicine and Dentistry of  
32 New Jersey, the same shall mean and refer to Rutgers, The State  
33 University.

34  
35 3. (New section) Upon the transfer of the schools, institutes, and  
36 centers of the University of Medicine and Dentistry of New Jersey  
37 to Rutgers, The State University pursuant to section 2 of this act:

38 a. all appropriations, grants, and other moneys available and to  
39 become available to the schools, institutes, and centers of the  
40 University of Medicine and Dentistry of New Jersey are hereby  
41 transferred to Rutgers, The State University, and shall be available  
42 for the objects and purposes for which appropriated subject to any  
43 terms, restrictions, limitations or other requirements imposed by the  
44 State budget or by State and federal law.

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

**Matter underlined thus is new matter.**

1       b. all employees of the schools, institutes, and centers of the  
2 University of Medicine and Dentistry of New Jersey are hereby  
3 transferred to Rutgers, The State University. Nothing in this act  
4 shall be considered to deprive any person of any tenure rights or of  
5 any right or protection provided him under any pension law or  
6 retirement system or any other law of this State.

7       c. all files, books, papers, records, equipment, and other  
8 property of the schools, institutes, and centers of the University of  
9 Medicine and Dentistry of New Jersey, are hereby transferred to  
10 Rutgers, The State University.

11       d. all orders, rules or regulations heretofore made or  
12 promulgated by the schools, institutes, and centers of the University  
13 of Medicine and Dentistry of New Jersey, or by the University of  
14 Medicine and Dentistry of New Jersey on their behalf, shall be  
15 continued with full force and effect as the orders, rules and  
16 regulations of Rutgers, The State University until amended or  
17 repealed pursuant to law.

18  
19       4. (New section) This act shall not affect actions or proceedings,  
20 civil or criminal, brought by or against the schools, institutes, and  
21 centers of the University of Medicine and Dentistry of New Jersey,  
22 but such actions, or proceedings may be prosecuted or defended in  
23 the same manner and to the same effect by Rutgers, The State  
24 University, as if the foregoing provisions had not taken effect; nor  
25 shall any of the foregoing provisions affect any order or regulation  
26 made by, or other matters or proceedings before, the schools,  
27 institutes, and centers of the University of Medicine and Dentistry  
28 of New Jersey, and all such matters or proceedings pending before  
29 the schools, institutes, and centers of the University of Medicine  
30 and Dentistry of New Jersey, on the effective date of this act shall  
31 be continued by Rutgers, The State University, as if the foregoing  
32 provisions had not taken effect.

33  
34       5. (New section) All debts of the University of Medicine and  
35 Dentistry of New Jersey associated with the schools, institutes, and  
36 centers of the University of Medicine and Dentistry of New Jersey  
37 are transferred to Rutgers, The State University, and all creditors of  
38 the University of Medicine and Dentistry of New Jersey may  
39 enforce those debts against Rutgers, The State University in the  
40 same manner as they might have had against the University of  
41 Medicine and Dentistry of New Jersey, and the rights and remedies  
42 of those creditors shall not be limited or restricted in any manner by  
43 this act.

44  
45       6. (New section) a. Nothing in this act shall be construed to  
46 deprive any officers or employees of the schools, institutes, and  
47 centers of the University of Medicine and Dentistry of New Jersey  
48 of their rights, privileges, obligations or status with respect to any

1 pension, retirement, or health benefits system. The employees  
2 shall, upon transfer to Rutgers, The State University, retain all of  
3 their rights and benefits under existing collective negotiations  
4 agreements or contracts until such time as new or revised  
5 agreements or contracts are agreed to. All existing employee  
6 majority representatives shall be retained to act on behalf of those  
7 employees until such time as the employees shall, pursuant to law,  
8 elect to change those majority representatives. Nothing in this act  
9 shall affect the civil service status, if any, of those officers or  
10 employees. Nothing in this act shall affect the tenure, rank, or  
11 academic track of any of those employees holding a faculty  
12 position.

13 b. The employees shall, upon transfer to Rutgers, The State  
14 University, not be considered new employees for any purpose and  
15 shall retain any accrued seniority, rank, and tenure, which shall be  
16 applied when determining eligibility for all benefits, including all  
17 paid leave time, longevity increases, and promotions.

18

19 7. (New section) All rights of the University of Medicine and  
20 Dentistry of New Jersey in the School of Osteopathic Medicine are  
21 hereby transferred to Rowan University. Rowan University is  
22 hereby authorized to acquire the facilities of the School of  
23 Osteopathic Medicine and devote the same to the purposes of public  
24 higher education in the State in accordance with the terms of any  
25 gift, grant, trust, contract or other agreement with the State or any  
26 of its political subdivisions or with the United States or with any  
27 public body, department or any agency of the State or the United  
28 States or with any individual, firm or corporation.

29 Rowan University shall maintain any affiliation agreement with  
30 the existing integrated healthcare delivery system of the School of  
31 Osteopathic Medicine.

32

33 8. (New section) Upon the transfer of the School of Osteopathic  
34 Medicine of the University of Medicine and Dentistry of New  
35 Jersey to Rowan University pursuant to section 7 of this act:

36 a. all appropriations, grants, and other moneys available and to  
37 become available to the School of Osteopathic Medicine are hereby  
38 transferred to Rowan University, and shall be available for the  
39 objects and purposes for which appropriated subject to any terms,  
40 restrictions, limitations or other requirements imposed by the State  
41 budget or by State and federal law.

42 b. all employees of the School of Osteopathic Medicine are  
43 hereby transferred to Rowan University. Nothing in this act shall  
44 be considered to deprive any person of any tenure rights or of any  
45 right or protection provided him under any pension law or  
46 retirement system or any other law of this State.

1 c. all files, books, papers, records, equipment, and other  
2 property of the School of Osteopathic Medicine are hereby  
3 transferred to Rowan University.

4 d. all orders, rules or regulations heretofore made or  
5 promulgated by the School of Osteopathic Medicine, or by the  
6 University of Medicine and Dentistry of New Jersey on its behalf,  
7 shall be continued with full force and effect as the orders, rules and  
8 regulations of Rowan University until amended or repealed  
9 pursuant to law.

10

11 9. (New section) This act shall not affect actions or proceedings,  
12 civil or criminal, brought by or against the School of Osteopathic  
13 Medicine, but such actions, or proceedings may be prosecuted or  
14 defended in the same manner and to the same effect by Rowan  
15 University, as if the foregoing provisions had not taken effect; nor  
16 shall any of the foregoing provisions affect any order or regulation  
17 made by, or other matters or proceedings before, the School of  
18 Osteopathic Medicine, and all such matters or proceedings pending  
19 before the School of Osteopathic Medicine, on the effective date of  
20 this act shall be continued by Rowan University, as if the foregoing  
21 provisions had not taken effect.

22

23 10. (New section) All debts of the University of Medicine and  
24 Dentistry of New Jersey associated with the School of Osteopathic  
25 Medicine are transferred to Rowan University, and all creditors of  
26 the University of Medicine and Dentistry of New Jersey may  
27 enforce those debts against Rowan University in the same manner  
28 as they might have had against the University of Medicine and  
29 Dentistry of New Jersey, and the rights and remedies of those  
30 creditors shall not be limited or restricted in any manner by this act.

31

32 11. (New section) a. Nothing in this act shall be construed to  
33 deprive any officers or employees of the School of Osteopathic  
34 Medicine of their rights, privileges, obligations or status with  
35 respect to any pension, retirement, or health benefits system. The  
36 employees shall, upon transfer to Rowan University, retain all of  
37 their rights and benefits under existing collective negotiations  
38 agreements or contracts until such time as new or revised  
39 agreements or contracts are agreed to. All existing employee  
40 majority representatives shall be retained to act on behalf of those  
41 employees until such time as the employees shall, pursuant to law,  
42 elect to change those majority representatives. Nothing in this act  
43 shall affect the civil service status, if any, of those officers or  
44 employees. Nothing in this act shall affect the tenure, rank, or  
45 academic track of any of those employees holding a faculty  
46 position.

47 b. The employees shall, upon transfer to Rowan University, not  
48 be considered new employees for any purpose and shall retain any

1 accrued seniority, rank, and tenure, which shall be applied when  
2 determining eligibility for all benefits, including all paid leave time,  
3 longevity increases, and promotions.

4  
5 12. (New section) a. University Hospital shall be the principal  
6 teaching hospital of New Jersey Medical School. University  
7 Hospital shall be treated and accounted for as a separate legal entity  
8 from the university, and its assets, liabilities, and funds shall not be  
9 consolidated or commingled with those of the university.

10 b. All monies allocated to the University of Medicine and  
11 Dentistry of New Jersey for the use of University Hospital,  
12 regardless of their source, and which remain unexpended on the  
13 effective date of P.L. , c. (C. )(pending before the Legislature  
14 as this bill), shall be transferred to University Hospital.

15 c. All appropriations that are intended for the use of University  
16 Hospital, on or after the effective date of P.L. ,  
17 c. (C. )(pending before the Legislature as this bill), shall be  
18 made directly to University Hospital.

19  
20 13. (New section) a. The responsibility for ensuring  
21 community access to services provided at University Hospital shall  
22 be vested in a nine-member board to be designated as the University  
23 Hospital Community Oversight Board. The purpose of the board  
24 shall be to ensure that the mission of the hospital and the intent of  
25 the “Agreements Reached Between Community and Government  
26 Negotiators Regarding New Jersey College of Medicine and  
27 Dentistry and Related Matters of April 30, 1968” to provide a  
28 comprehensive health program to the community in the City of  
29 Newark, including, but not limited to, ensuring access to all  
30 essential health care services provided by the hospital, are upheld.

31 b. The membership of the University Hospital Community  
32 Oversight Board shall be comprised of:

33 (1) four members who shall serve ex officio, including: the  
34 President of Rutgers University; and the Chief Executive Officer,  
35 Chief Financial Officer, and Chief Medical Officer of University  
36 Hospital; and

37 (2) five public members to be appointed as follows:

38 (a) two representatives of organized labor, one appointed by the  
39 head of the largest union that is affiliated with the AFL-CIO and  
40 represents persons employed at University Hospital and one  
41 appointed by the head of the largest union that is not affiliated with  
42 the AFL-CIO and represents persons employed at University  
43 Hospital;

44 (b) one person appointed by the Governor, with the advice and  
45 consent of the Senate;

46 (c) one person appointed by the President of the Senate; and

47 (d) one person appointed by the Speaker of the General  
48 Assembly.



1 c. The public members of the board shall serve for a five-year  
2 term; except that of the members first appointed, three shall serve  
3 for a term of five years, one for a term of three years, and one for a  
4 term of two years. A member of the board shall serve until the  
5 member's successor is appointed. A vacancy in the membership,  
6 occurring other than by expiration of term, shall be filled in the  
7 same manner as the original appointment but for the unexpired term  
8 only.

9 d. The members of the board shall select a chairperson and vice  
10 chairperson from among themselves. The board shall organize as  
11 soon as practicable following the appointment of its members. The  
12 chairperson shall appoint a secretary who need not be a member of  
13 the board.

14 e. The board shall meet at such times and places as it shall  
15 designate.

16 f. University Hospital shall provide such staff support to the  
17 board as it deems necessary to carry out its duties.

18

19 14. (New section) a. Nothing in this act shall be construed to  
20 deprive any officers or employees of University Hospital of their  
21 rights, privileges, obligations, or status with respect to any pension,  
22 retirement, or health benefits system. If any employees of  
23 University Hospital are transferred to, or otherwise become  
24 employees of, a new entity as a result of a restructuring or  
25 reorganization pursuant or subsequent to this act, those employees  
26 shall retain all of their rights and benefits under existing collective  
27 negotiations agreements or contracts until such time as new or  
28 revised agreements or contracts are agreed to. All existing  
29 employee representatives shall be retained to act on behalf of those  
30 employees until such time as the employees shall, pursuant to law,  
31 elect to change those representatives. Nothing in this act shall  
32 affect the civil service status, if any, of those officers or employees.  
33 Nothing in this act shall affect the tenure, rank, or academic track of  
34 any person holding a faculty position that is associated with  
35 University Hospital.

36 b. The employees of University Hospital, upon transfer to a new  
37 entity, shall not be considered new employees for any purpose and  
38 shall retain any accrued seniority, rank, and tenure, which shall be  
39 applied when determining eligibility for all benefits, including all  
40 paid leave time, longevity increases, and promotions.

41

42 15. (New section) a. University Hospital shall be required to  
43 obtain approval from the Superior Court of New Jersey prior to  
44 entering into a transaction that results in the acquisition of the  
45 hospital, and shall satisfy the requirements of the "Community  
46 Health Care Assets Protection Act," P.L.2000, c.143 (C.26:2H-7.10  
47 et seq.), to the maximum extent to which those provisions are

1 determined applicable by the Attorney General, in consultation with  
2 the Commissioner of Health and Senior Services.

3 b. The Attorney General, in consultation with the Commissioner  
4 of Health and Senior Services, shall adopt regulations pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410, (C.52:14B-1  
6 et seq.), to carry out the purposes of subsection a. of this section.

7  
8 16. (New section) a. As used in this section, "northern  
9 counties" means Bergen, Essex, Hudson, Morris, Passaic, Union,  
10 Sussex, and Warren Counties.

11 b. Effective July 1, 2013, a campus board of governors shall be  
12 appointed for Rutgers University–Newark. The campus board of  
13 governors shall be composed of eight members as follows: the  
14 chancellor of Rutgers University–Newark who shall serve as an ex-  
15 officio, nonvoting member; two members appointed by the board of  
16 governors of Rutgers University established pursuant to  
17 N.J.S.18A:65-14 from among its members; one member appointed  
18 by the board of trustees of Rutgers University established pursuant  
19 to N.J.S.18A:65-15 from among its members; and four members,  
20 who are residents of the northern counties, appointed by the  
21 Governor, and upon the expiration of the terms of the original  
22 members, with the advice and consent of the Senate.

23 The term of office of a member appointed by the board of  
24 governors or the board of trustees of Rutgers University shall be  
25 coterminous with his term on that board. The members appointed  
26 by the Governor shall serve for terms of six years beginning on July  
27 1 and ending on June 30; except that of the members first appointed  
28 by the Governor, one shall serve for a term of six years, one shall  
29 serve for a term of four years, one shall serve for a term of three  
30 years, and one shall serve for a term of two years. Each member  
31 shall serve until his successor is appointed and qualified, and  
32 vacancies shall be filled in the same manner as the original  
33 appointments for the remainder of the unexpired term. A member  
34 appointed by the Governor may succeed himself for not more than  
35 one additional term after having served one full six-year term.

36 A member shall be subject to removal, after a hearing by a  
37 majority of the campus board of trustees, for malfeasance or  
38 conduct injurious to the interest of Rutgers University–Newark,  
39 subject to review and confirmation by the Governor in the case of  
40 his appointees or by the board of governors or the board of trustees,  
41 as applicable, in the case of that board's appointees.

42 c. The board shall meet and organize annually at a regular  
43 meeting held during the second week of September. The Governor  
44 shall appoint the chair of the board. The chair shall serve until the  
45 following September meeting and until his successor is appointed  
46 and qualified. Vacancies in the offices shall be filled in the same  
47 manner for the unexpired term only.

1 d. Members of the board shall serve without compensation but  
2 shall be entitled to be reimbursed for all reasonable and necessary  
3 expenses.

4

5 17. (New section) Notwithstanding the provisions of  
6 N.J.S.18A:65-25 or any other section of law to the contrary, the  
7 campus board of governors shall;

8 a. maintain a separate debt service account for Rutgers  
9 University-Newark;

10 b. propose capital projects and bonding for Rutgers University-  
11 Newark to the board of governors of Rutgers University;

12 c. propose an annual budget for Rutgers University-Newark to  
13 the board of governors of Rutgers University;

14 d. recommend new academic programs and degree requirements  
15 for Rutgers University-Newark to the board of governors of Rutgers  
16 University; and

17 e. recommend candidates for promotion and tenure at Rutgers  
18 University-Newark to the board of governors of Rutgers University.

19

20 18. (New section) a. As used in this section, “southern  
21 counties” means Atlantic, Burlington, Camden, Cape May,  
22 Cumberland, Gloucester, Ocean, and Salem Counties.

23 b. Effective July 1, 2013, a campus board of trustees shall be  
24 appointed for Rutgers University–Camden. The campus board of  
25 trustees shall be composed of eight members as follows: the  
26 chancellor of Rutgers University–Camden who shall serve as an ex-  
27 officio, nonvoting member; two members appointed by the board of  
28 governors of Rutgers University established pursuant to  
29 N.J.S.18A:65-14 from among its members; one member appointed  
30 by the board of trustees of Rutgers University established pursuant  
31 to N.J.S.18A:65-15 from among its members; and four members,  
32 who are residents of the southern counties, appointed by the  
33 Governor with the advice and consent of the Senate.

34 The terms of office of a member appointed by the board of  
35 governors or the board of trustees of Rutgers University shall be  
36 coterminous with his term on that board. The members appointed  
37 by the Governor shall serve for terms of six years beginning on July  
38 1 and ending on June 30; except that of the members first appointed  
39 by the Governor, one shall serve for a term of six years, one shall  
40 serve for a term of four years, one shall serve for a term of three  
41 years, and one shall serve for a term of two years. Each member  
42 shall serve until his successor is appointed and qualified, and  
43 vacancies shall be filled in the same manner as the original  
44 appointments for the remainder of the unexpired term. A trustee  
45 appointed by the Governor may succeed himself for not more than  
46 one additional term after having served one full six-year term.

47 A trustee shall be subject to removal, after a hearing by a  
48 majority of the campus board of trustees, for malfeasance or

1 conduct injurious to the interest of Rutgers University-Camden,  
2 subject to review and confirmation by the Governor in the case of  
3 his appointees or by the board of governors or the board of trustees,  
4 as applicable, in the case of that board's appointees.

5 c. The board shall meet and organize annually at a regular  
6 meeting held during the second week of September, by the election  
7 of a chair, vice-chair, and such other officers as the board shall  
8 determine. The officers shall serve until the following September  
9 meeting and until their successors are elected and qualified.  
10 Vacancies in the offices shall be filled in the same manner for the  
11 unexpired term only.

12 d. Members of the board shall serve without compensation but  
13 shall be entitled to be reimbursed for all reasonable and necessary  
14 expenses.

15

16 19. (New section) Notwithstanding the provisions of  
17 N.J.S.18A:65-25 or any other section of law to the contrary, the  
18 campus board of trustees shall have general supervision over and  
19 shall be vested with the conduct of Rutgers University-Camden. It  
20 shall have the following powers, subject to the approval of the Joint  
21 Rowan University-Rutgers Camden Board of Governors:

22 a. determine policies for the organization, administration, and  
23 development of Rutgers University-Camden;

24 b. study the educational and financial needs of Rutgers  
25 University-Camden; annually acquaint the Governor and  
26 Legislature with the condition of Rutgers University-Camden; and  
27 prepare and present an annual budget to the Governor, the Division  
28 of Budget and Accounting in the Department of the Treasury, and  
29 the Legislature in accordance with the law;

30 c. set tuition and fees;

31 d. disburse all moneys appropriated to Rutgers University-  
32 Camden by the Legislature, including appropriations for fringe  
33 benefit costs, and all moneys received from tuition, fees, auxiliary  
34 services, and other sources;

35 e. direct and control expenditures and transfers of funds  
36 appropriated to Rutgers University-Camden, in accordance with the  
37 State budget and appropriation acts of the Legislature, reporting  
38 changes and additions thereto and transfers thereof to the Director  
39 of the Division of Budget and Accounting in the Department of the  
40 Treasury and as to funds received from other sources, direct and  
41 control expenditures and transfers in accordance with the terms and  
42 conditions of any applicable trusts, gifts, bequests, or other special  
43 provisions. All accounts of Rutgers University-Camden shall be  
44 subject to audit by the State at any time;

45 f. borrow money for the needs of Rutgers University-Camden,  
46 as deemed requisite by the board, in such amounts and for such time  
47 and upon such terms as may be determined by the board; provided  
48 that no such borrowing shall be deemed or construed to create or

- 1 constitute a debt, liability, or a loan or pledge of the credit, or be  
2 payable out of property or funds, other than moneys appropriated  
3 for that purpose, of the State;
- 4 g. purchase all lands, buildings, equipment, materials, and  
5 supplies;
- 6 h. employ architects to plan buildings, secure bids for the  
7 construction of buildings and for the equipment thereof, make  
8 contracts for the construction of buildings and for equipment, and  
9 supervise the construction of buildings;
- 10 i. manage and maintain and provide for the payment of all  
11 charges on and expenses in respect of, all properties utilized by  
12 Rutgers University-Camden;
- 13 j. in accordance with the provisions of the State budget and  
14 appropriations acts of the Legislature, appoint and fix the  
15 compensation of the chancellor of Rutgers University-Camden, who  
16 shall be the executive officer of Rutgers University-Camden and an  
17 ex-officio member of the Rutgers University-Camden board of  
18 trustees, without vote, and shall serve at the pleasure of that board;
- 19 k. in accordance with the provisions of the State budget, have  
20 the power to elect, appoint, remove, promote, or transfer all  
21 corporate, official, educational, and civil administrative personnel,  
22 and fix and determine their salaries;
- 23 l. in accordance with the State budget, appoint, remove,  
24 promote, and transfer all other officers, agents, or employees,  
25 assign their duties, determine their salaries, and prescribe  
26 qualifications for all positions, and in accordance with the salary  
27 schedules of the Civil Service Commission whenever possible; and
- 28 m. enter into contracts and agreements with the State or any of  
29 its political subdivisions or with the United States, or with any  
30 public body, department, or other agency of the State or the United  
31 States, or with any individual.
- 32
- 33 20. (New section) Rutgers University-Camden shall maintain an  
34 Internet website for the board of trustees. The purpose of the  
35 website shall be to provide increased public access to board  
36 operations and activities. The following information shall be posted  
37 on the board's website:
- 38 a. the board's rules, regulations, resolutions, and official policy  
39 statements;
- 40 b. notice, posted at least five business days prior to a meeting  
41 of the board or any of its committees, setting forth the time, date,  
42 location, and agenda of the meeting;
- 43 c. the minutes of each meeting of the board and its committees;  
44 and
- 45 d. information on any contract entered into by the board that  
46 was not competitively bid and the statutory authority for the  
47 contracting process.
- 48 The website shall be updated on a regular basis.

1       21. (New section) a. The board of governors of Rutgers  
2 University shall enter into a 99-year lease agreement with the board  
3 of trustees of Rutgers University-Camden, subject to the approval  
4 of the Joint Rowan University-Rutgers Camden Board of  
5 Governors, pursuant to which all property and assets of Rutgers  
6 University-Camden shall remain the property and assets of Rutgers  
7 University; except that Rutgers University shall have no  
8 responsibility or control over the property and assets or over the  
9 maintenance, insurance, and development of the property and  
10 assets. The lease agreement shall provide for an annual payment of  
11 \$1 per year by Rutgers University-Camden to the board of  
12 governors of Rutgers University and shall also include the payment  
13 by Rutgers University-Camden of any debt service associated with  
14 the facilities and property of Rutgers University-Camden. At the  
15 end of the lease agreement Rutgers University-Camden shall have  
16 the option to purchase the property at fair market value, exclusive  
17 of any improvements, buildings, or fixed assets thereon.

18       b. The board of governors of Rutgers University and the board  
19 of trustees of Rutgers University-Camden shall enter into an  
20 agreement for the participation of Rutgers University-Camden in  
21 the central administrative services and systems provided by Rutgers  
22 University including, but not limited to:

- 23       (1) the library system;  
24       (2) information technology systems; and  
25       (3) university administration and public safety including  
26 construction code services, emergency services, environmental and  
27 health services, and the police department.

28       The agreement shall include a negotiated rate of reimbursement  
29 to be paid by Rutgers University-Camden to Rutgers University for  
30 the central administrative services and systems provided pursuant to  
31 the agreement.  
32

33       22. (New section) The board of governors of Rutgers University  
34 shall establish:

- 35       a. standards for the establishment and evaluation of academic  
36 programs of Rutgers University-Camden;  
37       b. standards for the award of degrees to students enrolled in the  
38 academic degree programs of Rutgers University-Camden; and  
39       c. standards for the promotion and award of tenure to faculty  
40 employed at Rutgers University-Camden.  
41

42       23. (New section) The provisions of all collective negotiations  
43 agreements applicable to employees of Rutgers University-Camden  
44 in effect on the effective date of P.L.     , c. (C.     ) (pending  
45 before the Legislature as this bill) shall remain in full force and  
46 effect until such time as new or revised agreements or contracts  
47 may be established.

1       24. (New section) a. All monies previously allocated or  
2 otherwise provided to Rutgers University for the use of Rutgers  
3 University-Camden, regardless of source, which remain  
4 unexpended on the effective date of P.L. ,c. (C ) (pending  
5 before the Legislature as this bill), shall be transferred to Rutgers  
6 University-Camden.

7       b. State support for the operation of Rutgers University-  
8 Camden, including support for fringe benefit costs, shall be  
9 appropriated by the Legislature directly to Rutgers University-  
10 Camden.

11  
12       25. (New section) There is established the Joint Rowan  
13 University-Rutgers Camden Board of Governors. Notwithstanding  
14 any other provision of law to the contrary, the board shall have full  
15 authority over all matters concerning the supervision and operations  
16 of Rowan University and Rutgers University-Camden.

17       a. The board shall be composed of seven members as follows:  
18 two members appointed by the board of trustees of Rowan  
19 University from among its members; two members appointed by the  
20 board of trustees of Rutgers University-Camden from among its  
21 members; and three members appointed by the Governor with the  
22 advice and consent of the Senate. The board shall elect a  
23 chairperson from among its membership.

24       b. The term of office of a member of the joint board appointed  
25 by the board of trustees of Rowan University or the board of  
26 trustees of Rutgers University-Camden shall be coterminous with  
27 his term on that board of trustees. The term of office of the  
28 Governor's appointees shall be six years. An appointed member  
29 may be removed for cause by the board of trustees that appointed  
30 the member, or by the Governor in the case of his appointees.

31       c. Each member shall serve until his successor is appointed and  
32 qualified, and vacancies shall be filled in the same manner as the  
33 original appointments for the remainder of the unexpired term.

34       d. Members of the board shall serve without compensation but  
35 shall be entitled to be reimbursed for all reasonable and necessary  
36 expenses.

37       e. The joint board shall be staffed by employees of Rowan  
38 University and Rutgers University-Camden.

39  
40       26. (New section) The Joint Rowan University-Rutgers Camden  
41 Board of Governors shall have the authority and responsibility to:

42       a. approve or disapprove of any decision of the board of trustees  
43 of Rowan University or the board of trustees of Rutgers University-  
44 Camden;

45       b. determine policies for the organization, administration, and  
46 development of curriculum and programs of Rowan University and  
47 Rutgers University-Camden, including dual degree programs and  
48 partnerships between the institutions;

1 c. make joint faculty appointments to Rowan University and  
2 Rutgers University-Camden;

3 d. determine policies for the shared utilization of each  
4 institution's resources including housing, student affairs, and  
5 security;

6 e. provide curricular oversight of joint programs of Rowan  
7 University and Rutgers University-Camden; and

8 f. develop plans and policies for the operation and governance  
9 of health science facilities, including policies concerning the  
10 development and financing of capital improvements or expansions  
11 of health science facilities

12

13 27. (New section) a. As used in sections 28 through 56 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 "Rowan University" shall, unless the context clearly indicates to the  
16 contrary, include and mean the public research university herein  
17 designated "Rowan University" as presently and hereafter  
18 constituted, including all departments, colleges, schools, centers,  
19 branches, educational and other units and extensions thereof,  
20 extension and cooperative education programs, continuing  
21 education programs, and all other departments of higher education  
22 maintained by the educational entity of the university.

23 b. As used in sections 28 through 56 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill), "university" shall mean  
25 "Rowan University."  
26

26

27 28. (New section) There is hereby established a body corporate  
28 and politic to be known as Rowan University. The exercise by the  
29 university of the powers conferred by this act, including the  
30 presentation and operation of a four-year allopathic medical school,  
31 shall be deemed to be public and essential governmental functions  
32 necessary for the welfare of the State and the people of New Jersey.

33

34 29. (New section) It is declared to be the public policy of the  
35 State that the university shall be given a high degree of self-  
36 government and that the governance and conduct of the university  
37 shall be free of partisanship.

38

39 30. (New section) The board of trustees of the university is  
40 continued and shall have and exercise the powers, authority, rights  
41 and privileges and shall be subject to the duties, obligations, and  
42 responsibilities set forth in this act.

43

44 31. (New section) a. The composition and size of the board of  
45 trustees shall be determined by the board; however, the board shall  
46 have not less than seven nor more than 15 members. The members  
47 shall be appointed by the Governor with the advice and consent of  
48 the Senate. The board of trustees shall recommend potential new



1 members to the Governor. The terms of office of appointed  
2 members shall be for six years beginning on July 1 and ending on  
3 June 30. Each member shall serve until his successor shall have  
4 been appointed and qualified and vacancies shall be filled in the  
5 same manner as the original appointments for the remainders of the  
6 unexpired terms. Any member of a board of trustees may be  
7 removed by the Governor for cause upon notice and opportunity to  
8 be heard.

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

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

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

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

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

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

40  
41 32. (New section) The board of trustees of the university shall  
42 provide for the election of two student representatives, who shall be  
43 full-time, regularly matriculated students in good academic  
44 standing, and who shall be 18 years of age or older and citizens of  
45 the United States. The student representatives shall be elected by  
46 the members of the student government association to serve on the  
47 board of trustees for terms of two years commencing at the next  
48 organization of the board.

- 1 a. A student shall be elected for a two-year term, but shall serve  
2 during the first year as an alternate member, and as a voting  
3 member during the second year.
- 4 Any vacancies which occur shall be filled by the student  
5 governing body for the unexpired term only.
- 6 b. The standards for eligibility for student representatives on the  
7 board of trustees shall be the same as those required for other  
8 student government officers.
- 9 c. The student members shall be entitled to full participation in  
10 all activities of the board except that they shall not participate in:
- 11 (1) Any matter involving the employment, appointment,  
12 termination of employment, terms and conditions of employment,  
13 evaluation of the performance of, promotion or disciplining of any  
14 specific prospective officer or employee or current officer or  
15 employee employed or appointed by the board, unless all the  
16 individual employees or appointees whose rights could be adversely  
17 affected request in writing that the matter or matters be discussed at  
18 a public meeting;
- 19 (2) Any matter involving the purchase, lease, acquisition or sale  
20 of real property with public funds, the setting of banking rates or  
21 investment of public funds, where it could adversely affect the  
22 public interest if discussion of these matters were disclosed; and
- 23 (3) Any pending or anticipated litigation in which the board is,  
24 or may become, a party, where it could adversely affect the public  
25 interest if discussion of these matters were disclosed, or any matters  
26 falling within the attorney-client privilege, to the extent that  
27 confidentiality is required in order for the attorney to exercise his  
28 ethical duties as a lawyer.
- 29 d. Upon assuming office, the students shall agree to adhere to  
30 such standards of responsibility and confidentiality as are  
31 established by the board of trustees.
- 32
- 33 33. (New section) The board of trustees of Rowan University  
34 shall have the general supervision over and be vested with the  
35 conduct of the university. It shall have the power and duty, subject  
36 to the approval of the Joint Rowan University-Rutgers Camden  
37 Board of Governors, to:
- 38 a. Adopt and use a corporate seal;
- 39 b. Determine the educational curriculum and program of the  
40 university;
- 41 c. Determine policies for the organization, administration, and  
42 development of the university;
- 43 d. Study the educational and financial needs of the university,  
44 annually acquaint the Governor and Legislature with the condition  
45 of the university, and prepare and submit an annual request for  
46 appropriation to the Division of Budget and Accounting in the  
47 Department of the Treasury in accordance with law;

- 1 e. Disburse all moneys appropriated to the university by the  
2 Legislature and all moneys received from tuition, fees, auxiliary  
3 services and other sources;
- 4 f. Direct and control expenditures and transfers of funds  
5 appropriated to the university in accordance with the provisions of  
6 the State budget and appropriation acts of the Legislature, and, as to  
7 funds received from other sources, direct and control expenditures  
8 and transfers in accordance with the terms of any applicable trusts,  
9 gifts, bequests, or other special provisions, reporting changes and  
10 additions thereto and transfers thereof to the Director of the  
11 Division of Budget and Accounting in the Department of the  
12 Treasury. All accounts of the university shall be subject to audit by  
13 the State at any time;
- 14 g. In accordance with the provisions of the State budget and  
15 appropriation acts of the Legislature, appoint and fix the  
16 compensation and term of office of a president of the university  
17 who shall be the executive officer of the university and an ex officio  
18 member of the board of trustees, without vote, and shall serve at the  
19 pleasure of the board of trustees;
- 20 h. In accordance with the provisions of the State budget and  
21 appropriation acts of the Legislature, appoint, upon nomination of  
22 the president, such deans and other members of the academic,  
23 administrative, and teaching staffs as shall be required and fix their  
24 compensation and terms of employment;
- 25 i. Consistent with the provisions of its budget, this act and any  
26 and all controlling collective bargaining agreements, have the  
27 power, upon nomination or recommendation of the president, to  
28 appoint, remove, promote and transfer all other officers, agents, or  
29 employees which may be required to carry out the provisions of this  
30 act and prescribe qualifications for those positions, and assign  
31 requisite duties and determine and fix respective compensation for  
32 those positions in accordance with duly adopted salary program  
33 parameters;
- 34 j. Grant diplomas, certificates or degrees;
- 35 k. Enter into contracts and agreements with the State or any of  
36 its political subdivisions or with the United States, or with any  
37 public body, department or other agency of the State or the United  
38 States or with any individual, firm or corporation which are deemed  
39 necessary or advisable by the board for carrying out the provisions  
40 of this act. A contract or agreement pursuant to this subsection may  
41 require a municipality to undertake obligations and duties to be  
42 performed subsequent to the expiration of the term of office of the  
43 elected governing body of such municipality which initially entered  
44 into or approved said contract or agreement, and the obligations and  
45 duties so incurred by such municipality shall be binding and of full  
46 force and effect, notwithstanding that the term of office of the  
47 elected governing body of such municipality which initially entered  
48 into or approved said contract or agreement, shall have expired;

- 1 l. Exercise the right of eminent domain, pursuant to the  
2 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
3 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 4 m. Adopt, after consultation with the president and faculty,  
5 bylaws and make and promulgate such rules, regulations, and  
6 orders, not inconsistent with the provisions of this act as are  
7 necessary and proper for the administration and operation of the  
8 university and the carrying out of its purposes;
- 9 n. Establish fees for room and board sufficient for the operation,  
10 maintenance, and rental of student housing and food services  
11 facilities;
- 12 o. Fix and determine tuition rates and other fees to be paid by  
13 students;
- 14 p. Accept from any government or governmental department,  
15 agency or other public or private body or from any other source  
16 grants or contributions of money or property which the board may  
17 use for or in aid of any of its purposes;
- 18 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
19 lease, dispose of, use and operate property, whether real, personal  
20 or mixed, or any interest therein, which is necessary or desirable for  
21 university purposes;
- 22 r. Employ architects to plan buildings; secure bids for the  
23 construction of buildings and for the equipment thereof; make  
24 contracts for the construction of buildings and for equipment; and  
25 supervise the construction of buildings;
- 26 s. Manage and maintain, and provide for the payment of all  
27 charges on and expenses in respect of, all properties utilized by the  
28 university;
- 29 t. Borrow money and to secure the same by a mortgage on its  
30 property or any part thereof, and to enter into any credit agreement  
31 for the needs of the university, as deemed requisite by the board, in  
32 such amounts and for such time and upon such terms as may be  
33 determined by the board, provided that no such borrowing shall be  
34 deemed or construed to create or constitute a debt, liability, or a  
35 loan or pledge of the credit or be payable out of property or funds,  
36 other than moneys appropriated for that purpose, of the State;
- 37 u. Authorize any new program, educational department or  
38 school consistent with the programmatic mission of the institution  
39 or approved by the Secretary of Higher Education;
- 40 v. Adopt standing operating rules and procedures for the  
41 purchase of all equipment, materials, supplies and services;  
42 however, no contract on behalf of the university shall be entered  
43 into for the purchase of services, materials, equipment and supplies,  
44 for the performance of any work, or for the hiring of equipment or  
45 vehicles, where the sum to be expended exceeds \$30,700 or the  
46 amount determined by the Governor as provided herein, unless the  
47 university shall first publicly advertise for bids and shall award the  
48 contract to that responsible bidder whose bid, conforming to the

1 invitation for bids, will be most advantageous to the university,  
2 price and other factors considered. Such advertising shall not be  
3 required in those exceptions created by the board of trustees of the  
4 university, which shall be in substance those exceptions contained  
5 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the  
6 supplying of any product or the rendering of any service by a public  
7 utility subject to the jurisdiction of the Board of Public Utilities of  
8 this State and tariffs and schedules of the charges made, charged, or  
9 exacted by the public utility for any such products to be supplied or  
10 services to be rendered are filed with the said board. Commencing  
11 July 1, 2013 and every two years thereafter, the Governor, in  
12 consultation with the Department of the Treasury, shall adjust the  
13 threshold amount set forth in this paragraph in direct proportion to  
14 the rise or fall of the consumer price index for all urban consumers  
15 in the New York City and the Philadelphia areas as reported by the  
16 United States Department of Labor. The Governor shall notify the  
17 university of the adjustment. The adjustment shall become effective  
18 on July 1 of the year in which it is reported.

19 This subsection shall not prevent the university from having any  
20 work performed by its own employees, nor shall it apply to repairs,  
21 or to the furnishing of materials, supplies or labor, or the hiring of  
22 equipment or vehicles, when the safety or protection of its or other  
23 public property or the public convenience requires or the exigency  
24 of the university's service will not admit of such advertisement. In  
25 such case, the university shall, by resolution passed by the  
26 affirmative vote of its board of trustees, declare the exigency or  
27 emergency to exist, and set forth in the resolution the nature and  
28 approximate amount to be expended; shall maintain appropriate  
29 records as to the reason for such awards; and shall report regularly  
30 to its board of trustees on all such purchases, the amounts and the  
31 reasons therefor;

32 w. Invest certain moneys in such obligations, securities and  
33 other investments as the board shall deem prudent, consistent with  
34 the purposes and provisions of this act and in accordance with State  
35 and federal law, as follows:

36 Investment in not-for-profit corporations or for-profit  
37 corporations organized and operated pursuant to the provisions of  
38 subsection x. of this section may utilize income realized from the  
39 sale or licensing of intellectual property as well as the reinvestment  
40 of earnings on intellectual property. Investment in not-for-profit  
41 corporations may also utilize income from the operation of faculty  
42 practice plans of the university and income from overhead grant  
43 fund recovery as permitted by federal law as well as other  
44 university funds except those specified in paragraph 5 of subsection  
45 x. of this section;

46 x. (1) Participate as the general partner or as a limited partner,  
47 either directly or through a subsidiary corporation created by the  
48 university, in limited partnerships, general partnerships, or joint

1 ventures engaged in the development, manufacture, or marketing of  
2 products, technology, scientific information or health care services  
3 and create or form for-profit or not-for-profit corporations to  
4 engage in such activities; provided that any such participation shall  
5 be consistent with the mission of the university and the board shall  
6 have determined that such participation is prudent;

7 (2) The decision to participate in any activity described in  
8 paragraph (1) of this subsection, including the creation or formation  
9 of for-profit or not-for-profit corporations, shall be articulated in the  
10 minutes of the board of trustees meeting in which the action was  
11 approved;

12 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
13 shall continue to apply to the university, its employees, and  
14 officers;

15 (4) Nothing herein shall be deemed or construed to create or  
16 constitute a debt, liability, or a loan or pledge of the credit or be  
17 payable out of property or funds of the State;

18 (5) Funds directly appropriated to the university from the State  
19 or derived from the university's academic programs or derived from  
20 payment for coverage provided by the self insurance fund for claims  
21 accruing prior to the effective date of this act shall not be utilized  
22 by the for-profit or not-for-profit corporations organized and  
23 operated pursuant to this subsection in the development,  
24 manufacture, or marketing of products, technology or scientific  
25 information;

26 (6) Employees of any joint venture, subsidiary corporation,  
27 partnership, or other jural entity entered into or owned wholly or in  
28 part by the university shall not be deemed public employees;

29 (7) A joint venture, subsidiary corporation, partnership, or other  
30 jural entity entered into or owned wholly or in part by the university  
31 shall not be deemed an instrumentality of the State of New Jersey;

32 (8) Income realized by the university as a result of participation  
33 in the development, manufacture, or marketing of products,  
34 technology, or scientific information may be invested or reinvested  
35 pursuant to subsection w. of this section or any other provision of  
36 this act or State or federal law or retained by the board for use in  
37 furtherance of any of the purposes of this act or of other applicable  
38 statutes;

39 (9) The board shall annually report to the State Treasurer on the  
40 operation of all joint ventures, subsidiary corporations,  
41 partnerships, or such other jural entities entered into or owned  
42 wholly or in part by the university;

43 y. Sue and be sued in its own name;

44 z. Retain independent counsel including representation by the  
45 Attorney General in accordance with subsection h. of section 6 of  
46 P.L.1994, c.48 (C.18A:3B-6);

47 aa. (1) Procure and enter into contracts for any type of insurance  
48 and indemnify against loss or damage to property from any cause,

1 including loss of use and occupancy, against death or injury of any  
2 person, against employees' liability, against any act of any member,  
3 officer, employee or servant of the university, whether part-time,  
4 full-time, compensated or non-compensated in the performance of  
5 the duties of his office or employment or any other insurable risk.  
6 In addition, the university shall carry its own liability insurance or  
7 maintain an actuarially sound program of self insurance. Any joint  
8 venture, subsidiary corporation, or partnership or such other jural  
9 entity entered into or owned wholly or in part by the university shall  
10 carry insurance or maintain reserves in such amounts as are  
11 determined by an actuary to be sufficient to meet its actual or  
12 accrued claims;

13 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
14 administered by the State Treasurer shall continue to be available to  
15 the university solely to indemnify and defend claims against the  
16 university and its employees, officers and servants but only to the  
17 extent that the university has elected on behalf of itself and its  
18 employees to obtain representation from the Attorney General  
19 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
20 6) and such entity or individuals would have been entitled to  
21 defense and indemnification pursuant to the "New Jersey Tort  
22 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
23 employee but for the provision of subsection z. of this section.  
24 Any expenditure of such funds shall be made only in accordance  
25 with the provisions of the "New Jersey Tort Claims Act,"  
26 N.J.S.59:1-1 et seq., including but not limited to the provisions of  
27 chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes.  
28 Nothing herein shall be construed to authorize the use of the Self-  
29 Insurance Trust Fund to indemnify or insure in any way, directly or  
30 indirectly the activities of any joint venture, partnership or  
31 corporation entered into or created by the university pursuant to  
32 subsection x. of this section;

33 bb. Create auxiliary organizations subject to the provisions of  
34 P.L.1982, c.16 (C.18A:64-26 et seq.);

35 cc. Adopt a code of ethics that complies with the requirements  
36 of all statutes applicable to the institution, including, but not  
37 limited, to the "Higher Education Restructuring Act of 1994,"  
38 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
39 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
40 the State Ethics Commission, and any applicable executive orders;  
41 and

42 dd. Establish a procedure for the confidential, anonymous  
43 submission of employee concerns regarding alleged wrongdoing at  
44 the university.

45

46 34. (New section) All functions, powers and duties relating to  
47 the investment or reinvestment of funds other than those funds  
48 specified in subsection w. of section 33 of P.L. , c. (C. )

1 (pending before the Legislature as this bill) within the jurisdiction  
2 of the board of trustees including the purchase, sale, or exchange of  
3 any investments or securities may be exercised and performed by  
4 the Director of the Division of Investment in the Department of the  
5 Treasury in accordance with the provisions of P.L.1950, c.270  
6 (C.52:18A-79 et seq.) if so authorized by the board. Sections 35  
7 and 36 of P.L. , c. (C. ) (pending before the Legislature as this  
8 bill) shall only be applicable in the event of such an election.  
9 Before any such investment, reinvestment, purchase, sale, or  
10 exchange shall be made by the director for or on behalf of the board  
11 of trustees, the Director of the Division of Investment shall submit  
12 the details thereof to the board, which shall, itself or by its finance  
13 committee, within 48 hours, exclusive of Sundays and public  
14 holidays, after such submission to it, file with the director its  
15 written acceptance or rejection of such proposed investment,  
16 reinvestment, purchase, sale, or exchange; and the director shall  
17 have authority to make such investment, reinvestment, purchase,  
18 sale, or exchange for or on behalf of the board, unless there shall  
19 have been filed with him a written rejection thereof by the board or  
20 its finance committee as herein provided. The board of trustees  
21 shall determine from time to time the cash requirements of the  
22 various funds and accounts established by it and the amount  
23 available for investment, all of which shall be certified to the State  
24 Treasurer and the Director of the Division of Investment.

25 The finance committee of the board of trustees shall consist of  
26 three members of the board who shall be appointed in the same  
27 manner and for the same term as other committees of the board are  
28 appointed.

29

30 35. (New section) The Director of the Division of Investment in  
31 the Department of the Treasury, in addition to other investments,  
32 presently or from time to time hereafter authorized by law, shall  
33 have authority, subject to any acceptance required, to invest and  
34 reinvest such funds in, and to acquire for or on behalf of the board  
35 such bonds or other evidence of indebtedness or capital stock or  
36 other securities issued by any company incorporated within the  
37 United States or within the Dominion of Canada, which shall be  
38 authorized or approved for investment by regulation of the State  
39 Investment Council and in which life insurance companies  
40 organized under the laws of this State may legally invest.

41

42 36. (New section) The State Treasurer shall be the custodian of  
43 the board's investment funds, shall select all depositories and  
44 custodians and shall negotiate and execute custody agreements in  
45 connection with the assets or investments of any said funds.

46

47 37. (New section) The university shall maintain an Internet  
48 website for the board of trustees. The purpose of the website shall



1 be to provide increased public access to board operations and  
2 activities. The following information shall be posted on the board's  
3 website:

- 4 a. the board's rules, regulations, resolutions, and official policy  
5 statements;
- 6 b. notice, posted at least five business days prior to a meeting  
7 of the board or any of its committees, setting forth the time, date,  
8 location, and agenda of the meeting;
- 9 c. the minutes of each meeting of the board and its committees;  
10 and
- 11 d. information on any contract entered into by the board that  
12 was not competitively bid and the statutory authority for the  
13 contracting process.

14 The website shall be updated on a regular basis.  
15

16 38. (New section) The board of trustees, in addition to the other  
17 powers and duties provided herein, shall be vested with the right of  
18 perpetual succession and shall have and exercise all the powers,  
19 rights, and privileges that are incident to the proper governance,  
20 conduct, and management of the university and the control of its  
21 properties and funds and such powers granted to the university or  
22 the board or reasonably implied, may be exercised without recourse  
23 or reference to any department or agency of the State, except as  
24 otherwise provided by this act.  
25

26 39. (New section) The board shall appoint and fix the  
27 compensation of a president of the university. The president shall  
28 be responsible to the board of trustees and shall have such powers  
29 as shall be requisite for the executive management and conduct of  
30 the university in all departments, branches and divisions, and for the  
31 execution and enforcement of bylaws, ordinances, rules,  
32 regulations, statutes, and orders governing the management,  
33 conduct and administration of the university.  
34

35 40. (New section) No trustee or officer of the university shall be  
36 personally liable for any debt, obligation, or other liability of the  
37 university or incurred by or on behalf of the university or any  
38 constituent unit thereof.  
39

40 41. (New section) The board of trustees shall advise the  
41 Governor and Legislature, in consultation with the Secretary of  
42 Higher Education and the President's Council and successor bodies,  
43 on the manner in which the facilities and services of the university  
44 may be utilized so as to increase the efficiency of the public  
45 education system and provide, maintain, and improve upon the  
46 quality of higher education for the people of the State. The board of  
47 trustees shall make recommendations to the Governor and the  
48 Legislature respecting the needs for the facilities and services of the

1 university as an educational instrumentality of the State for that  
2 purpose.

3  
4 42. (New section) Subject to the provisions of P.L.1969, c.242  
5 (C.18A:66-167 et seq.) and except as otherwise provided by law,  
6 the university shall be deemed to be an employer for the purposes  
7 of the "Public Employees' Retirement System Act," P.L.1954, c.84  
8 (C.43:15A-1 et seq.), and shall also be deemed to be a "public  
9 agency or organization" within the meaning of section 71 of that act  
10 (C.43:15A-71). Further, the university's commissioned police  
11 officers shall be eligible for participation in and subject to the  
12 provisions of the "Police and Firemen's Retirement Systems Act,"  
13 P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall be  
14 deemed an employer within the meaning of that act.

15  
16 43. (New section) Nothing herein contained shall be construed  
17 to impair, annul or affect any vested rights, grants, privileges,  
18 exemptions, immunities, powers, prerogatives, franchises, or  
19 advantages heretofore obtained or enjoyed by the university or any  
20 constituent unit thereof, under any authority or any act of this State  
21 or under any grant, deed, conveyance, transfer, lease, estate,  
22 remainder, expectancy, trust, gift, donation, legacy, devise,  
23 endowment or fund, all of which are hereby ratified and confirmed  
24 except insofar as the same may have expired, be or have been  
25 repealed or altered, or may be inconsistent with this act or with  
26 existing provisions of law; subject however, thereto and to all of the  
27 rights, obligations, relations, conditions, terms, trust, duties, and  
28 liabilities to which the same are subject.

29  
30 44. (New section) The enactment and adoption of this act shall  
31 not, of itself, affect the official, operational, or organizational status  
32 of any officer of the university or any and all outstanding  
33 authorizations of any officer, agent, or employee to take specified  
34 action, or any and all outstanding commitments or undertakings of  
35 or by the university, except and only to the extent that any of the  
36 same may be inconsistent with this act.

37  
38 45. (New section) Upon the establishment of the body corporate  
39 and politic known as Rowan University:

40 a. All appropriations available to Rowan University prior to the  
41 effective date of this act and to become available shall be  
42 transferred to the university by the Director of the Division of  
43 Budget and Accounting in the Department of the Treasury and shall  
44 be available for the objects and purposes for which appropriated,  
45 subject to any terms, restrictions, limitations or other requirements  
46 imposed by the State budget;

47 b. All other grants, gifts, other moneys and property available  
48 to Rowan University prior to the effective date of this act and to

1 become available to or for Rowan University shall be transferred to  
2 the university and shall be available for the objects and purposes of  
3 the university, subject to any terms, restrictions, limitations or other  
4 requirements imposed by State and federal law or otherwise;

5 c. All employees of Rowan University prior to the effective  
6 date of this act shall become employees of the university. Nothing  
7 in this act shall be construed so as to deprive any person of any  
8 right of tenure or under any retirement system or to any pension,  
9 disability, social security or similar benefit, to which the person is  
10 entitled by law or contractually;

11 d. All files, papers, records, equipment and other personal  
12 property of Rowan University shall be transferred to the university;  
13 and

14 e. All orders, rules or regulations theretofore made or  
15 promulgated by Rowan University shall continue in full force and  
16 effect as the orders, rules and regulations of the university until  
17 amended or repealed by the university.

18

19 46. (New section) This act shall not affect actions or  
20 proceedings, civil or criminal, brought by or against Rowan  
21 University, but such actions or proceedings may be prosecuted or  
22 defended in the same manner and to the same effect by the  
23 university as if the foregoing provisions had not taken effect; nor  
24 shall any of the foregoing provisions affect any order or regulation  
25 made by, or other matters or proceedings before, Rowan University,  
26 and all such matters or proceedings pending before Rowan  
27 University on the effective date of this act shall be continued by the  
28 university, as if the foregoing provisions had not taken effect.

29

30 47. (New section) Whenever in any law, rule, regulation,  
31 contract, document, judicial or administrative proceeding or  
32 otherwise, reference is made to Rowan University, the same shall  
33 mean and refer to Rowan University, herein referred to as  
34 "university," established as a public research university pursuant to  
35 the provisions of this act.

36

37 48. (New section) The general powers of supervision and  
38 control of the Secretary of Higher Education at the request of the  
39 Governor over Rowan University include the power to visit the  
40 university to examine into its manner of conducting its affairs and  
41 to enforce an observance of its laws and regulations and the laws of  
42 the State.

43

44 49. (New section) Notwithstanding any of the provisions of the  
45 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to  
46 the contrary, contract claims and suits against the university shall be  
47 governed by that act.

1       50. (New section) Every contract or agreement negotiated,  
2 awarded or made pursuant to this act shall contain a suitable  
3 warranty by the contractor that no person or selling agency has  
4 been employed or retained to solicit or secure such contract upon an  
5 agreement or understanding for a commission, percentage,  
6 brokerage or contingent fee, except bona fide employees or bona  
7 fide established commercial or selling agencies maintained by the  
8 contractor for the purpose of securing business, for the breach or  
9 violation of which warranty the university shall have the right to  
10 annul such contract without liability or in its discretion to deduct  
11 from the contract price or consideration the full amount of such  
12 commission, percentage, brokerage or contingent fee.

13  
14       51. (New section) Any person willfully authorizing, consenting  
15 to, making or procuring to be made payment of university funds for  
16 or on account of any purchase, contract or agreement known to him  
17 to have been made or entered into in violation of any of the  
18 provisions of this act shall be guilty of a misdemeanor.

19  
20       52. (New section) The payment of any fee, commission or  
21 compensation of any kind or the granting of any gift or gratuity of  
22 any kind, either directly or indirectly, whether or not in connection  
23 with any purchase, sale or contract, to any person employed by  
24 Rowan University, having any duties or responsibilities in  
25 connection with the purchase or acquisition of any property or  
26 services by the university, by or on behalf of any seller or supplier  
27 who has made, negotiated, solicited or offered to make and contract  
28 to sell or furnish real or personal property or services to the  
29 university is hereby prohibited. Any person offering, paying,  
30 giving, soliciting or receiving any fee, commission, compensation,  
31 gift or gratuity in violation of this section shall be guilty of a  
32 misdemeanor.

33  
34       53. (New section) The provisions of this act shall not alter the  
35 term of any member of the board, not specifically abolished herein,  
36 lawfully in office as of the effective date of this act, or require the  
37 reappointment thereof.

38  
39       54. (New section) No provision of this act shall be deemed or  
40 construed to create or constitute a debt, liability, or a loan or pledge  
41 of the credit, of the State of New Jersey.

42  
43       55. (New section) This act, being deemed and declared  
44 necessary for the welfare of the State and the people of New Jersey  
45 to provide for the development of public higher education in the  
46 State and thereby to improve the quality and increase the efficiency  
47 of the public system of educational services of the State, shall be  
48 liberally construed to effectuate the purposes and intent thereof.

1       56. (New section) In accordance with the provisions of section  
2 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to  
3 the Department of State for the purposes of complying with the  
4 provisions of Article V, Section IV, Paragraph 1 of the New Jersey  
5 Constitution. Notwithstanding this allocation, the university shall  
6 be independent of any supervision or control of the Department of  
7 State or any board, commission, or officer thereof and the allocation  
8 shall not in any way affect the principles of institutional autonomy  
9 established by that act and as otherwise enumerated herein.

10  
11       57. Section 2 of P.L.1991, c.387 (C.2A:14-1.2) is amended to  
12 read as follows:

13       2. a. Except where a limitations provision expressly and  
14 specifically applies to actions commenced by the State or where a  
15 longer limitations period would otherwise apply, and subject to any  
16 statutory provisions or common law rules extending limitations  
17 periods, any civil action commenced by the State shall be  
18 commenced within ten years next after the cause of action shall  
19 have accrued.

20       b. For purposes of determining whether an action subject to the  
21 limitations period specified in subsection a. of this section has been  
22 commenced within time, no such action shall be deemed to have  
23 accrued prior to January 1, 1992.

24       c. As used in this act, the term "State" means the State, its  
25 political subdivisions, any office, department, division, bureau,  
26 board, commission or agency of the State or one of its political  
27 subdivisions, and any public authority or public agency, including,  
28 but not limited to, the New Jersey Transit Corporation【 and the  
29 University of Medicine and Dentistry of New Jersey】.

30       The provisions of this section shall not apply to any civil action  
31 commenced by the State concerning the remediation of a  
32 contaminated site or the closure of a sanitary landfill facility, or the  
33 payment of compensation for damage to, or loss of, natural  
34 resources due to the discharge of a hazardous substance, and subject  
35 to the limitations period specified in section 5 of P.L.2001, c.154  
36 (C.58:10B-17.1).

37 (cf: P.L.2001, c.154, s.7)

38  
39       58. N.J.S.11A:6-6 is amended to read as follows:

40       11A:6-6. State administrative leave. Administrative leave for  
41 personal reasons including religious observances for full-time State  
42 employees or those employees of Rutgers, The State University,  
43 New Jersey Institute of Technology and 【the University of  
44 Medicine and Dentistry of New Jersey】 Rowan University who  
45 perform services similar to those performed by employees of the  
46 New Jersey State colleges who are in the career service shall be  
47 three working days per calendar year. Administrative leave shall

1 not be cumulative and any administrative leave unused by an  
2 employee at the end of any year shall be cancelled.

3 (cf: N.J.S.11A:6-6)

4

5 59. N.J.S.11A:6-17 is amended to read as follows:

6 11A:6-17. Supplemental compensation; employees of Rutgers,  
7 The State University, New Jersey Institute of Technology, and [the  
8 University of Medicine and Dentistry of New Jersey] Rowan  
9 University. The supplemental compensation provided under this  
10 chapter shall also be paid to each employee of Rutgers, The State  
11 University, New Jersey Institute of Technology, [and the University  
12 of Medicine and Dentistry of New Jersey] , and Rowan University  
13 who performs services similar to those performed by employees of  
14 the New Jersey State colleges who are in the career service or who  
15 have been granted sick leave under terms and conditions similar to  
16 career service employees, including those employees of [the  
17 University of Medicine and Dentistry of New Jersey] Rutgers, The  
18 State University who are members of the Newark Employees'  
19 Retirement System.

20 (cf: N.J.S.11A:6-17)

21

22 60. Section 4 of P.L.2003, c.193 (C.17B:27D-4) is amended to  
23 read as follows:

24 4. The commission shall consist of 17 voting members as  
25 follows: the Commissioners of Health and Senior Services, Human  
26 Services and Banking and Insurance or their designees, who shall  
27 serve ex officio; three public members appointed by the President  
28 of the Senate, who shall include a representative of a commercial  
29 health insurance company, a physician licensed in this State who is  
30 a member of the Medical Society of New Jersey, and a  
31 representative of the New Jersey Business and Industry Association,  
32 no more than two of whom shall be from the same political party;  
33 three public members appointed by the Speaker of the General  
34 Assembly, who shall include a representative of a health service  
35 corporation, a physician licensed in this State, and a representative  
36 of organized labor, no more than two of whom shall be from the  
37 same political party; and eight public members appointed by the  
38 Governor, who shall include a medical educator from [the  
39 University of Medicine and Dentistry of New Jersey] Rutgers, The  
40 State University whose major field of expertise is the study and  
41 evaluation of the cost of health care and health insurance, a  
42 representative of the New Jersey Association of Health Plans, a  
43 representative of the New Jersey Hospital Association, a  
44 representative of the New Jersey State Nurses Association, a  
45 representative of the New Jersey Dental Association, a  
46 representative of a consumer advocacy organization and two

1 representatives of the general public who are knowledgeable about  
2 health benefits plans.

3 The President of the Senate may appoint two members of the  
4 Senate, no more than one of whom shall be from the same political  
5 party, to serve as nonvoting members of the commission. The  
6 Speaker of the General Assembly may appoint two members of the  
7 General Assembly, no more than one of whom shall be from the  
8 same political party, to serve as nonvoting members of the  
9 commission. The legislative members shall serve during their  
10 legislative term of office.

11 Of the voting members first appointed, four shall serve for a term  
12 of two years, four for a term of three years and three for a term of  
13 four years.

14 Voting members appointed thereafter shall serve four-year terms,  
15 and any vacancy shall be filled by appointment for the unexpired  
16 term only. A member is eligible for reappointment. Vacancies in  
17 the membership of the commission shall be filled in the same  
18 manner as the original appointments were made.

19 (cf: P.L. 2003, c.193, s.4)

20

21 61. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to read  
22 as follows:

23 3. For the purposes of this act, unless the context clearly  
24 requires a different meaning:

25 "Authority" means the Higher Education Student Assistance  
26 Authority established pursuant to N.J.S.18A:71A-3;

27 "Commission" means the New Jersey Commission on Higher  
28 Education established by this act;

29 "Council" means the New Jersey Presidents' Council established  
30 by this act;

31 "Programmatic Mission" means all program offerings consistent  
32 within those levels of academic degrees or certificates that the  
33 institution has been authorized to grant by the State Board of  
34 Higher Education prior to the effective date of this act or approved  
35 thereafter by the commission;

36 "Public Research University" means Rutgers, The State  
37 University of New Jersey, [the University of Medicine and  
38 Dentistry of New Jersey] Rowan University, and the New Jersey  
39 Institute of Technology;

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

44 (cf: P.L. 1999, c.46, s.27)

45

46 62. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is amended to  
47 read as follows:

1 12. a. There shall be established an executive board which  
2 performs such duties as determined by the council. The executive  
3 board shall be composed of 15 members as follows:

4 The president of Rutgers, The State University;

5 **【The president of the University of Medicine and Dentistry of  
6 New Jersey】**;

7 The president of New Jersey Institute of Technology;

8 The president of Rowan University;

9 Three presidents of State Colleges who shall be selected by the  
10 presidents of this sector;

11 Five presidents of county colleges who shall be selected by the  
12 presidents of this sector;

13 Three presidents of independent institutions who shall be  
14 selected by the presidents of this sector;

15 One president of the proprietary schools which have been  
16 authorized to offer licensed degree programs who shall be selected  
17 by the presidents of these proprietary schools.

18 b. The chair of the executive board shall be rotated among the  
19 following: one of the presidents of Rutgers, The State University of  
20 New Jersey, the president of **【the University of Medicine and  
21 Dentistry of New Jersey】** Rowan University, and the president of  
22 New Jersey Institute of Technology; a president selected by the  
23 presidents of the State Colleges; a president selected by the  
24 presidents of the county colleges; and a president selected by the  
25 presidents of the independent institutions. The chair of the  
26 executive board shall serve for a two-year period. Biennially, the  
27 executive board shall select the chair in the manner provided above,  
28 but not necessarily in the order provided above.

29 c. The chair of the executive board shall also serve as the chair  
30 of the council.

31 (cf: P.L.2009, c.246, s.2)

32  
33 63. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to  
34 read as follows:

35 1. As used in this act:

36 "Commission" means the New Jersey Commission on Higher  
37 Education established pursuant to section 13 of P.L.1994, c.48  
38 (C.18A:3B-13);

39 "Public research university" means Rutgers, The State University  
40 of New Jersey, **【the University of Medicine and Dentistry of New  
41 Jersey】** Rowan University, and the New Jersey Institute of  
42 Technology;

43 "State college" means the State colleges or universities  
44 established pursuant to chapter 64 of Title 18A of the New Jersey  
45 Statutes.

46 (cf: P.L.2009, c.308, s.1)



1       64. Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is amended to  
2 read as follows:

3       2. a. The Commissioner of Education shall develop  
4 recommendations for autism and other developmental disabilities  
5 awareness instruction and methods of teaching students with autism  
6 and other developmental disabilities for teacher preparation  
7 programs in accordance with section 1 of this act and shall submit  
8 the recommendations to the State Board of Education. In  
9 developing the recommendations, the commissioner shall consult  
10 with the Commissioner of Health and Senior Services,  
11 representatives from entities that promote awareness about autism  
12 and other developmental disabilities and provide programs and  
13 services to people with autism and other developmental disabilities,  
14 including, but not limited to Autism Speaks, The Autism Center of  
15 New Jersey Medical School at [the University of Medicine and  
16 Dentistry of New Jersey] Rutgers, The State University, and The  
17 New Jersey Center for Outreach and Services for the Autism  
18 Community, and representatives of the education community,  
19 including, but not limited to the New Jersey Education Association,  
20 the New Jersey School Boards Association, the New Jersey  
21 Principals and Supervisors Association, and the New Jersey  
22 Professional Teaching Standards Board.

23       b. The Commissioner of Education shall develop  
24 recommendations to incorporate autism and other developmental  
25 disabilities awareness instruction and methods of teaching students  
26 with autism and other developmental disabilities for teacher and  
27 paraprofessional in-service and other training programs, where  
28 appropriate, and shall submit the recommendations to the State  
29 board. In developing the recommendations, the commissioner shall  
30 consult with the Commissioner of Health and Senior Services,  
31 representatives from entities that promote awareness about autism  
32 and other developmental disabilities and provide programs and  
33 services to people with autism and other developmental disabilities,  
34 including, but not limited to Autism Speaks, The Autism Center of  
35 New Jersey Medical School at [the University of Medicine and  
36 Dentistry of New Jersey] Rutgers, The State University, and The  
37 New Jersey Center for Outreach and Services for the Autism  
38 Community, and representatives of the education community,  
39 including, but not limited to the New Jersey Education Association,  
40 the New Jersey School Boards Association, the New Jersey  
41 Principals and Supervisors Association, and the New Jersey  
42 Professional Teaching Standards Board.

43       c. The recommendations developed by the commissioner  
44 pursuant to subsections a. and b. of this section shall address the  
45 following:

46       (1) characteristics of students with autism and other  
47 developmental disabilities;

1 (2) curriculum planning, curricular and instructional  
2 modifications, adaptations, and specialized strategies and  
3 techniques;

4 (3) assistive technology; and

5 (4) inclusive educational practices, including collaborative  
6 partnerships.

7 (cf: P.L.2007, c.171, s.2)

8

9 65. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to  
10 read as follows:

11 1. There is established a body corporate and politic, with  
12 corporate succession, to be known as the New Jersey Association of  
13 State Colleges and Universities. New Jersey City University, Kean  
14 University, Montclair State University, Ramapo College of New  
15 Jersey, Richard Stockton College of New Jersey, [Rowan  
16 University,] Thomas Edison State College, The College of New  
17 Jersey and The William Paterson University of New Jersey shall  
18 constitute the membership of the association.

19 (cf: P.L.1999, c.46, s.35)

20

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

23 2. The association shall consist of [nine] eight voting members  
24 to be appointed as follows: one member from each member  
25 institution's boards of trustees, appointed by the members thereof.  
26 In addition the presidents of the member institutions shall serve as  
27 ex officio, nonvoting members.

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

30 (cf: P.L.1999, c.46, s.36)

31

32 67. Section 3 of P.L.2006, c.95 (C.18A:64G-6.1) is amended to  
33 read as follows:

34 3. a. The management, supervision, and administration of  
35 University Hospital shall be vested in a [nine-member] 12-member  
36 board of directors of University Hospital. The board shall be  
37 comprised of [four members of the board of trustees of the  
38 University of Medicine and Dentistry of New Jersey who shall  
39 serve ex officio and be appointed by the chairman of the board and  
40 five];

41 (1) three members who shall serve ex-officio, without vote,  
42 including: the Dean of New Jersey Medical School, the Dean of  
43 New Jersey Dental School, and the Commissioner of Health and  
44 Senior Services; and

45 (2) nine public members, who shall be appointed by the  
46 Governor, with the advice and consent of the Senate, for a five-year  
47 term[; except that in the case of the initial gubernatorial

1 appointments to the board of directors, two shall serve for a term of  
2 two years, one for a term of three years, one for a term of four  
3 years, and one for a term of five years].

4 A person who is a member of the board of directors on the  
5 effective date of P.L. , c. (C. )(pending before the Legislature  
6 as this bill) shall be permitted to serve for the balance of the term  
7 for which that person was appointed.

8 A member of the board of directors shall serve until [his] the  
9 member's successor is appointed and has qualified. Any vacancies  
10 in the membership occurring other than by expiration of term shall  
11 be filled in the same manner as the original appointment but for the  
12 unexpired term only. Each member of the board of directors before  
13 entering upon [his] the member's duties shall take and subscribe an  
14 oath to perform the duties of [his] the office faithfully, impartially,  
15 and justly to the best of [his] the member's ability. A record of the  
16 oath shall be filed in the office of the Secretary of State. Each  
17 member of the board may be removed from office by the Governor,  
18 for cause, after a public hearing.

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

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

25 d. The board of directors shall have the power to appoint and  
26 regulate the duties and procedures of committees, standing or  
27 special, from its members and such advisory committees or bodies,  
28 as it may deem necessary or conducive to the efficient management  
29 and operation of the hospital.

30 e. The board shall have the power and duty to:

31 (1) direct and control expenditures of University Hospital funds;

32 (2) borrow money;

33 (3) enter into contracts with the State or federal government, or  
34 any individual, firm, or corporation;

35 (4) solicit and accept grant moneys;

36 (5) acquire, own, lease, dispose of, use, and operate property;

37 (6) sue and be sued;

38 (7) enter into a contract or other agreement with a for-profit or  
39 nonprofit corporation operating one or more hospitals in New  
40 Jersey to operate and manage or assist in the operation and  
41 management of University Hospital, without engaging in a  
42 competitive bidding process; and

43 (8) hire, fire, and fix salaries for all employees of University  
44 Hospital.

45 (cf: P.L.2006, c.95, s.3)

1       68. Section 1 of P.L. 1999, c.353 (C.18A:64G-35) is amended to  
2 read as follows:

3       1. There is established a "Physician-Dentist Fellowship and  
4 Education Program to Provide Health Care to Persons with  
5 Developmental Disabilities" within **[the University of Medicine and  
6 Dentistry of New Jersey]** Rutgers, The State University. The  
7 purpose of the program is to provide physicians and dentists with  
8 graduate and fellowship training through academic institutions in  
9 the State and continuing medical and dental education on a  
10 Statewide basis, in the provision of medical and dental services to  
11 persons with developmental disabilities to ensure that these services  
12 are accessible and adequately available to persons with  
13 developmental disabilities in the State.  
14 (cf: P.L. 1999,c.353,s.1)

15  
16       69. Section 2 of P.L. 1999, c.353 (C.18A:64G-36) is amended to  
17 read as follows:

18       2. There is established a 17-member Consortium on Physician  
19 and Dentist Training in Health Care for Persons with  
20 Developmental Disabilities to advise the director of the program on  
21 the implementation of this act.

22       a. The members of the consortium shall include: one  
23 representative each from the pediatric medicine, family medicine,  
24 internal medicine, neurology and psychiatry programs at **[the  
25 University of Medicine and Dentistry of New Jersey]** Rutgers, The  
26 State University, one representative from the New Jersey Dental  
27 School, and one representative of the University Affiliated  
28 Program, to be appointed by the President of **[the University of  
29 Medicine and Dentistry of New Jersey]** Rutgers, The State  
30 University; the director of the Mainstreaming Medical Care  
31 program of The Arc of New Jersey, who shall serve ex officio; the  
32 Director of the Division of Developmental Disabilities in the  
33 Department of Human Services, who shall serve ex officio; the  
34 Director of the Division of Medical Assistance and Health Services  
35 in the Department of Human Services, who shall serve ex officio;  
36 the Commissioner of Health and Senior Services or the  
37 commissioner's designee, who shall serve ex officio; three health  
38 care provider public members appointed by the Commissioner of  
39 Human Services, one each upon the recommendation of the Medical  
40 Society of New Jersey, the New Jersey Association of Osteopathic  
41 Physicians and Surgeons and the New Jersey Dental Association;  
42 and three public members appointed by the Commissioner of  
43 Human Services, two of whom shall represent community  
44 organizations that advocate for persons with developmental  
45 disabilities and one of whom shall be a family member of a person  
46 with a developmental disability or a person with a developmental  
47 disability who is a self advocate.

1 The President of the University of Medicine and Dentistry of  
2 New Jersey and the Commissioner of Human Services shall make  
3 the appointments to the consortium within 60 days of the effective  
4 date of this act.

5 Members of the consortium shall serve for a term of three years  
6 and are eligible for reappointment, but of the members first  
7 appointed, five shall serve for a term of one year, four for a term of  
8 two years and four for a term of three years. Vacancies shall be  
9 filled in the same manner as the original appointments were made.

10 b. Members shall serve without compensation, but the public  
11 members shall be entitled to reimbursement for necessary expenses  
12 incurred in the performance of their duties and within the limits of  
13 funds appropriated to the program.

14 c. The consortium shall organize as soon as may be practicable  
15 after the appointment of its members. The Director of the Division  
16 of Developmental Disabilities shall serve as the chairman of the  
17 consortium. The members of the consortium shall elect a vice-  
18 chairman from among the members. All members, including ex  
19 officio members, shall be eligible to vote on all matters before the  
20 consortium. The director of the program, appointed pursuant to  
21 section 5 of this act, shall serve as secretary to the consortium.

22 d. The consortium shall assist the director of the program in  
23 establishing policies and procedures for the nomination and  
24 selection of physicians and dentists as program fellows. The  
25 consortium shall otherwise advise the director on the operation of  
26 the program as the director deems necessary, and as specified in this  
27 act.

28 (cf: P.L.1999, c.353, s.2)

29

30 70. Section 5 of P.L.1999, c.353 (C.18A:64G-39) is amended to  
31 read as follows:

32 5. The President of [the University of Medicine and Dentistry  
33 of New Jersey] Rutgers, The State University shall, in consultation  
34 with the consortium, appoint a director for the program who shall  
35 be a State licensed physician. The director of the program need not  
36 be solely responsible for the program and may continue to have  
37 other duties. The director may, in consultation with the consortium,  
38 appoint regional chairmen or chairmen of medical or dental practice  
39 specialties, as the director deems necessary for the operation of the  
40 program.

41 (cf: P.L.1999,c.353,s.5)

42

43 71. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to  
44 read as follows:

45 4. The council shall consist of 15 members, 12 voting members  
46 and three nonvoting members; four members of the council shall be  
47 appointed by the Governor and 11 shall be ex officio members. The  
48 appointments shall consist of three representatives of the public and

1 one student currently enrolled in a graduate medical training  
2 program; the appointed members shall be voting members of the  
3 council. The president of [the University of Medicine and  
4 Dentistry of New Jersey] Rutgers, The State University, who shall  
5 serve as chairperson; a dean from one of the medical schools of  
6 [the University of Medicine and Dentistry of New Jersey] Rutgers,  
7 The State University, to be selected by the president of [the  
8 University of Medicine and Dentistry of New Jersey] Rutgers, The  
9 State University; the dean of the School of Graduate Medical  
10 Education of Seton Hall University; the president of the New Jersey  
11 Hospital Association; the president of the Association of Hospital  
12 Directors of Medical Education of New Jersey; the president of the  
13 New Jersey Association of Osteopathic Physicians and Surgeons;  
14 the president of the Medical Society of New Jersey; and the  
15 president of the New Jersey Council of Teaching Hospitals or their  
16 designated representatives shall be ex officio, voting members of  
17 the council. The Commissioner of Health and Senior Services; the  
18 president of the State Board of Medical Examiners and the  
19 Commissioner of Human Services or their designated  
20 representatives shall be ex officio, nonvoting members. The  
21 appointed members shall serve for a three-year term or until a  
22 successor is appointed. For those first appointed, two shall be  
23 appointed for a one-year term; one shall be appointed for a two-year  
24 term; and one shall be appointed for a three-year term. Any  
25 vacancies in the voting membership other than by expiration of term  
26 shall be filled in the same manner as the original appointment but  
27 for the unexpired term only. To assist the council in carrying out  
28 the intent of this act:

29 a. The council may appoint advisory committees representative  
30 of the medical and health care professions, educators, and students,  
31 representatives of medical and health care facilities and consumers.  
32 The advisory committees shall provide advice and assistance to the  
33 council for the council's performance of its designated functions.

34 b. The council may employ an executive director and  
35 additional staff to provide expertise in the gathering and analysis of  
36 data and administration. The executive director shall have the right  
37 to speak on all matters at meetings of the council but shall have no  
38 vote. The council and the advisory committees shall serve without  
39 compensation, but shall be reimbursed for necessary expenses  
40 incurred in the performance of their duties.

41 (cf: P.L.2008, c.5, s.1)

42

43 72. Section 1 of P.L.2003, c.133 (C.18A:64H-9) is amended to  
44 read as follows:

45 1. a. There is created, within the [Commission on Higher  
46 Education] Office of the Secretary of Higher Education, the

1 "Advisory Committee on Alternatively Accredited Medical School  
2 Clinical Clerkships."

3 The advisory committee shall consist of 11 members as follows:  
4 the Commissioner of Health and Senior Services or his designee,  
5 who shall serve ex officio; four members appointed by the  
6 Governor who include one representative of the Medical Society of  
7 New Jersey, one representative of the New Jersey Association of  
8 Osteopathic Physicians and Surgeons, one representative of the  
9 New Jersey Hospital Association and one representative of an  
10 alternatively accredited medical school; two members appointed by  
11 the President of the Senate who include one representative of the  
12 New Jersey Council of Teaching Hospitals and one representative  
13 of a teaching hospital in New Jersey that has students from an  
14 alternatively accredited medical school participating in a clinical  
15 clerkship program; two members appointed by the Speaker of the  
16 General Assembly who include one representative of an  
17 alternatively accredited medical school and one representative of a  
18 teaching hospital in New Jersey that has students from a medical  
19 school of **[the University of Medicine and Dentistry of New Jersey]**  
20 Rutgers, The State University in a clinical clerkship program; one  
21 member appointed by the State Board of Medical Examiners; and  
22 one member appointed by the President of **[the University of**  
23 **Medicine and Dentistry of New Jersey]** Rutgers, The State  
24 University. No two members of the advisory committee shall be  
25 representatives of the same medical school or hospital.

26 b. Members shall serve for a term of three years from the date  
27 of their appointment and until their successors are appointed and  
28 qualified, except that of the members first appointed, four members  
29 shall serve for a term of one year, three members shall serve for a  
30 term of two years and three members shall serve for a term of three  
31 years. Vacancies shall be filled for the balance of the unexpired  
32 term in the same manner as the original appointments were made.  
33 A member of the advisory committee shall be eligible for  
34 reappointment.

35 c. The members of the advisory committee shall serve without  
36 compensation, but shall be reimbursed for necessary and reasonable  
37 expenses actually incurred in the performance of their duties, within  
38 the limits of funds appropriated or otherwise made available to the  
39 advisory committee for this purpose.

40 d. The advisory committee shall select a chairman from among  
41 its members, who shall serve a one-year term but may serve  
42 successive terms. The advisory committee shall meet upon the call  
43 of the chairman or of a majority of its members. A majority of the  
44 members of the advisory committee shall constitute a quorum, and  
45 no action of the advisory committee shall be taken except upon the  
46 affirmative vote of a majority of the members of the entire advisory  
47 committee.

1 e. As used in this act, "alternatively accredited medical school"  
2 means a medical school located outside the United States: (1) in a  
3 country that applies accreditation standards that have been  
4 determined by the National Committee on Foreign Medical  
5 Education and Accreditation within the United States Department of  
6 Education to be comparable to the accreditation standards applied to  
7 medical schools located within the United States; (2) that continues  
8 to meet the accreditation standards of that country; and (3) has  
9 medical school students participating in a clinical clerkship program  
10 in New Jersey prior to the effective date of this act, or is approved  
11 by the Advisory Graduate Medical Education Council of New  
12 Jersey pursuant to section 4 of this act to operate a clinical clerkship  
13 program in this State.

14 (cf: P.L.2003, c.133, s.1)

15

16 73. Section 2 of P.L.1985, c.103 (C.18A:64J-2) is amended to  
17 read as follows:

18 2. For the purposes of this act:

19 a. "Advanced technology center" means one or more outstanding  
20 programs or departments at New Jersey's public and private  
21 institutions of higher education, which are provided substantial and  
22 concentrated financial support to promote their development into  
23 national-level bases for innovative technology research.

24 b. "Business incubation facilities" means low-cost, short-term  
25 occupancy, rental spaces wherein assistance is granted to a targeted  
26 network of new companies employing selected technologies  
27 congruent with the strengths of the State's public and private  
28 institutions of higher education.

29 c. "Commission" means the Governor's Commission on Science  
30 and Technology as created by Executive Order No. 12 of 1982 or its  
31 successor which is established by the Legislature.

32 d. "Consortium" means a cooperative arrangement between two  
33 or more institutions of higher education to pursue a program for  
34 strengthening academic programs, improving administration or  
35 providing for other special needs.

36 e. "Innovation partnership grants" means matching grants to  
37 academic researchers performing applied research in emerging  
38 technologies at any of the State's public and private institutions of  
39 higher education, which are of strategic importance to the New  
40 Jersey economy, under regulations adopted by the commission  
41 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
42 (C. 52:14B-1 et seq.).

43 f. "Private institutions of higher education" means independent  
44 colleges, universities or institutes incorporated and located in New  
45 Jersey, which by virtue of law or character or license are nonprofit  
46 educational institutions authorized to grant academic degrees and  
47 which provide a level of education which is equivalent to the  
48 education provided by the State's public institutions of higher



1 education as attested by the receipt of and continuation of regional  
2 accreditation by the Middle States Association of Colleges and  
3 Schools, and which are eligible to receive State aid under the  
4 provisions of the Constitution of the United States and the  
5 Constitution of the State of New Jersey, but does not include any  
6 educational institution dedicated primarily to the education or  
7 training of ministers, priests, rabbis or other professional persons in  
8 the field of religion.

9 g. "Public institutions of higher education" means Rutgers, The  
10 State University, the State colleges, the New Jersey Institute of  
11 Technology, [the University of Medicine and Dentistry of New  
12 Jersey] Rowan University, the county colleges and any other public  
13 university or college now or hereafter established or authorized by  
14 law.

15 h. "Technology extension services" means programs that not only  
16 accelerate the application and transfer of technological innovations  
17 by the State's public and private institutions of higher education to  
18 existing industry, but also adapt these innovations to the  
19 requirements of individual business operations.

20 (cf: P.L.1985, c. 103, s. 2)

21

22 74. Section 3 of P.L.1985, c. 103 (C.18A:64J-3) is amended to  
23 read as follows:

24 3. There is established the Advanced Technology Center in  
25 Hazardous and Toxic Substance Management, hereinafter referred  
26 to as the center, at the New Jersey Institute of Technology in the  
27 City of Newark, County of Essex with the cooperation of a research  
28 and public policy consortium led by the New Jersey Institute of  
29 Technology and including Stevens Institute of Technology, [the  
30 University of Medicine and Dentistry of New Jersey] and Rutgers,  
31 The State University. Various other public and private institutions  
32 of higher education and their faculties may be considered for  
33 participation in the work of the center in the future by the  
34 commission.

35 (cf: P.L.1985, c.103, s.3)

36

37 75. Section 2 of P.L.1985, c.104 (C.18A:64J-9) is amended to  
38 read as follows:

39 2. For the purposes of this act:

40 a. "Advanced technology center" means one or more outstanding  
41 programs or departments at New Jersey's public and private  
42 institutions of higher education, which are provided substantial and  
43 concentrated financial support to promote their development into  
44 national-level bases for innovative technology research.

45 b. "Business incubation facilities" means low-cost, short-term  
46 occupancy, rental spaces wherein assistance is granted to a targeted  
47 network of new companies employing selected technologies

1 congruent with the strengths of the State's public and private  
2 institutions of higher education.

3 c. "Commission" means the Governor's Commission on Science  
4 and Technology as created by Executive Order No. 12 of 1982 or its  
5 successor which is established by the Legislature.

6 d. "Innovation partnership grants" means matching grants to  
7 academic researchers performing applied research in emerging  
8 technologies at any of the State's public and private institutions of  
9 higher education, which are of strategic importance to the New  
10 Jersey economy, under regulations adopted by the commission  
11 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
12 (C. 52:14B-1 et seq.).

13 e. "Private institutions of higher education" means independent  
14 colleges or universities incorporated and located in New Jersey,  
15 which by virtue of law or character or license are nonprofit  
16 educational institutions authorized to grant academic degrees and  
17 which provide a level of education which is equivalent to the  
18 education provided by the State's public institutions of higher  
19 education as attested by the receipt of and continuation of regional  
20 accreditation by the Middle States Association of Colleges and  
21 Schools, and which are eligible to receive State aid under the  
22 provisions of the Constitution of the United States and the  
23 Constitution of the State of New Jersey, but does not include any  
24 educational institution dedicated primarily to the education or  
25 training of ministers, priests, rabbis or other professional persons in  
26 the field of religion.

27 f. "Public institutions of higher education" means Rutgers, The  
28 State University, the State colleges, the New Jersey Institute of  
29 Technology, [the University of Medicine and Dentistry of New  
30 Jersey] Rowan University, the county colleges and any other public  
31 university or college now or hereafter established or authorized by  
32 law.

33 g. "Technology extension services" means programs that not only  
34 accelerate the application and transfer of technological innovations  
35 by the State's public and private universities to existing industry,  
36 but also adapt these innovations to the requirements of individual  
37 business operations.

38 (cf: P.L.1985, c.104, s. 2)

39

40 76. Section 2 of P.L.1985, c.105 (C.18A:64J-16) is amended to  
41 read as follows:

42 2. For the purposes of this act:

43 a. "Advanced technology center" means one or more outstanding  
44 programs or departments at New Jersey's public and private  
45 institutions of higher education, which are provided substantial and  
46 concentrated financial support to promote their development into  
47 national-level bases for innovative technology research.

1 b. "Business incubation facilities" means low-cost, short-term  
2 occupancy, rental spaces wherein assistance is granted to a targeted  
3 network of new companies employing selected technologies  
4 congruent with the strengths of the State's public and private  
5 institutions of higher education.

6 c. "Commission" means the Governor's Commission on Science  
7 and Technology as created by Executive Order No. 12 of 1982 or its  
8 successor which is established by the Legislature.

9 d. "Innovation partnership grants" means matching grants to  
10 academic researchers performing applied research in emerging  
11 technologies at any of the State's public and private institutions of  
12 higher education, which are of strategic importance to the New  
13 Jersey economy, under regulations adopted by the commission  
14 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
15 (C.52:14B-1 et seq.).

16 e. "Private institutions of higher education" means independent  
17 colleges or universities incorporated and located in New Jersey,  
18 which by virtue of law or character or license are nonprofit  
19 educational institutions authorized to grant academic degrees and  
20 which provide a level of education which is equivalent to the  
21 education provided by the State's public institutions of higher  
22 education as attested by the receipt of and continuation of regional  
23 accreditation by the Middle States Association of Colleges and  
24 Schools, and which are eligible to receive State aid under the  
25 provisions of the Constitution of the United States and the  
26 Constitution of the State of New Jersey, but does not include any  
27 educational institution dedicated primarily to the education or  
28 training of ministers, priests, rabbis or other professional persons in  
29 the field of religion.

30 f. "Public institutions of higher education" means Rutgers, The  
31 State University, the State colleges, the New Jersey Institute of  
32 Technology, [the University of Medicine and Dentistry of New  
33 Jersey] Rowan University, the county colleges and any other public  
34 university or college now or hereafter established or authorized by  
35 law.

36 g. "Technology extension services" means programs that not only  
37 accelerate the application and transfer of technological innovations  
38 by the State's public and private institutions of higher education to  
39 existing industry, but also adapt these innovations to the  
40 requirements of individual business operations.

41 (cf: P.L.1985, c.105, s.2)

42  
43 77. Section 3 of P.L.1985, c.105 (C.18A:64J-17) is amended to  
44 read as follows:

45 3. There is established the Advanced Technology Center in  
46 Biotechnology (hereinafter referred to as the center) under the  
47 [joint] governance of Rutgers, The State University [and the  
48 University of Medicine and Dentistry of New Jersey] and with the

1 participation of other public and private institutions of higher  
2 education and faculties who may be considered for participation in  
3 the work of the center in the future by the commission. The center  
4 shall be composed of various units at locations designated by the  
5 participating institutions, with the approval of the commission.

6 (cf: P.L.1985, c.105, s.3)

7

8 78. Section 2 of P.L.1985, c.106 (C.18A:64J-23) is amended to  
9 read as follows:

10 2. For the purposes of this act:

11 a. "Advanced technology center" means one or more outstanding  
12 programs or departments at New Jersey's public and private  
13 institutions of higher education, which are provided substantial and  
14 concentrated financial support to promote their development into  
15 national-level bases for innovative technology research.

16 b. "Business incubation facility" means low-cost, short-term  
17 occupancy, rental spaces wherein assistance is granted to a targeted  
18 network of new companies employing selected technologies  
19 congruent with the strengths of the State's public and private  
20 institutions of higher education.

21 c. "Commission" means the Governor's Commission on Science  
22 and Technology as created by Executive Order No. 12 of 1982 or its  
23 successor which is established by the Legislature.

24 d. "Innovation partnership grants" means matching grants to  
25 academic researchers performing applied research in emerging  
26 technologies at any of the State's public and private institutions of  
27 higher education, which are of strategic importance to the New  
28 Jersey economy, under regulations adopted by the commission  
29 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
30 (C. 52:14B-1 et seq.).

31 e. "Private institutions of higher education" means independent  
32 colleges or universities incorporated and located in New Jersey,  
33 which by virtue of law or character or license are nonprofit  
34 educational institutions authorized to grant academic degrees and  
35 which provide a level of education which is equivalent to the  
36 education provided by the State's public institutions of higher  
37 education as attested by the receipt of and continuation of regional  
38 accreditation by the Middle States Association of Colleges and  
39 Schools, and which are eligible to receive State aid under the  
40 provisions of the Constitution of the United States and the  
41 Constitution of the State of New Jersey, but does not include any  
42 educational institution dedicated primarily to the education or  
43 training of ministers, priests, rabbis or other professional persons in  
44 the field of religion.

45 f. "Public institutions of higher education" means Rutgers, The  
46 State University, the State colleges, the New Jersey Institute of  
47 Technology, [the University of Medicine and Dentistry of New  
48 Jersey] Rowan University, the county colleges and any other public

1 university or college now or hereafter established or authorized by  
2 law.

3 g. "Technology extension services" means programs that not only  
4 accelerate the application and transfer of technological innovations  
5 by the State's public and private institutions of higher education to  
6 existing industry, but also adapt these innovations to the  
7 requirements of individual business operations.

8 (cf: P.L.1985, c.106, s.2)

9

10 79. Section 2 of P.L.1985, c.366 (C.18A:64J-30) is amended to  
11 read as follows:

12 2. For the purposes of this act:

13 a. "Advanced technology center" means one or more outstanding  
14 programs or departments at New Jersey's public and private  
15 institutions of higher education which are provided substantial and  
16 concentrated financial support to promote their development into  
17 national level bases for innovative technology research;

18 b. "Business incubation facilities" means low cost, short-term  
19 occupancy rental spaces wherein assistance is granted to a targeted  
20 network of new companies employing selected technologies  
21 congruent with the strengths of the State's public and private  
22 institutions of higher education;

23 c. "Commission" means the New Jersey Commission on Science  
24 and Technology as created by P.L. 1985, c. 102 (C. 52:9X-1 et  
25 seq.);

26 d. "Innovation partnership grants" means matching grants to  
27 academic researchers performing applied research in emerging  
28 technologies at any of the State's public and private institutions of  
29 higher education which are of strategic importance to the New  
30 Jersey economy under regulations adopted by the commission  
31 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
32 (C. 52:14B-1 et seq.);

33 e. "Private institutions of higher education" means independent  
34 colleges or universities incorporated and located in New Jersey,  
35 which by virtue of law or character or license, are nonprofit  
36 educational institutions authorized to grant academic degrees and  
37 provide a level of education which is equivalent to the education  
38 provided by the State's public institutions of higher education as  
39 attested by the receipt of and continuation of regional accreditation  
40 by the Middle States Association of Colleges and Schools, and  
41 which are eligible to receive State aid under the provisions of the  
42 Constitution of the United States and the Constitution of the State  
43 of New Jersey, but does not include any educational institution  
44 dedicated primarily to the education or training of ministers, priests,  
45 rabbis or other professional persons in the field of religion;

46 f. "Public institutions of higher education" means Rutgers, The  
47 State University, the State colleges, the New Jersey Institute of  
48 Technology, [the University of Medicine and Dentistry of New

1 Jersey] Rowan University, the county colleges and any other public  
2 university or college now or hereafter established or authorized by  
3 law;

4 g. "Technology extension services" means programs that not only  
5 accelerate the application and transfer of technological innovations  
6 by the State's public and private institutions of higher education to  
7 existing industry, but also adapt these innovations to the  
8 requirements of individual business operations.

9 (cf: P.L.1985, c.366, s.2)

10

11 80. Section 2 of P.L.1985, c.397 (C.18A:64J-39) is amended to  
12 read as follows:

13 2. For the purposes of this act:

14 a. "Advanced technology center" means one or more outstanding  
15 programs or departments at New Jersey's public and private  
16 institutions of higher education, which are provided substantial and  
17 concentrated financial support to promote their development into  
18 national-level bases for innovative technology research;

19 b. "Business incubation facilities" means low-cost, short-term  
20 occupancy rental spaces wherein assistance is granted to a targeted  
21 network of new companies employing selected technologies  
22 congruent with the strengths of the State's public and private  
23 institutions of higher education;

24 c. "Commission" means the New Jersey Commission on Science  
25 and Technology as created by P.L. 1985, c. 102 (C. 52:9X-1 et  
26 seq.);

27 d. "Innovation partnership grants" means matching grants to  
28 academic researchers performing applied research in emerging  
29 technologies at any of the State's public and private institutions of  
30 higher education, which are of strategic importance to the New  
31 Jersey economy, under regulations adopted by the commission  
32 pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410  
33 (C. 52:14B-1 et seq.);

34 e. "Private institutions of higher education" means independent  
35 colleges or universities incorporated and located in New Jersey,  
36 which by virtue of law or character or license are nonprofit  
37 educational institutions authorized to grant academic degrees and  
38 provide a level of education which is equivalent to the education  
39 provided by the State's public institutions of higher education as  
40 attested by the receipt of and continuation of regional accreditation  
41 by the Middle States Association of Colleges and Schools, and  
42 which are eligible to receive State aid under the provisions of the  
43 Constitution of the United States and the Constitution of the State  
44 of New Jersey, but does not include any educational institution  
45 dedicated primarily to the education or training of ministers, priests,  
46 rabbis or other professional persons in the field of religion;

47 f. "Public institutions of higher education" means Rutgers, The  
48 State University, the State colleges, the New Jersey Institute of

1 Technology, [the University of Medicine and Dentistry of New  
2 Jersey] Rowan University, the county colleges and any other public  
3 university or college now or hereafter established or authorized by  
4 law;

5 g. "Technology extension services" means programs that not only  
6 accelerate the application and transfer of technological innovations  
7 by the State's public and private institutions of higher education to  
8 existing industry, but also adapt these innovations to the  
9 requirements of individual business operations.

10 (cf: P.L.1985, c.397, s.2)

11

12 81. N.J.S.18A:65-14 is amended to read as follows:

13 18A:65-14. The membership of the board of governors shall be  
14 classified as follows and consist of:

15 a. the president of the corporation, serving as an ex officio non-  
16 voting member; and

17 b. [11] 15 voting members,

18 i. [six] nine of whom shall be appointed by the Governor of the  
19 State, with the advice and consent of the Senate, [and] two of  
20 whom shall be from a northern county in the State.

21 ii. five of whom shall be appointed by the board of trustees,  
22 from among their members elected and serving under the provisions  
23 of subsection I.c. or I.d. of 18A:65-15, and

24 iii. the chairperson of the Rutgers-Newark board of governors.

25 All members shall serve for terms of six years, except that the  
26 terms of those initially appointed by the Governor which began on  
27 September 1, 1956, shall expire respectively (as designated by him)  
28 one, two, three, four, five and six years after June 30, 1956, and  
29 terms of those initially appointed by the board of trustees which  
30 began on September 1, 1956, shall expire respectively (as  
31 designated by the board) two, three, four, five and six years after  
32 June 30, 1956; all of whose respective successors shall be appointed  
33 to serve six-year terms. Governors may succeed themselves for not  
34 more than one additional term after having served one full six-year  
35 term (including an initial term beginning on September 1, 1956, and  
36 expiring on June 30, 1962).

37 (cf: P.L.1994, c.48, s.177)

38

39 82. Section 4 of P.L.2009, c.4 (C.18A:65A-1) is amended to read  
40 as follows:

41 4. a. The board of trustees of a public institution of higher  
42 education may implement an energy savings improvement program  
43 in the manner provided by this section whenever it determines that  
44 the savings generated from reduced energy use from the program  
45 will be sufficient to cover the cost of the program's energy  
46 conservation measures as set forth in an energy savings plan. Under  
47 such a program, a board of trustees may enter into an energy

1 savings services contract with an energy services company to  
2 implement the program or the board may authorize separate  
3 contracts to implement the program. The provisions of:  
4 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,  
5 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey  
6 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of  
7 Rutgers, the State University; [P.L.1970, c.102 (C.18A:64G-1 et  
8 al.), in the case of the University of Medicine and Dentistry of New  
9 Jersey]; P.L. , c. (C. ) (pending before the Legislature as this  
10 bill), in the case of Rowan University; and N.J.S.18A:64A-1 et seq.,  
11 in the case of the county colleges; shall apply to any contracts  
12 awarded pursuant to this section to the extent that the provisions of  
13 such law are not inconsistent with any provision of this section.

14 In the case of Rutgers, the State University, references in this  
15 section to the board of trustees shall mean the Rutgers board of  
16 governors.

17 b. (1) To be eligible to enter into an energy savings services  
18 contract, an energy services company shall be a commercial entity  
19 that is qualified to provide energy savings services in accordance  
20 with the provisions of this section. A public institution of higher  
21 education may enter into an energy savings services contract  
22 through public advertising for bids and the receipt of bids therefor.

23 (2) (a) Public works activities performed under an energy  
24 savings improvement program shall be subject to all requirements  
25 regarding public bidding, bid security, performance guarantees,  
26 insurance and other public contracting requirements that are  
27 applicable to public works contracts, to the extent not inconsistent  
28 with this section. A general contractor, energy services company  
29 serving as general contractor, or any subcontractor hired for the  
30 furnishing of plumbing and gas fitting and all kindred work, and of  
31 steam and hot water heating and ventilating apparatus, steam power  
32 plants and kindred work, and electrical work, structural steel and  
33 ornamental iron work, shall be classified by the Division of  
34 Property Management and Construction in the Department of the  
35 Treasury in order to perform public works activities under an  
36 energy savings improvement program.

37 (b) Individuals or organizations performing energy audits,  
38 acting as commissioning agents, or conducting verification of  
39 energy savings plans, implementation of energy conservation  
40 measures, or verifying guarantees shall be prequalified by the  
41 Division of Property Management and Construction in the  
42 Department of the Treasury to perform their work under an energy  
43 savings improvement program.

44 (c) Where there is a need for compatibility of a direct digital  
45 control system with previously installed control systems and  
46 equipment, the bid specifications may include a requirement for  
47 proprietary goods, and if so included, the bid specification shall set



1 forth an allowance price for its supply which shall be used by all  
2 bidders in the public bidding process.

3 (3) An energy services company may be designated as the  
4 general contractor for improvements to be made pursuant to an  
5 energy savings plan, provided that the hiring of subcontractors that  
6 are required to be classified pursuant to subparagraph (a) of  
7 paragraph (2) of this subsection shall be performed pursuant to the  
8 public bidding requirements of the board of trustees. A contract  
9 with an energy savings company shall include, but not be limited to:  
10 preparation of an energy savings plan, the responsibilities of the  
11 parties for project schedules, installations, performance and quality,  
12 payment of subcontractors, project completion, commissioning,  
13 savings implementation; a requirement that the savings to be  
14 achieved by energy conservation measures be verified upon  
15 commissioning of the improvements; allocation of State and federal  
16 rebates and tax credits; and any other provisions deemed necessary  
17 by the parties.

18 (4) Except as provided in paragraph (5) of this subsection, a  
19 subsidiary or wholly-owned or partially-owned affiliate of the  
20 energy services company shall not be an eligible contractor or  
21 subcontractor under an energy savings services contract.

22 (5) When the energy services company is the manufacturer of  
23 direct digital control systems and contracts with the board of  
24 trustees to provide a guaranteed energy savings option pursuant to  
25 subsection f. of this section, the specification of such direct digital  
26 control systems may be treated as proprietary goods and if so  
27 treated, the bid specification shall set forth an allowance price for  
28 its supply by the energy services company which shall be used by  
29 all bidders in the public bidding process. Direct digital controls  
30 shall be open protocol format and shall meet the interoperability  
31 guidelines established by the American Society of Heating,  
32 Refrigerating and Air-Conditioning Engineers.

33 c. An energy savings improvement program may be financed  
34 through a lease-purchase agreement or through the issuance of  
35 energy savings obligations pursuant to this subsection.

36 (1) An energy savings improvement program may be financed  
37 through a lease-purchase agreement between a board of trustees and  
38 an energy services company or other public or private entity. Under  
39 a lease-purchase agreement, ownership of the energy savings  
40 equipment or improved facilities shall pass to the board of trustees  
41 when all lease payments have been made. Notwithstanding the  
42 provisions of any other law to the contrary, the duration of such a  
43 lease-purchase agreement shall not exceed 15 years, except that the  
44 duration of a lease purchase agreement for a combined heat and  
45 power or cogeneration project shall not exceed 20 years.

46 (2) Any lease-purchase or other agreement entered into in  
47 connection with an energy savings improvement program may be a  
48 general obligation of the public institution of higher education

1 pursuant to this subsection, and may contain: a clause making it  
2 subject to the availability and appropriation annually of sufficient  
3 funds as may be required to meet the extended obligation; and a  
4 non-substitution clause maintaining that if the agreement is  
5 terminated for non-appropriation, the board of trustees may not  
6 replace the leased equipment or facilities with equipment or  
7 facilities that perform the same or similar functions.

8 (3) A board of trustees may arrange for incurring energy savings  
9 obligations to finance an energy savings improvement program and  
10 may enter into any agreement with the New Jersey Educational  
11 Facilities Authority or other persons in connection with the issuance  
12 by the authority of its obligations on behalf of the public institution  
13 of higher education in order to finance the institution's energy  
14 savings improvement program. Energy savings obligations may be  
15 funded through appropriations for utility services in the annual  
16 budget of the board, or incurred as a general obligation of the public  
17 institution of higher education in connection with the issuance by  
18 the New Jersey Educational Facilities Authority of bonds or notes  
19 pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county  
20 college, by a sponsoring county as a refunding bond pursuant to  
21 N.J.S.40A:2-52 et seq., including the issuance of bond anticipation  
22 notes as may be necessary, provided that all such bonds and notes  
23 mature within the periods authorized for such energy savings  
24 obligations.

25 (4) Lease-purchase agreements and energy savings obligations  
26 shall not be used to finance maintenance, guarantees, or verification  
27 of guarantees of energy conservation measures. Lease-purchase  
28 agreements and energy savings obligations may be used to finance  
29 the cost of an energy audit or the cost of verification of energy  
30 savings as part of adopting an energy savings plan. Maturity  
31 schedules of lease-purchase agreements or energy savings  
32 obligations must exceed the estimated useful life of the individual  
33 energy conservation measures.

34 d. (1) The energy audit component of an energy savings  
35 improvement program shall be conducted either by the board of  
36 trustees or by a qualified third party retained by the board for that  
37 purpose. It shall not be conducted by an energy services company  
38 subsequently hired to develop an energy savings improvement  
39 program. The energy audit shall identify the current energy use of  
40 any or all facilities and energy conservation measures that can be  
41 implemented in which the energy savings and energy efficiency  
42 could be realized and maximized.

43 (2) To implement an energy savings improvement program, a  
44 board of trustees shall develop an energy savings plan that consists  
45 of one or more energy conservation measures. The plan shall:

46 (a) contain the results of an energy audit;

47 (b) describe the energy conservation measures that will  
48 comprise the program;

- 1 (c) estimate greenhouse gas reductions resulting from those  
2 energy savings;
- 3 (d) identify all design and compliance issues that require the  
4 professional services of an architect or engineer and identify who  
5 will provide these services;
- 6 (e) include an assessment of risks involved in the successful  
7 implementation of the plan;
- 8 (f) identify the eligibility for, and costs and revenues associated  
9 with the PJM Independent System Operator for demand response  
10 and curtailable service activities;
- 11 (g) include schedules showing calculations of all costs of  
12 implementing the proposed energy conservation measures and the  
13 projected energy savings;
- 14 (h) identify maintenance requirements necessary to ensure  
15 continued energy savings, and describe how they will be fulfilled;  
16 and
- 17 (i) if developed by an energy services company, a description  
18 of, and cost estimates of an energy savings guarantee.
- 19 All professionals providing engineering services under the plan  
20 shall have errors and omissions insurance.
- 21 (3) Prior to the adoption of the plan, the board of trustees shall  
22 contract with a qualified third party to verify the projected energy  
23 savings to be realized from the proposed program have been  
24 calculated as required by subsection e. of this section.
- 25 (4) Upon adoption, the plan shall be submitted to the Board of  
26 Public Utilities, which shall post it on the Internet on a public  
27 webpage maintained for such purpose. If the board of trustees  
28 maintains its own website, it shall also post the plan on that site.  
29 The Board of Public Utilities may require periodic reporting  
30 concerning the implementation of the plan.
- 31 (5) Verification by a qualified third party shall be required when  
32 energy conservation measures are placed in service or  
33 commissioned, to ensure the savings projected in the energy savings  
34 plan shall be achieved.
- 35 (6) Energy-related capital improvements that do not reduce  
36 energy usage may be included in an energy savings improvement  
37 program but the cost of such improvements shall not be financed as  
38 a lease-purchase or through energy savings obligations authorized  
39 by subsection c. of this section. Nothing herein is intended to  
40 prevent the financing of such capital improvements through  
41 otherwise authorized means.
- 42 (7) A qualified third party when required by this subsection may  
43 include an employee of the public institution of higher education  
44 who is properly trained and qualified to perform such work.
- 45 e. (1) The calculation of energy savings for the purposes of  
46 determining that the energy savings resulting from the program will  
47 be sufficient to cover the cost of the program's energy conservation  
48 measures, as provided in subsection a. of this section, shall involve

1 determination of the dollar amount saved through implementation  
2 of an energy savings improvement program using the guidelines of  
3 the International Performance Measurement and Verification  
4 Protocol or other protocols approved by the Board of Public  
5 Utilities and standards adopted by the Board of Public Utilities  
6 pursuant to this section. The calculation shall include all applicable  
7 State and federal rebates and tax credits, but shall not include the  
8 cost of an energy audit and the cost of verifying energy savings.  
9 The calculation shall state which party has made application for  
10 rebates and credits and how these applications translate into energy  
11 savings.

12 (2) For the purposes of this section, the Board of Public Utilities  
13 shall adopt standards and uniform values for interest rates and  
14 escalation of labor, electricity, oil, and gas, as well as standards for  
15 presenting these costs in a life cycle and net present value format,  
16 standards for the presentation of obligations for carbon reductions,  
17 and other standards that the board may determine necessary.

18 f. (1) When an energy services company is awarded an energy  
19 savings services contract, it shall offer the board of trustees the  
20 option to purchase, for an additional amount, an energy savings  
21 guarantee. The guarantee, if accepted by a separate vote of the  
22 board of trustees, shall insure that the energy savings resulting from  
23 the energy savings improvement program, determined periodically  
24 over the duration of the guarantee, will be sufficient to defray all  
25 payments required to be made pursuant to the lease-purchase  
26 agreement or energy savings obligation, and if the savings are not  
27 sufficient, the energy services company will reimburse the board of  
28 trustees for any additional amounts. Annual costs of a guarantee  
29 shall not be financed or included as costs in an energy savings plan  
30 but shall be fully disclosed in an energy savings plan.

31 (2) When a guaranteed energy savings option is purchased, the  
32 contract shall require a qualified third party to verify the energy  
33 savings at intervals established by the parties.

34 g. As used in this section:

35 "direct digital control systems" means the devices and  
36 computerized control equipment that contain software and computer  
37 interfaces that perform the logic that control a building's heating,  
38 ventilating, and air conditioning system. Direct digital controls  
39 shall be open protocol format and shall meet the interoperability  
40 guidelines established by the American Society of Heating,  
41 Refrigerating and Air-Conditioning Engineers;

42 "educational facility" means a structure suitable for use as a  
43 dormitory, dining hall, student union, administrative building,  
44 academic building, library, laboratory, research facility, classroom,  
45 athletic facility, health care facility, teaching hospital, and parking,  
46 maintenance, storage or utility facility or energy conservation  
47 measures and other structures or facilities related thereto or required  
48 or useful for the instruction of students or the conducting of

1 research or the operation of an institution for higher education, and  
2 public libraries, and the necessary and usual attendant and related  
3 facilities and equipment, but shall not include any facility used or to  
4 be used for sectarian instruction or as a place for religious worship;

5 "energy conservation measure" means an improvement that  
6 results in reduced energy use, including, but not limited to,  
7 installation of energy efficient equipment; demand response  
8 equipment; combined heat and power systems; facilities for the  
9 production of renewable energy; water conservation measures,  
10 fixtures or facilities; building envelope improvements that are part  
11 of an energy savings improvement program; and related control  
12 systems for each of the foregoing;

13 "energy related capital improvement" means a capital  
14 improvement that uses energy but does not result in a reduction of  
15 energy use;

16 "energy saving obligation" means a bond, note or other  
17 agreement evidencing the obligation to repay borrowed funds  
18 incurred in order to finance energy saving improvements;

19 "energy savings" means a measured reduction in fuel, energy,  
20 operating or maintenance costs resulting from the implementation  
21 of one or more energy conservation measures services when  
22 compared with an established baseline of previous fuel, energy,  
23 operating or maintenance costs, including, but not limited to, future  
24 capital replacement expenditures avoided as a result of equipment  
25 installed or services performed as part of an energy savings plan;

26 "energy savings improvement program" means an initiative of a  
27 public institution of higher education to implement energy  
28 conservation measures in existing facilities, provided that the value  
29 of the energy savings resulting from the program will be sufficient  
30 to cover the cost of the program's energy conservation measures;

31 "energy savings plan" means the document that describes the  
32 actions to be taken to implement the energy savings improvement  
33 program;

34 "energy savings services contract" means a contract with an  
35 energy savings company to develop an energy savings plan, prepare  
36 bid specifications, manage the performance, provision,  
37 construction, and installation of energy conservation measures by  
38 subcontractors, to offer a guarantee of energy savings derived from  
39 the implementation of an energy savings plan, and may include a  
40 provision to manage the bidding process;

41 "energy services company" means a commercial entity that is  
42 qualified to develop and implement an energy savings plan in  
43 accordance with the provisions of this section;

44 "public works activities" means any work subject to the  
45 provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and

46 "water conservation measure" means an alteration to a facility or  
47 equipment that reduces water consumption, maximizes the  
48 efficiency of water use, or reduces water loss.

1 h. (1) The State Treasurer and the Board of Public Utilities may  
2 take such action as is deemed necessary and consistent with the  
3 intent of this section to implement its provisions.

4 (2) The State Treasurer and the Board of Public Utilities may  
5 adopt implementation guidelines or directives, and adopt such  
6 administrative rules, pursuant to the "Administrative Procedure  
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the  
8 implementation of those agencies' respective responsibilities under  
9 this section, except that notwithstanding any provision of P.L.1968,  
10 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and  
11 the Board of Public Utilities may adopt, immediately upon filing  
12 with the Office of Administrative Law, such rules and regulations  
13 as deemed necessary to implement the provisions of this act which  
14 shall be effective for a period not to exceed 12 months and shall  
15 thereafter be amended, adopted or re-adopted in accordance with  
16 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

17 (cf: P.L.2009, c.4, s.4)

18  
19 83. Section 2 of P.L.1969, c.242 (C.18A:66-168) is amended to  
20 read as follows:

21 2. Repeal of the act and parts of acts, and all amendments and  
22 supplements thereto, pursuant to section 1 of this act, is subject to  
23 the following provisos:

24 a. The alternate benefit programs established by **[the Board of**  
25 **Trustees of the University of Medicine and Dentistry,]** the Board  
26 of Governors of Rutgers, The State University of New Jersey, the  
27 Board of Trustees of the New Jersey Institute of Technology and  
28 the Board of Higher Education for certain employees of State and  
29 county colleges, are continued except as the benefit and  
30 contribution schedules are revised by this act.

31 b. The timely filing of applications for transfer from the Public  
32 Employees' Retirement System, the Teachers' Pension and Annuity  
33 Fund and the Group Annuity Plan as specified in such acts shall be  
34 deemed to have not been revised by this act.

35 c. The transfer of employee and employer contributions from the  
36 Public Employees' Retirement System, the Teachers' Pension and  
37 Annuity Fund and the Group Annuity Plan to the insurers or mutual  
38 fund companies of the alternate benefit programs shall be  
39 considered as having met the requirements of said acts and shall be  
40 continued as provided by this act.

41 d. Any contributions made by a member of the alternate benefit  
42 program for any additional death benefit coverage established under  
43 said acts shall not be returnable to the member or his beneficiary in  
44 any manner, or for any reason whatsoever, nor shall any  
45 contributions made for the additional death benefit coverage be  
46 included in any annuity payable to any such member or to his  
47 beneficiary.

48 (cf: P.L.1993, c.385, s.1)

1       84. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to  
2 read as follows:

3       3. As used in this act:

4       a. "Accumulated deductions" means those contributions as  
5 defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84  
6 (C.43:15A-6).

7       b. "Base salary" means a participant's regular base or  
8 contractual salary. It shall exclude bonus, overtime or other forms  
9 of extra compensation such as (1) longevity lump sum payments,  
10 (2) lump sum terminal sick leave or vacation pay, (3) the value of  
11 maintenance, (4) individual pay adjustments made within or at the  
12 conclusion of the participant's final year of service, (5) retroactive  
13 salary adjustments or other pay adjustments made in the  
14 participant's final year of service unless such adjustment was made  
15 as a result of a general pay adjustment for all personnel of the  
16 department or institution, (6) any unscheduled individual  
17 adjustment made in the final year to place the member at the  
18 maximum salary level within his salary range and (7) any pay for  
19 services rendered during the summer vacation period by a  
20 participant who is required to work only 10 months of the year.

21       c. "Base annual salary" means the base salary upon which  
22 contributions by the member and his employer to the alternate  
23 benefit program were based during the last year of creditable  
24 service.

25       d. (Deleted by amendment, P.L.1994, c.48).

26       e. ["University of Medicine and Dentistry" means the  
27 University of Medicine and Dentistry of New Jersey established  
28 pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-  
29 3).] Deleted by amendment, P.L. , c. (pending before the  
30 Legislature as this bill)

31       f. "County colleges" means the colleges so defined in  
32 N.J.S.18A:64A-1.

33       g. "Division of Pensions" means the division established in the  
34 Department of the Treasury pursuant to section 1 of P.L.1955, c.70  
35 (C.52:18A-95) and is the agency responsible for the administration  
36 of the alternate benefit program of the State and county colleges  
37 and for the administration of the group life and disability insurances  
38 of all alternate benefit programs established in the State for public  
39 employees.

40       h. "Full-time officers" and "full-time members of the faculty"  
41 shall include the president, vice president, secretary and treasurer of  
42 the respective school. "Full-time" shall also include eligible full-  
43 time officers and full-time members of the faculty who are granted  
44 sabbaticals or leaves of absence with pay where the compensation  
45 paid is 50% or more of the base salary at the time the leave  
46 commences and the period of eligibility terminates with the end of  
47 the school year following the year in which the sabbatical began.  
48 "Part-time" shall be defined as an appointment where the employee

1 receives a salary or wages for a period of less than 50% of the  
2 normal work week. These definitions shall apply to teaching or  
3 administrative staff members or to employees serving in a dual  
4 capacity where the appointment includes teaching as well as  
5 administrative duties.

6 i. "Group Annuity Plan" refers to the Group Annuity Contract  
7 R-134 between the Board of Trustees of the New Jersey Institute of  
8 Technology and the Prudential Insurance Company of America.

9 j. "Member" or "participant" means a full-time officer or a  
10 full-time member of the faculty participating in the alternate benefit  
11 program, and after the effective date of P.L.2008, c.89, means an  
12 adjunct faculty member or a part-time instructor whose employment  
13 agreement begins after that effective date.

14 k. "New Jersey Institute of Technology" means the Newark  
15 College of Engineering.

16 l. "Pension reserve" means those moneys as defined in  
17 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

18 m. "Rutgers, The State University" means the institution of  
19 higher education described in chapter 65 of Title 18A of the New  
20 Jersey Statutes.

21 n. "State Colleges" means the colleges so described in chapter  
22 64 of Title 18A of the New Jersey Statutes and any former State  
23 college designated as a public research university pursuant to  
24 P.L. , c. (C. ) (pending before the Legislature as this bill).

25 o. "Mutual fund company" means an investment company or  
26 trust regulated by the federal "Investment Company Act of 1940,"  
27 15 U.S.C.s. 80a-1 et seq.

28 (cf: P.L.2008, c.89, s.12)

29

30 85. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to  
31 read as follows:

32 4. All full-time officers and all full-time members of the faculty  
33 of **【the University of Medicine and Dentistry of New Jersey,】**  
34 Rutgers, The State University, the Newark College of Engineering,  
35 Rowan University, the State and county colleges and all regularly  
36 appointed teaching and administrative staff members in applicable  
37 positions, as determined by the Director of the Division of Pensions  
38 in the Department of the Treasury, shall be eligible and shall  
39 participate in the alternate benefit program, except those persons  
40 appointed in a part-time or temporary capacity, physicians and  
41 dentists holding employment in positions titled intern, resident or  
42 fellow on or after the effective date of this amendatory act, persons  
43 compensated on a fee basis, persons temporarily in the United  
44 States under an F or J visa and members of the Teachers' Pension  
45 and Annuity Fund, the Public Employees' Retirement System, the  
46 Police and Firemen's Retirement System or the Group Annuity Plan,  
47 who did not elect to transfer to the alternate benefit program in  
48 accordance with the provisions of chapter 64C or 65 of Title 18A of



1 the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or  
2 c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181 (C.18A:66-154 et  
3 seq.). An eligible person who has been enrolled in the alternate  
4 benefit program for at least one year pursuant to this section may  
5 continue to be enrolled in the program, notwithstanding promotion  
6 or transfer to a position within the institution not otherwise eligible  
7 for the program.

8 Any person participating in the alternate benefit program shall be  
9 ineligible for membership in the Teachers' Pension and Annuity  
10 Fund, the Public Employees' Retirement System, the Police and  
11 Firemen's Retirement System or the Group Annuity Plan and any  
12 person electing to participate in the alternate benefit program shall  
13 thereby waive all rights and benefits provided by the Teachers'  
14 Pension and Annuity Fund, the Public Employees' Retirement  
15 System, the Police and Firemen's Retirement System or the Group  
16 Annuity Plan as a member of said fund, system or plan, except as  
17 herein and otherwise provided by law or under terms of the Group  
18 Annuity Plan.

19 Any person required to participate in the alternate benefit  
20 program by reason of employment, who at the time of such  
21 employment is a member of the Teachers' Pension and Annuity  
22 Fund, shall be permitted to transfer his membership in said fund to  
23 the Public Employees' Retirement System, by waiving all rights and  
24 benefits which would otherwise be provided by the alternate benefit  
25 program. Any such new employee who is a member of the Public  
26 Employees' Retirement System will be permitted to continue his  
27 membership in that system, by waiving all rights and benefits which  
28 would otherwise be provided by the alternate benefit program.  
29 Such waivers shall be accomplished by filing forms satisfactory to  
30 the Division of Pensions within 30 days of the beginning date of  
31 employment.

32 Any person receiving a benefit by reason of his retirement from  
33 any retirement or pension system of the State of New Jersey or any  
34 political subdivision thereof shall be ineligible to participate in the  
35 alternate benefit program.

36 No person eligible for participation in the alternate benefit  
37 program shall be eligible for, or receive, benefits under chapters 4  
38 and 8B of Title 43 of the Revised Statutes.

39 The alternate benefit programs established pursuant to this act  
40 are deemed to be pension funds or retirement systems for purposes  
41 of P.L.1968, c.23 (C.43:3C-1 et seq.).

42 (cf: P.L.1994, c.48, s.188)

43

44 86. Section 7 of P.L.1969, c.242 (C.18A:66-173) is amended to  
45 read as follows:

46 7. (a) When a member of the Teachers' Pension and Annuity  
47 Fund or the Public Employees' Retirement System or the Police and  
48 Firemen's Retirement System elects to transfer to an alternate

1 benefit program by filing the proper application form declaring his  
2 election to participate in such alternate benefit program, the  
3 respective retirement system shall transfer the amount of his  
4 accumulated deductions as of the date of transfer to his individual  
5 account in the program.

6 (b) There shall also be transferred from the contingent reserve  
7 fund or the pension fund of the Teachers' Pension and Annuity Fund  
8 or the Public Employees' Retirement System or the Police and  
9 Firemen's Retirement System or from the Group Annuity Plan to the  
10 individual's account in the alternate benefit program, the pension  
11 reserve required as of the date of his transfer to provide a pension  
12 for each year of service credited to the account of the member as set  
13 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in  
14 section 38 or section 48 of P.L.1954, c. 84 as such sections have  
15 been amended and supplemented as of July 1, 1969 (C.43:15A-38,  
16 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241  
17 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
18 for each year of service credited under the Group Annuity Plan.  
19 Such transfer from the contingent reserve fund or the pension fund  
20 of the Teachers' Pension and Annuity Fund or the Public  
21 Employees' Retirement System or the Police and Firemen's  
22 Retirement System or the Group Annuity Plan shall be made at the  
23 time of the member's transfer to the alternate benefit program in the  
24 case of any such member who has then met the eligibility  
25 requirements for a pension under the aforementioned N.J.S.18A:66-  
26 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,  
27 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
28 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
29 the Group Annuity Plan. In the case of any member who elects to  
30 participate in the alternate benefit program who has not then met  
31 the eligibility requirements for a pension under N.J.S.18A:66-36 or  
32 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,  
33 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241  
34 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or  
35 under the Group Annuity Plan, the transfer from the contingent  
36 reserve fund or the pension fund of the Teachers' Pension and  
37 Annuity Fund or the Public Employees' Retirement System or the  
38 Police and Firemen's Retirement System or the Group Annuity Plan  
39 shall be effected at the time such requirements have been met,  
40 taking into account for the purpose of such eligibility requirement  
41 his years of membership service at the time of his election and his  
42 subsequent years of service as a full-time member of the faculty of  
43 **[the University of Medicine and Dentistry,]** Rutgers, The State  
44 University, the New Jersey Institute of Technology, Rowan  
45 University, or the State or county colleges or as an eligible  
46 employee of the Department of Higher Education, or at the time he  
47 shall have 10 years of credit for New Jersey service and becomes  
48 physically incapacitated for the performance of duty if he had been

1 a member of the Teachers' Pension and Annuity Fund or the Public  
2 Employees' Retirement System or the Police and Firemen's  
3 Retirement System as of the date of transfer.

4 The annuity to be used in determining the amount of pension is  
5 the actuarial equivalent of the member's accumulated deductions  
6 transferred from the Teachers' Pension and Annuity Fund or the  
7 Public Employees' Retirement System or the Police and Firemen's  
8 Retirement System to the date the member attains 60 years of age, if  
9 subsequent to the date of election. The amount of pension is that  
10 established by formula within N.J.S.18A:66-44 or section 48 of  
11 P.L.1954, c.84 as such sections have been amended and  
12 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of  
13 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and  
14 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84  
15 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)  
16 enacted subsequent to this act or the Group Annuity Plan shall have  
17 no application to the provisions of this act.

18 In the event that the eligibility requirement under N.J.S.18A:66-  
19 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section  
20 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity  
21 Plan is changed at some future date to permit members to become  
22 eligible for such benefit prior to the completion of 15 years of  
23 service, the transfer of the reserve from the contingent reserve fund  
24 or the pension fund of the Teachers' Pension and Annuity Fund or  
25 the Public Employees' Retirement System or the Police and  
26 Firemen's Retirement System or from the Group Annuity Plan shall  
27 be effective as of the date the member who had elected the alternate  
28 benefit program meets the amended eligibility requirement or the  
29 effective date of the amendment, whichever is later.

30 In the event an option is available with respect to the distribution  
31 of employee and employer contributions between fixed and variable  
32 annuities under the alternate benefit program, the employee shall  
33 have the right to determine the percentage distribution of these  
34 funds subject to any limitations imposed by the designated insurer  
35 or insurers.

36 (c) No transfer of pension reserves shall be made pursuant to this  
37 section where more than two consecutive years elapse in which no  
38 employer contributions to an alternate benefit program are required.  
39 (cf: P.L.1993, c.385, s.5)

40

41 87. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to  
42 read as follows:

43 8. (a) **【**The University of Medicine and Dentistry of New  
44 Jersey,**】** Rutgers, The State University and the New Jersey Institute  
45 of Technology shall reduce the compensation of each participant in  
46 the alternate benefit program and pay over to the insurers or mutual  
47 fund companies for the benefit of the participant an employee  
48 contribution for the retirement annuity contract or contracts equal to

1 5% of the participant's base salary. The intervals for deductions or  
2 reductions and payments shall be determined by the respective  
3 school governing bodies.

4 The Division of Pensions and Benefits shall provide for  
5 reductions from the compensation of each participant in the  
6 alternate benefit program employed by the State and county  
7 colleges of an employee contribution equal to 5% of the  
8 participant's base salary and pay this amount to the insurers or  
9 mutual fund companies for the individual's retirement annuity  
10 contract or contracts. The intervals for deductions or reductions  
11 and payments shall be determined by the Division of Pensions and  
12 Benefits.

13 The Division of Pensions and Benefits may require that all  
14 participant contributions be made in accordance with section 414(h)  
15 of the federal Internal Revenue Code (26 U.S.C. s.414(h)).

16 (b) Based on a certification to the Division of Pensions and  
17 Benefits by [the University of Medicine and Dentistry of New  
18 Jersey,] Rutgers, The State University [and], the New Jersey  
19 Institute of Technology, and Rowan University of the number and  
20 base salary of participants, the division shall authorize the State to  
21 make payment of the employer contributions to the alternate benefit  
22 program at a rate equal to 8% of the employee's base salary, except  
23 the amount of the contribution shall not exceed 8% of the maximum  
24 salary for department officers established pursuant to section 1 of  
25 P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the  
26 designated insurers or mutual fund companies for the benefit of  
27 each participant.

28 Based on a certification by the Division of Pensions and Benefits  
29 of the number and base salary of participants employed by the State  
30 and county colleges, the State shall make payment of the employer  
31 contributions to the alternate benefit program at a rate equal to 8%  
32 of the employee's base salary, except the amount of the contribution  
33 shall not exceed 8% of the maximum salary for department officers  
34 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-  
35 15.107), which moneys shall be paid to the designated insurers or  
36 mutual fund companies for the benefit of each participant.

37 (c) For the member of the Public Employees' Retirement System  
38 employed by the county colleges, who is defined in the regulations  
39 of the Division of Pensions and Benefits as a full-time faculty  
40 member and who is permitted to transfer his membership and does  
41 so, the State shall pay the employer contribution to the alternate  
42 benefit program at a rate equal to 8% of the member's base salary,  
43 except the amount of the contribution shall not exceed 8% of the  
44 maximum salary for department officers established pursuant to  
45 section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member  
46 continues membership in the Public Employees' Retirement System,  
47 the State shall pay the employer contribution to the retirement  
48 system on his behalf and such employer contribution shall be at a

1 rate equal to the normal contribution made by the State on behalf of  
2 nonveteran members of the Public Employees' Retirement System.

3 (d) For any nonacademic employee of a county college, as  
4 defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is  
5 eligible for the program according to the regulations of the Director  
6 of the Division of Pensions and Benefits, the county college shall  
7 pay the employer contribution to the retirement system on the  
8 employee's behalf in the same manner as the State, pursuant to this  
9 section.  
10 (cf: P.L.2010, c.31, s.1)

11  
12 88. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended to  
13 read as follows:

14 24. The [Board of Trustees of the University of Medicine and  
15 Dentistry of New Jersey, the] Board of Governors of Rutgers, The  
16 State University, the Board of Trustees of the New Jersey Institute  
17 of Technology, the Board of Trustees of Rowan University, and the  
18 boards of trustees of State and county colleges, are hereby  
19 authorized to enter into agreement with each employee participating  
20 in the alternate benefit program whereby the employee agrees to  
21 take a reduction in salary with respect to amounts earned after the  
22 effective date of such agreement in return for the agreement of the  
23 respective institution to use a corresponding amount to purchase an  
24 annuity for such employee so as to obtain the benefits afforded  
25 under section 403(b) of the federal Internal Revenue Code, as  
26 amended. Any such agreement shall specify the amount of such  
27 reduction, the effective date thereof, and shall be legally binding  
28 and irrevocable with respect to amounts earned while the agreement  
29 is in effect; provided, however, that such agreement may be  
30 terminated after it has been in effect for a period of not less than  
31 one year upon notice in writing by either party, and provided further  
32 that not more than one such agreement shall be entered into during  
33 any taxable year of the employee. For the purposes of this section,  
34 any annuity or other contract which meets the requirements of  
35 section 403(b) of the federal Internal Revenue Code, as amended,  
36 may be utilized. The amount of the reduction in salary under any  
37 agreement entered into between the institutions and any employee  
38 pursuant to this section shall not exceed the limitations set forth in  
39 P.L.93-406 (Employment Retirement Income Security Act of 1974)  
40 and Section 415(c) of the Internal Revenue Code of 1954 as  
41 amended for such year.

42 Amounts payable pursuant to this section by an institution on  
43 behalf of an employee for a pay period shall be transmitted and  
44 credited not later than the fifth business day after the date on which  
45 the employee is paid for that pay period.

46 (cf: P.L.1999, c.247, s.2)

1 89. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended to  
2 read as follows:

3 25. No retirement, death or other benefit shall be payable by  
4 the State, **【the University of Medicine and Dentistry,】** Rutgers, The  
5 State University, the New Jersey Institute of Technology, Rowan  
6 University or the Division of Pensions under the alternate benefit  
7 program. Benefits shall be payable to participating employees and  
8 their beneficiaries only by the designated insurers or mutual fund  
9 companies under the terms of the contracts.  
10 (cf: P.L.1994, c.48, s.192)

11  
12 90. Section 3 of P.L.1969, c.142 (C.18A:71-30) is amended to  
13 read as follows:

14 3. As used in this act, unless the context clearly indicates  
15 otherwise, the following terms shall have the following meanings:

16 (a) The term "board" shall mean the Board of Directors of the  
17 New Jersey Educational Opportunity Fund created by section 4 of  
18 P.L.1968, c.142 (C.18A:71-31).

19 (b) (Deleted by amendment, P.L.1994, c.48).

20 (c) The term "department" shall mean the Department of State.

21 (d) The term "fund" shall mean the New Jersey Educational  
22 Opportunity Fund created by section 4 of P.L.1968, c.142  
23 (C.18A:71-31).

24 (e) The term "higher education" shall mean that education  
25 which is provided by any or all of the public institutions of higher  
26 education as herein defined or any or all equivalent private  
27 institutions.

28 (f) The term "public institutions of higher education" shall mean  
29 and include Rutgers, The State University, the New Jersey Institute  
30 of Technology, **【the University of Medicine and Dentistry of New**  
31 **Jersey】** Rowan University, the **【nine】** eight State colleges, the  
32 county colleges, and any other public universities, colleges or  
33 county colleges now or hereafter established or authorized by law.

34 (cf: P.L.1994, c.48, s.212)

35

36 91. N.J.S.18A:71A-4 is amended to read as follows:

37 18A:71A-4. a. The Board of the Higher Education Student  
38 Assistance Authority shall consist of 18 members as follows: the  
39 State Treasurer, ex-officio, or a designee; the **【chairperson of the**  
40 **Commission on Higher Education】** Secretary of Higher Education,  
41 ex-officio, or a designee from among the public members of the  
42 commission; the chairperson of the Board of Directors of the  
43 Educational Opportunity Fund, ex-officio, or a designee from  
44 among the public members of the board; five representatives from  
45 eligible institutions in this State, including one from Rutgers, the  
46 State University, one from either the New Jersey Institute of  
47 Technology or **【the University of Medicine and Dentistry of New**

1 Jersey] Rowan University, one from the county colleges, one from  
2 the State colleges, and one from the independent institutions of  
3 higher education in the State; two students from different collegiate  
4 institutional sectors; seven public members who shall be residents  
5 of this State, including one who shall represent a lender party to a  
6 participation agreement with the authority; and the executive  
7 director of the authority, or designee, who shall be an ex-officio,  
8 non-voting member of the board.

9 b. The seven public members, including the lender member,  
10 shall be appointed by the Governor with the advice and consent of  
11 the Senate. No more than four of the public members shall be  
12 members of the same political party. The institutional  
13 representatives shall be nominated by the respective institution in  
14 the case of Rutgers, the State University, New Jersey Institute of  
15 Technology, [and University of Medicine and Dentistry of New  
16 Jersey] and Rowan University. The remaining institutional  
17 representatives shall be nominated by the respective sector  
18 association. Institutional representatives shall be appointed by the  
19 Governor with the advice and consent of the Senate. The student  
20 members shall be the individuals that the Student Advisory  
21 Committee elects as its chairperson and vice-chairperson. The  
22 Student Advisory Committee shall be created by the board to  
23 include students from all collegiate institutional sectors. The  
24 necessary appointments shall be made within 45 days of the  
25 enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

26 c. Public and institutional members of the board shall serve a  
27 term of four years and until a successor is appointed and qualified,  
28 except in the case of the first members so appointed, four of whom  
29 shall be appointed for a term of four years, four of whom shall be  
30 appointed for a term of three years, two of whom shall be appointed  
31 for a term of two years, and two of whom shall be appointed for a  
32 term of one year. Student members shall serve a term of office not  
33 to exceed two years. Any vacancy in the membership of the board,  
34 occurring otherwise than by expiration of term, shall be filled in the  
35 same manner as the original appointment or election was made, but  
36 for the unexpired term only.

37 (cf: N.J.S.18A:71A-4)

38

39 92. Section 3 of P.L.2000, c.163 (C.18A:71B-55) is amended to  
40 read as follows:

41 3. As used in this act, the following terms shall have the  
42 following meanings:

43 "Board" means the Board of Trustees of the Tony Pompelio  
44 Commemorative Scholarship Fund for the children of crime victims  
45 created pursuant to this act.

46 "Chairman" means the Chairman of the Violent Crimes  
47 Compensation Board.

1 "Executive director" means the chief executive and  
2 administrative officer of the authority.

3 "Authority" means the Higher Education Student Assistance  
4 Authority established pursuant to N.J.S.18A:71A-1 et seq., the  
5 "Higher Education Student Assistance Authority Law," or any  
6 body, entity, commission, or department succeeding to the principal  
7 functions thereof or to whom the powers conferred upon the  
8 authority by N.J.S.18A:71A-1 et seq. shall be given by law.

9 "Public Institutions of Higher Education" means the State  
10 colleges and universities created pursuant to chapter 64 of Title 18A  
11 of the New Jersey Statutes; the county colleges; [the University of  
12 Medicine and Dentistry of New Jersey]; the New Jersey Institute of  
13 Technology; Rutgers, the State University; Rowan University; and  
14 any other public universities, colleges, county colleges and junior  
15 colleges now or hereafter established or authorized by law.

16 (cf: P.L.2000, c.163, s.3)

17

18 93 N.J.S.18A:71C-32 is amended to read as follows:

19 18A:71C-32. "Approved site" means a site located within a State  
20 designated underserved area or a health professional shortage area,  
21 or a clinic which is part of the extramural network of dental clinics  
22 established by the New Jersey Dental School of [the University of  
23 Medicine and Dentistry of New Jersey] Rutgers, The State  
24 University, or a site that has been determined by the Higher  
25 Education Student Assistance Authority, in consultation with the  
26 Department of Health and Senior Services, to serve medically  
27 underserved populations according to criteria determined by the  
28 authority, including, but not limited to, the percentage of medically  
29 underserved patients served.

30 "Authority" means the Higher Education Student Assistance  
31 Authority.

32 "Eligible qualifying loan expenses" means the cumulative  
33 outstanding balance of student loans covering the cost of attendance  
34 at an undergraduate institution of medical, dental, or other primary  
35 care professional education at the time an applicant is selected for  
36 the program. Interest paid or due on qualifying loans that an  
37 applicant has taken out for use in paying the costs of undergraduate  
38 medical, dental, or other primary care professional education shall  
39 be considered eligible for reimbursement under the program. The  
40 authority may establish a limit on the total amount of qualifying  
41 loans which may be redeemed for participants under the program,  
42 provided that the total redemption of qualifying loans does not  
43 exceed \$120,000, or the maximum amount authorized by the federal  
44 government, whichever is greater, either in State funds or the sum  
45 of federal, State, and other non-federal matching funds, pursuant to  
46 section 338I of the Public Health Service Act (42 U.S.C.s.254q-1),  
47 whichever is applicable.



1 "Executive director" means the executive director of the Higher  
2 Education Student Assistance Authority.

3 "Health professional shortage area" (HPSA) means an urban or  
4 rural area, a population group or a public or non-profit private  
5 medical or dental facility or other public facility which the  
6 Secretary of Health and Human Services determines has a health  
7 professional shortage pursuant to section 332 of the Public Health  
8 Service Act (42 U.S.C. s.254e).

9 "Primary care" means the practice of family medicine, general  
10 internal medicine, general pediatrics, general obstetrics,  
11 gynecology, pediatric dentistry, general dentistry, public health  
12 dentistry, and any other areas of medicine or dentistry which the  
13 Commissioner of Health and Senior Services may define as primary  
14 care. Primary care also includes the practice of a nurse-practitioner,  
15 certified nurse-midwife, and physician assistant.

16 "Primary care practitioner" means a State-licensed or certified  
17 health care professional who has obtained a degree in allopathic or  
18 osteopathic medicine, dentistry, or another primary care profession  
19 at an undergraduate institution of medical, dental, or other primary  
20 care professional education, as applicable.

21 "Program" means the Primary Care Practitioner Loan  
22 Redemption Program established pursuant to N.J.S.18A:71C-33.

23 "Program participant" means a primary care practitioner who  
24 contracts with the authority to engage in the clinical practice of  
25 primary care at an approved site in exchange for the redemption of  
26 eligible qualifying loan expenses provided under the program.

27 "Qualifying loan" means a government or commercial loan for  
28 the actual costs paid for tuition and reasonable education and living  
29 expenses relating to the obtaining of a degree in allopathic or  
30 osteopathic medicine, dentistry, or another primary care profession.

31 "State designated underserved area" means a geographic area in  
32 this State which has been ranked by the Commissioner of Health  
33 and Senior Services on the basis of health status and economic  
34 indicators as reflecting a medical or dental health professional  
35 shortage.

36 "Total and permanent disability" means a physical or mental  
37 disability that is expected to continue indefinitely or result in death  
38 and renders a participant in the program unable to perform that  
39 person's service obligation, as determined by the executive director  
40 or his designee.

41 "Undergraduate medical, dental, or other primary care  
42 professional education" means the period of time between entry into  
43 medical school, dental school, or other primary care professional  
44 training program and the award of a degree in allopathic or  
45 osteopathic medicine, dentistry, or another primary care profession,  
46 respectively.

47 (cf: P.L.2009, c.145, s.1)

1 94. N.J.S.18A:71C-35 is amended to read as follows:

2 18A:71C-35. The Commissioner of Health and Senior Services,  
3 after consultation with the Commissioner of Corrections and the  
4 Commissioner of Human Services, shall designate and establish a  
5 ranking of State designated underserved areas. The criteria used by  
6 the Commissioner of Health and Senior Services in designating  
7 areas shall include, but not be limited to:

8 a. the financial resources of the population under  
9 consideration, including the percentage of the population that is  
10 eligible for medical assistance pursuant to P.L.1968, c.413  
11 (C.30:4D-1 et seq.) and P.L.2005, c.156 (C.30:4J-8 et seq.), and the  
12 percentage of the population that does not have health insurance  
13 coverage;

14 b. the population's access to primary care services;

15 c. appropriate physician, dentist, or other primary care staffing  
16 in State, county, municipal and private nonprofit health care  
17 facilities and in clinics which are part of the extramural network of  
18 dental clinics established by the New Jersey Dental School of [the  
19 University of Medicine and Dentistry of New Jersey] Rutgers, The  
20 State University; and

21 d. the extent to which racial and ethnic disparities in health  
22 care in a geographic area, including, but not limited to, disparities  
23 in the incidence of cancer, cardiovascular disease, stroke, chemical  
24 dependency, diabetes, asthma, homicide, suicide, accidental injury,  
25 infant mortality, child immunization rates, HIV/AIDS, dental caries,  
26 and periodontal disease, indicate the need to increase access to  
27 primary care services among racial and ethnic minority populations  
28 in that area.

29 The Commissioner of Health and Senior Services shall transmit  
30 the list of State designated underserved areas and the number of  
31 positions needed in each area to the executive director or designee.  
32 (cf: P.L. 2009, c.145, s.4)

33

34 95. Section 10 of P.L.2009, c. 145 (C.18A:71C-36.1) is amended  
35 to read as follows:

36 10. a. A program participant, as a condition of participation, shall  
37 be required to adhere to performance standards established by the  
38 executive director or his designee and if the approved site is a clinic  
39 which is part of the extramural network of dental clinics established  
40 by the New Jersey Dental School of [the University of Medicine  
41 and Dentistry of New Jersey] Rutgers, The State University the  
42 program participant shall also meet performance standards set by  
43 the New Jersey Dental School.

44 b. The standards shall include, but not be limited to,  
45 requirements that a participant:

46 (1) maintain residency in the State;

47 (2) maintain a license or certification to practice a primary care  
48 profession in the State;

- 1 (3) remain current with payments on student loans;
- 2 (4) enter into a mutually acceptable contract with an approved
- 3 site;
- 4 (5) maintain satisfactory performance of services rendered at an
- 5 approved site; and
- 6 (6) report to the authority or its designee, on a form and in a
- 7 manner prescribed by the authority or its designee, on the program
- 8 participant's performance of services rendered at an approved site
- 9 prior to repayment of the annual amount eligible for redemption.
- 10 (cf: P.L.2009, c.145, s.10)

11

12 96. N.J.S.18A:71C-38 is amended to read as follows:

13 18A:71C-38. Each program participant shall serve a six-month

14 probationary period upon initial placement at an approved site.

15 During that period, the primary care staff of the approved site, or in

16 the case of a clinic which is part of the extramural network of dental

17 clinics established by the New Jersey Dental School of [the

18 University of Medicine and Dentistry of New Jersey] Rutgers, The

19 State University, the director of the clinics and the vice-dean of the

20 dental school, together with the program participant and the

21 executive director or his designee, shall evaluate the suitability of

22 the placement for the program participant. At the end of the

23 probationary period, the primary care staff shall recommend the

24 continuation of the program participant's present placement, a

25 change in placement, or its determination that the program

26 participant is an unsuitable candidate for the program. If the

27 primary care staff of the approved site recommends a change in

28 placement, the executive director or a designee shall approve an

29 alternate placement at an approved site. If the primary care staff

30 determines that the program participant is not a suitable candidate

31 for the program, the executive director or his designee shall take

32 this recommendation into consideration in regard to the program

33 participant's final acceptance into the program. No loan redemption

34 payment shall be made during the six-month probationary period;

35 however, a program participant shall receive credit for the six-

36 month period in calculating the first year of required service under

37 the loan redemption contract.

38 (cf: P.L.2009, c.145, s.7)

39

40 97. N.J.S.18A:72A-3 is amended to read as follows:

41 18A:72A-3. As used in this act, the following words and terms

42 shall have the following meanings, unless the context indicates or

43 requires another or different meaning or intent:

44 "Authority" means the New Jersey Educational Facilities

45 Authority created by this chapter or any board, body, commission,

46 department or officer succeeding to the principal functions thereof

47 or to whom the powers conferred upon the authority by this chapter

48 shall be given by law;

1 "Bond" means bonds or notes of the authority issued pursuant to  
2 this chapter;

3 "County college capital project" means any capital project of a  
4 county college certified pursuant to section 2 of P.L.1971, c.12  
5 (C.18A:64A-22.2) and approved by the State Treasurer for funding  
6 pursuant to the "County College Capital Projects Fund Act,"  
7 P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

8 "Dormitory" means a housing unit with necessary and usual  
9 attendant and related facilities and equipment, and shall include a  
10 dormitory of a public or private school, or of a public or private  
11 institution of higher education;

12 "Educational facility" means a structure suitable for use as a  
13 dormitory, dining hall, student union, administration building,  
14 academic building, library, laboratory, research facility, classroom,  
15 athletic facility, health care facility, teaching hospital, and parking  
16 maintenance storage or utility facility and other structures or  
17 facilities related thereto or required or useful for the instruction of  
18 students or the conducting of research or the operation of an  
19 institution for higher education, and public libraries, and the  
20 necessary and usual attendant and related facilities and equipment,  
21 but shall not include any facility used or to be used for sectarian  
22 instruction or as a place for religious worship;

23 "Emerging needs program" means a program at one or more  
24 public or private institutions of higher education directed to meeting  
25 new and advanced technology needs or to supporting new academic  
26 programs in science and technology;

27 "Higher education equipment" means any property consisting of,  
28 or relating to, scientific, engineering, technical, computer,  
29 communications or instructional equipment;

30 "Participating college" means a public institution of higher  
31 education or private college which, pursuant to the provisions of  
32 this chapter, participates with the authority in undertaking the  
33 financing and construction or acquisition of a project;

34 "Project" means a dormitory or an educational facility or any  
35 combination thereof, or a county college capital project;

36 "Private college" means an institution for higher education other  
37 than a public college, situated within the State and which, by virtue  
38 of law or charter, is a nonprofit educational institution empowered  
39 to provide a program of education beyond the high school level;

40 "Private institution of higher education" means independent  
41 colleges or universities incorporated and located in New Jersey,  
42 which by virtue of law or character or license, are nonprofit  
43 educational institutions authorized to grant academic degrees and  
44 which provide a level of education which is equivalent to the  
45 education provided by the State's public institutions of higher  
46 education as attested by the receipt of and continuation of regional  
47 accreditation by the Middle States Association of Colleges and  
48 Schools, and which are eligible to receive State aid;

1 "Public institution of higher education" means Rutgers, The State  
2 University, the State colleges, the New Jersey Institute of  
3 Technology, [the University of Medicine and Dentistry of New  
4 Jersey] Rowan University, the county colleges and any other public  
5 university or college now or hereafter established or authorized by  
6 law;

7 "School" means a secondary school, military school, or boarding  
8 school;

9 "University" means Rutgers, The State University.  
10 (cf: P.L.2000, c.56, s.10)

11

12 98. N.J.S.18A:72A-26 is amended to read as follows:

13 18A:72A-26. In order to provide new dormitories and to enable  
14 the construction and financing thereof, to refinance indebtedness  
15 hereafter created by the authority for the purpose of providing a  
16 dormitory or dormitories or additions or improvements thereto, or  
17 for any one or more of said purposes, but for no other purpose  
18 unless authorized by law, each of the following bodies shall have  
19 the powers hereafter enumerated to be exercised upon such terms  
20 and conditions, including the fixing of any consideration or rental to  
21 be paid or received, as it shall determine by resolution as to such  
22 property and each shall be subject to the performance of the duties  
23 hereafter enumerated, that is to say, the treasurer as to such as are  
24 located on land owned by the State or by the authority, the board of  
25 governors of the university, the board of trustees of the New Jersey  
26 Institute of Technology [or the University of Medicine and  
27 Dentistry of New Jersey] or Rowan University, the board of  
28 trustees of a State college or the board of trustees of a county  
29 college as to such as are located on land owned by the university or  
30 by the particular college respectively, namely:

31 a. The power to sell and to convey to the authority title in fee  
32 simple in any such land and any existing dormitories thereon owned  
33 by the State or owned by the board of trustees of a county college or  
34 the power to sell and to convey to the authority such title as the  
35 university or the college respectively may have in any such land and  
36 any existing dormitories thereon.

37 b. The power to lease to the authority any land and any existing  
38 dormitories thereon so owned for a term or terms not exceeding 50  
39 years each.

40 The power to lease or sublease from the authority, and to make  
41 available, any such land and existing dormitories conveyed or  
42 leased to the authority under subsections a. and b. of this section,  
43 and any new dormitories erected upon such land or upon any other  
44 land owned by the authority, any rentals to be payable, as to the  
45 university or as to any such college from available funds other than  
46 moneys appropriated to it by the State.

47 d. The power and duty, upon receipt of notice of any assignment  
48 by the authority of any lease or sublease made under subsection c.

1 of this section, or of any of its rights under any such lease or  
2 sublease, to recognize and give effect to such assignment, and to  
3 pay to the assignee thereof rentals or other payments then due or  
4 which may become due under any such lease or sublease which has  
5 been so assigned by the authority.

6 (cf: P.L.1994, c.48, s.238)

7

8 99. N.J.S.18A:72A-27.1 is amended to read as follows:

9 18A:72A-27.1. In addition to the powers and duties with respect  
10 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the  
11 treasurer, the board of governors of the university, the board of  
12 trustees of the New Jersey Institute of Technology, the board of  
13 trustees of a State college, the board of trustees of Rowan  
14 University, and the board of trustees of a county college [and the  
15 board of trustees of the University of Medicine and Dentistry of  
16 New Jersey] shall also have the same power and be subject to the  
17 same duties in relation to any conveyance, lease or sublease made  
18 under subsection a., b., or c. of section 18A:72A-26, with respect to  
19 revenue producing facilities; that is to say, structures or facilities  
20 which produce revenues sufficient to pay the rentals due and to  
21 become due under any lease or sublease made under subsection c.  
22 of section 18A:72A-26 including, without limitation, student unions  
23 and parking facilities.

24 (cf: P.L.1994, c.48, s.239)

25

26 100. Section 48 of P.L.2009, c.90 (C.18A:72A-82) is amended to  
27 read as follows:

28 48. As used in sections 48 and 49 of P.L.2009, c.90  
29 (C.18A:72A-82 and C.18A:72A-83):

30 "Board" means the Local Finance Board established in the  
31 Division of Local Government Services in the Department of  
32 Community Affairs.

33 "Bonds" mean bonds, notes or other obligations issued to finance  
34 or refinance higher education projects by a municipality, or on  
35 behalf of a municipality by a county improvement authority created  
36 pursuant to the "county improvement authorities law," P.L.1960,  
37 c.183 (C.40:37A-44 et seq.).

38 "Higher education partnership agreement" means an agreement  
39 between a municipality and an institution of higher education  
40 providing for the issuance of bonds by the municipality, a county  
41 improvement authority or a redevelopment entity, and the pledge of  
42 payments by the institution of higher education to secure those  
43 bonds to finance a higher education project, or part thereof.

44 "Higher education project" means the establishment and  
45 construction of higher education buildings and the expansion and  
46 construction of additional facilities at, and the acquisition of  
47 additional and upgraded equipment for existing higher education  
48 buildings, including but not limited to the planning, erecting,

1 purchasing, improving, developing, constructing, reconstructing,  
2 extending, rehabilitating, renovating, upgrading, demolishing and  
3 equipping of facilities at institutions of higher education.

4 "Institution of higher education" means: Rutgers, The State  
5 University; a State college or university established pursuant to  
6 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
7 Institute of Technology; [the University of Medicine and Dentistry  
8 of New Jersey] Rowan University; a county college and any other  
9 public university or college now or hereafter established or  
10 authorized by State law; and any college or university incorporated  
11 and located in New Jersey, which by virtue of law or character or  
12 license is a nonprofit educational institution authorized to grant  
13 academic degrees and which provides a level of education which is  
14 equivalent to the education provided by the State's public  
15 institutions of higher education, as attested by the receipt of and  
16 continuation of regional accreditation by the Middle States  
17 Association of Colleges and Schools, and which is eligible to  
18 receive State aid under the provisions of the Constitution of the  
19 United States and the Constitution of the State of New Jersey, but  
20 does not include any educational institution dedicated primarily to  
21 the education or training of ministers, priests, rabbis or other  
22 professional persons in the field of religion.

23 "Municipality" means the municipal governing body or an entity  
24 acting on behalf of the municipality if permitted by the federal  
25 Internal Revenue Code of 1986, or, if a redevelopment agency or  
26 redevelopment entity is established in the municipality pursuant to  
27 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
28 provides, the redevelopment agency or entity so established.

29 (cf: P.L.2009, c.90, s.48)

30

31 101. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to  
32 read as follows:

33 3. As used in this act:

34 a. "Auditorily impaired" means a hearing impairment of such  
35 severity that the individual depends primarily upon visual  
36 communication.

37 b. "Competent authority" means any doctor of medicine or any  
38 doctor of osteopathy licensed to practice medicine and surgery in  
39 this State.

40 c. (Deleted by amendment, P.L.1994, c.48).

41 d. "Eligible student" means any student "admitted to a public or  
42 independent institution of higher education who is" suffering from a  
43 visual impairment, auditory impairment or a specific learning  
44 disability within guidelines established by the Commission on  
45 Higher Education pursuant to regulations promulgated under this  
46 act.

47 e. "Independent institution of higher education" means a college  
48 or university incorporated and located in New Jersey, which by

1 virtue of law or character or license is a nonprofit educational  
2 institution authorized to grant academic degrees and which provides  
3 a level of education which is equivalent to the education provided  
4 by the State's public institutions of higher education, as attested by  
5 the receipt of and continuation of regional accreditation by the  
6 Middle States Association of Colleges and Schools, and which is  
7 eligible to receive State aid under the provisions of the Constitution  
8 of the United States and the Constitution of the State of New Jersey,  
9 but does not include any educational institution dedicated primarily  
10 to the education or training of ministers, priests, rabbis or other  
11 professional persons in the field of religion.

12 f. "Learning disability" means a significant barrier to learning  
13 caused by a disorder in one or more of the basic psychological  
14 processes involved in understanding or in using language, spoken or  
15 written, which disorder may manifest itself in imperfect ability to  
16 listen, think, speak, read, write, spell, or do mathematical  
17 calculations. The disorder includes conditions such as perceptual  
18 handicap, brain injury, minimal brain dysfunction, dyslexia, and  
19 developmental aphasia. This term shall not include learning  
20 problems which are primarily the result of visual, hearing, or motor  
21 handicaps, mental retardation, emotional disturbances, or  
22 environmental, cultural, or economic disadvantage.

23 g. "Program" means the Higher Education Services for Visually  
24 Impaired, Auditorily Impaired and Learning Disabled Students  
25 Program established pursuant to this act.

26 h. "Public institution of higher education" means Rutgers, The  
27 State University, the New Jersey Institute of Technology, [the  
28 University of Medicine and Dentistry of New Jersey] Rowan  
29 University, the State colleges and the county colleges.

30 i. "Support services" or "supportive services" means services  
31 that assist eligible students in obtaining a college education and  
32 include, but are not limited to, interpreters, note takers, and tutors.

33 j. "Visually impaired" means a vision impairment where the  
34 better eye with correction does not exceed 20/200 or where there is  
35 a field defect in the better eye in which the diameter of the field is  
36 no greater than 20 degrees.

37 (cf: P.L.1994, c.48, s.282)

38

39 102. Section 2 of P.L.1987, c.183 (C.18A:72J-2) is amended to  
40 read as follows:

41 2. There are created the Martin Luther King Physician-Dentist  
42 Scholarships which shall be maintained by the State and awarded  
43 and administered pursuant to this act to students from  
44 disadvantaged or minority backgrounds enrolled in the [University  
45 of Medicine and Dentistry of New Jersey and the Fairleigh  
46 Dickinson] Rutgers University School of Dentistry.

47 (cf: P.L.1987, c.183, s.2)



1       103. Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is amended to  
2 read as follows:

3       2. The Early Intervention Program in the Department of Health  
4 and Senior Services established pursuant to section 2 of P.L.1993,  
5 c.309 (C.26:1A-36.7) shall conduct activities to address the specific  
6 needs of children with autism spectrum disorders and their families.  
7 These activities shall include, but not be limited to, the following:

8       a. developing, in consultation with autism experts and  
9 advocates, including, but not limited to, the Governor's Council for  
10 Medical Research and Treatment of Autism, Autism Speaks, The  
11 New Jersey Center for Outreach and Services for the Autism  
12 Community, The Autism Center of New Jersey Medical School at  
13 **【the University of Medicine and Dentistry of New Jersey】** Rutgers,  
14 The State University, the Statewide Parent Advocacy Network, Inc.,  
15 and the New Jersey chapter of the American Academy of Pediatrics,  
16 guidelines for health care professionals to use in evaluating infants  
17 and toddlers living in the State for autism and to ensure the timely  
18 referral by health care professionals of infants and toddlers who are  
19 identified as having autism or suspected of being on the autism  
20 spectrum to the Early Intervention Program in order to provide  
21 appropriate services to those infants and toddlers as early as  
22 possible;

23       b. referring affected children who are identified as having  
24 autism or suspected of being on the autism spectrum and their  
25 families to schools and agencies, including community, consumer,  
26 and parent-based agencies, and organizations and other programs  
27 mandated by Part C of the "Individuals with Disabilities Education  
28 Act" (20 U.S.C. s.1431 et seq.), which offer programs specifically  
29 designed to meet the unique needs of children with autism;

30       c. collecting data on Statewide autism screening, diagnosis,  
31 and intervention programs and systems that can be used for applied  
32 research, program evaluation, and policy development; and

33       d. disseminating information on the medical care of individuals  
34 with autism to health care professionals and the general public.

35 (cf: P.L.2007, c.172, s.2)

36

37       104. Section 23 of P.L.1972, c.29 (C.26:2I-23) is amended to  
38 read as follows:

39       23. In order to provide new health care organizations and to  
40 enable the construction and financing thereof, to refinance  
41 indebtedness hereafter created by the authority for the purpose of  
42 providing one or more health care organizations or additions or  
43 improvements thereto or modernization thereof or for any one or  
44 more of said purposes but for no other purpose unless authorized by  
45 law, each of the following bodies shall have the powers hereafter  
46 enumerated to be exercised upon such terms and conditions,  
47 including the fixing of fair consideration or rental to be paid or  
48 received, as it shall determine by resolution as to such property and

1 each shall be subject to the performance of the duties hereafter  
2 enumerated, that is to say, the Department of Health and Senior  
3 Services as to such as are located on land owned by, or owned by  
4 the State and held for, any State institution or on lands of the  
5 institutions under the jurisdiction of the Department of Health and  
6 Senior Services or of the Department of Human Services, or by the  
7 authority, the Commissioner of Human Services as to State  
8 institutions operated by that department, the board of trustees or  
9 governing body of any public health care organization, the board of  
10 **[trustees of the University of Medicine and Dentistry of New**  
11 **Jersey]** governors of Rutgers, The State University, as to such as  
12 are located on land owned by the university, or by the State for the  
13 university, the State or by the particular public health care  
14 organization, respectively, namely:

15 a. The power to sell and to convey to the authority title in fee  
16 simple in any such land and any existing health care facility thereon  
17 owned by the State and held for any department thereof or of any of  
18 the institutions under the jurisdiction of the Department of Health  
19 and Senior Services or the power to sell and to convey to the  
20 authority such title as the State or the public health care  
21 organization, respectively, may have in any such land and any  
22 existing health care facility thereon.

23 b. The power to lease to the authority any land and any existing  
24 health care facility thereon so owned for a term or terms not  
25 exceeding 50 years each.

26 c. The power to lease or sublease from the authority, and to  
27 make available, any such land and existing health care facility  
28 conveyed or leased to the authority under subsections a. and b. of  
29 this section, and any new health care facility erected upon such land  
30 or upon any other land owned by the authority.

31 d. The power and duty, upon receipt of notice of any  
32 assignment by the authority of any lease or sublease made under  
33 subsection c. of this section, or of any of its rights under any such  
34 lease or sublease, to recognize and give effect to such assignment,  
35 and to pay to the assignee thereof rentals or other payments then  
36 due or which may become due under any such lease or sublease  
37 which has been so assigned by the authority.

38 (cf: P.L.1997, c.435, s.9)

39

40 105. Section 25 of P.L.1972, c.29 (C.26:2I-25) is amended to  
41 read as follows:

42 25. In addition to the powers and duties with respect to health  
43 care organizations given under sections 23 and 24 of P.L.1972, c.29  
44 (C.26:2I-23 and C.26:2I-24, respectively), the board of trustees or  
45 governing body of any State institution or public health care  
46 organization and the board of **[trustees of the University of**  
47 **Medicine and Dentistry of New Jersey]** governors of Rutgers, The  
48 State University shall also have the same powers and be subject to

1 the same duties in relation to any conveyance, lease or sublease  
2 made under subsection a., b., or c. of section 24 of P.L.1972, c.29  
3 (C.26:2I-24), with respect to revenue producing facilities; that is to  
4 say, structures or facilities which produce revenues sufficient to pay  
5 the rentals due and to become due under any lease or sublease made  
6 under subsection c. of section 24 of P.L.1972, c.29 (C.26:2I-24),  
7 including, without limitation, extended care and parking facilities.  
8 (cf: P.L.1997, c.435, s.11)

9  
10 106. Section 27 of P.L.1972, c.29 (C.26:2I-27) is amended to  
11 read as follows:

12 27. To the extent not otherwise expressly provided under  
13 existing law, all powers and duties conferred upon any State  
14 institution or **the University of Medicine and Dentistry of New**  
15 **Jersey** Rutgers, The State University or any county, city or  
16 municipal health care organization pursuant to this act shall be  
17 exercised and performed by resolution of its governing body and all  
18 powers and duties conferred upon any of these health care  
19 organizations pursuant to this act shall be exercised and performed  
20 by resolution of its board of trustees or governing body.  
21 (cf: P.L.1997, c.435, s.12)

22  
23 107. Section 1 of P.L.1986, c.106 (C.26:2K-35) is amended to  
24 read as follows:

25 1. As used in this act:

26 a. "Commissioner" means the Commissioner of the Department  
27 of Health and Senior Services.

28 b. "Dispatch" means the coordinated request for and dispatch  
29 of the emergency medical service helicopter response unit by a  
30 central communications center located in the service area, following  
31 protocols developed by the mobile intensive care hospital, the  
32 regional trauma or critical care center, the commissioner and the  
33 superintendent.

34 c. "Emergency medical service helicopter response unit" means  
35 a specially equipped hospital-based emergency medical service  
36 helicopter staffed by advanced life support personnel and operated  
37 for the provision of advanced life support services under the  
38 medical direction of a mobile intensive care program and the  
39 regional trauma or critical care center authorized by the  
40 commissioner.

41 d. "Emergency medical transportation" means the prehospital  
42 or interhospital transportation of an acutely ill or injured patient by  
43 a dedicated emergency medical service helicopter response unit  
44 operated, maintained and piloted by the Division of State Police of  
45 the Department of Law and Public Safety, pursuant to regulations  
46 adopted by the commissioner under chapter 40 of Title 8 of the New  
47 Jersey Administrative Code.

1 e. "Medical direction" means the medical control and medical  
2 orders transmitted from the physician of the mobile intensive care  
3 hospital or from the physician at the regional trauma or critical care  
4 center to the staff of the helicopter. The mobile intensive care unit  
5 coordinating center and regional trauma or critical care center shall  
6 have the ability to cross patch and consult with each other as  
7 approved by the commissioner.

8 f. "Mobile intensive care hospital" means a hospital authorized  
9 by the commissioner to develop and maintain a mobile intensive  
10 care unit to provide advanced life support services in accordance  
11 with P.L.1984, c.146 (C.26:2K-7 et al.).

12 g. "Regional trauma center" means a State designated level one  
13 hospital-based trauma center equipped and staffed to provide  
14 emergency medical services to an accident or trauma victim,  
15 including, but not limited to, the level one trauma centers at [the  
16 University of Medicine and Dentistry of New Jersey-] University  
17 Hospital in Newark, known as the "Eric Munoz Trauma Center,"  
18 and at the Cooper Hospital/University Medical Center in Camden.

19 h. "Critical care center" means a hospital authorized by the  
20 commissioner to provide regional critical care services, such as  
21 trauma, burn, spinal cord, cardiac, poison or neonatal care.

22 i. "Superintendent" means the Superintendent of the Division  
23 of State Police of the Department of Law and Public Safety.  
24 (cf: P.L.2010, c.80, s.1)

25  
26 108. Section 2 of P.L.1986, c.134 (C.26:2N-2) is amended to  
27 read as follows:

28 2. The commissioner shall prepare and make available to all  
29 health care providers in the State and parents and guardians, upon  
30 request, a pamphlet which explains the benefits and possible  
31 adverse reactions to immunizations for pertussis. This pamphlet  
32 may contain any information which the commissioner deems  
33 necessary and may be revised by the department whenever new  
34 information concerning these immunizations becomes available.  
35 The pamphlet shall include the following information:

36 a. A list of the immunizations required for admission to a public  
37 or private school in the State;

38 b. Specific information regarding the pertussis vaccine which  
39 includes:

40 (1) The circumstances under which pertussis vaccine should not  
41 be administered or should be delayed, including the categories of  
42 persons who are significantly more vulnerable to major adverse  
43 reactions than are members of the general population;

44 (2) Possible adverse reactions to pertussis vaccine and the early  
45 warning signs or symptoms that may be precursors to a major  
46 adverse reaction which, upon occurrence, should be brought to the  
47 immediate attention of the health care provider who administered  
48 the vaccine;

1 (3) A form that the parent or guardian may use to monitor  
2 symptoms of a possible adverse reaction and which includes places  
3 where the parent or guardian can record information about the  
4 symptoms that will assist the health care provider; and

5 (4) Measures that a parent or guardian should take to reduce the  
6 risk of, or to respond to, a major adverse reaction including  
7 identification of who should be notified of the reaction and when  
8 the notification should be made.

9 The commissioner shall prepare the pamphlet in consultation  
10 with the Medical Society of New Jersey [and the University of  
11 Medicine and Dentistry of New Jersey] and shall adopt by  
12 regulation the information contained in the pamphlet, pursuant to  
13 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
14 seq.)

15 (cf: P.L.1986, c.134, s.2)

16

17 109. Section 2 of P.L.1999, c.66 (C.26:2U-2) is amended to read  
18 as follows:

19 2. The Department of Health and Senior Services, in  
20 consultation with the New Jersey Chronic Fatigue Syndrome  
21 Association, Inc., and the Academy of Medicine of New Jersey  
22 [and the University of Medicine and Dentistry of New Jersey],  
23 shall prepare and make available to all health care providers in the  
24 State, upon request, a manual which provides information about the  
25 clinical significance, diagnosis and treatment of chronic fatigue  
26 syndrome. The manual may contain any other information which  
27 the Commissioner of Health and Senior Services deems necessary  
28 and may be revised by the department whenever new information  
29 about chronic fatigue syndrome becomes available. The department  
30 shall publicize and make available the manual to the maximum  
31 extent possible.

32 (cf: P.L.1999, c.66, s.2)

33

34 110. Section 4 of P.L.1984, c.126 (C.26:5C-4) is amended to  
35 read as follows:

36 4. [The University of Medicine and Dentistry of New Jersey]  
37 Rutgers, The State University shall, in coordination with the State  
38 Department of Health and Senior Services, serve as a resource  
39 center and may offer diagnostic procedures, medical treatment,  
40 counseling, as well as any other services that may be necessary to  
41 assist AIDS victims and their families.

42 (cf: P.L.1984, c.126, s.4)

43

44 111. Section 115 of P.L.2008, c.29 (C.26:2NN-1) is amended to  
45 read as follows:

46 115. a. The Department of Health and Senior Services shall  
47 maintain a toll-free information "Law Enforcement Officer Crisis  
48 Intervention Services" telephone hotline on a 24-hour basis.

1 The hotline shall receive and respond to calls from law  
2 enforcement officers and sheriff's officers who have been involved  
3 in any event or incident which has produced personal or job-related  
4 depression, anxiety, stress, or other psychological or emotional  
5 tension, trauma, or disorder for the officer and officers who have  
6 been wounded in the line of duty. The operators of the hotline shall  
7 seek to identify those officers who should be referred to further  
8 debriefing and counseling services, and to provide such referrals.  
9 In the case of wounded officers, those services may include peer  
10 counseling, diffusing, debriefing, group therapy and individual  
11 therapy as part of a coordinated assistance program, to be known as  
12 the "Blue Heart Law Enforcement Assistance Program," designed  
13 and implemented by the **【University of Medicine and Dentistry of**  
14 **New Jersey's】** University Behavioral Healthcare Unit of Rutgers,  
15 The State University.

16 b. The operators of the hotline shall be trained by the  
17 Department of Health and Senior Services and, to the greatest  
18 extent possible, shall be persons, who by experience or education,  
19 are: (1) familiar with post trauma disorders and the emotional and  
20 psychological tensions, depressions, and anxieties unique to law  
21 enforcement officers and sheriff's officers; or (2) trained to provide  
22 counseling services involving marriage and family life, substance  
23 abuse, personal stress management and other emotional or  
24 psychological disorders or conditions which may be likely to  
25 adversely affect the personal and professional well-being of a law  
26 enforcement officer and a sheriff's officer.

27 c. To ensure the integrity of the telephone hotline and to  
28 encourage officers to utilize it, the commissioner shall provide for  
29 the confidentiality of the names of the officers calling, the  
30 information discussed by that officer and the operator, and any  
31 referrals for further debriefing or counseling; provided, however,  
32 the commissioner may, by rule and regulation, (1) establish  
33 guidelines providing for the tracking of any officer who exhibits a  
34 severe emotional or psychological disorder or condition which the  
35 operator handling the call reasonably believes might result in harm  
36 to the officer or others and (2) establish a confidential registry of  
37 wounded New Jersey law enforcement officers.

38 (cf: P.L.2008, c.29, s.115)

39

40 112. Section 10 of P.L.2011, c.210 (C.26:5B-6) is amended to  
41 read as follows:

42 10. a. The Department of Health and Senior Services, in  
43 consultation with the Medical Society of New Jersey and **【the**  
44 **【University of Medicine and Dentistry of New Jersey】** Rutgers,  
45 The State University, shall prepare, and make available on its  
46 Internet website, information in English and Spanish, which is  
47 designed to be easily understandable by the general public, about  
48 the genetic risk factors associated with, and the symptoms and

1 treatment of, sickle cell anemia, in addition to any other information  
2 that the Commissioner of Health and Senior Services deems  
3 necessary for the purposes of this act. The department shall revise  
4 this information whenever new information about sickle cell anemia  
5 becomes available.

6 b. The department shall prepare an informational booklet in  
7 English and Spanish that contains the information posted on its  
8 website pursuant to subsection a. of this section, as funds become  
9 available for that purpose. The department shall make a supply of  
10 booklets available to all licensed health care facilities engaged in  
11 the diagnosis or treatment of sickle cell anemia, as well as to health  
12 care professionals, community health centers, members of the  
13 public, and social services agencies upon their request.

14 (cf: P.L.2011, c.210, s.10)

15

16 113. Section 2 of P.L.2005, c.379 (C.34:11-56.59) is amended to  
17 read as follows:

18 2. As used in this act:

19 "Commissioner" means the Commissioner of Labor and  
20 Workforce Development or the commissioner's duly authorized  
21 representatives.

22 "Building services" means any cleaning or building maintenance  
23 work, including but not limited to sweeping, vacuuming, floor  
24 cleaning, cleaning of rest rooms, collecting refuse or trash, window  
25 cleaning, engineering, securing, patrolling, or other work in  
26 connection with the care, securing, or maintenance of an existing  
27 building, except that "building services" shall not include any  
28 maintenance work or other public work for which a contractor is  
29 required to pay the "prevailing wage" as defined in section 2 of  
30 P.L.1963, c.150 (C.34:11-56.26).

31 "Leased by the State" means that not less than 55% of the  
32 property or premises is leased by the State, provided that the portion  
33 of the property or premises that is leased by the State measures  
34 more than 20,000 square feet.

35 "Prevailing wage for building services" means the wage and  
36 benefit rates designated by the commissioner based on the  
37 determinations made by the General Services Administration  
38 pursuant to the federal "Service Contract Act of 1965" (41U.S.C.  
39 s.351 et seq.), for the appropriate localities and classifications of  
40 building service employees.

41 "The State" means the State of New Jersey and all of its  
42 departments, bureaus, boards, commissions, agencies and  
43 instrumentalities, including any State institutions of higher  
44 education, but does not include political subdivisions.

45 "State institutions of higher education," means Rutgers, The  
46 State University of New Jersey [ , the University of Medicine and  
47 Dentistry of New Jersey] Rowan University, and the New Jersey  
48 Institute of Technology, and any of the State colleges or universities

1 established pursuant to chapter 64 of Title 18A of the New Jersey  
2 Statutes, but does not include any county college established  
3 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.  
4 (cf: P.L.2005, c.379, s.2)

5  
6 114. Section 1 of P.L.2011, c.116 (C.38A:13-10) is amended to  
7 read as follows:

8 1. a. The Legislature finds and declares that the Department of  
9 Military and Veterans' Affairs, in conjunction with **[the University**  
10 **of Medicine and Dentistry]** Rutgers, The State University of New  
11 Jersey, has established a veteran to veteran peer support program  
12 telephone helpline. The helpline receives and responds to calls  
13 from veterans, servicemembers, and their families. It provides them  
14 with access to a comprehensive mental health provider network of  
15 mental health professionals specializing in post traumatic stress  
16 disorder and other veterans issues. All services are free and  
17 confidential.

18 b. Since its inception, the helpline has fielded over 6,000 calls  
19 from veterans and their families and based on prior statistics, a 10%  
20 increase in calls has been projected.

21 c. The helpline is funded through an allocation from a State  
22 appropriation for post traumatic stress disorder. It is appropriate  
23 that the helpline have a separate annual appropriation.  
24 (cf: P.L.2011, c.116, s.1)

25  
26 115. Section 2 of P.L.2011, c.116 (C.38A:13-11) is amended to  
27 read as follows:

28 2. a. The Department of Military and Veterans' Affairs shall  
29 establish, in coordination with University Behavioral HealthCare of  
30 **[the University of Medicine and Dentistry]** Rutgers, The State  
31 University of New Jersey, a toll free veteran to veteran peer support  
32 helpline.

33 b. The helpline shall be accessible 24 hours a day seven days  
34 per week and shall respond to calls from veterans, servicemembers  
35 and their families. The operators of the helpline shall seek to  
36 identify the veterans, servicemembers and their families who should  
37 be referred to further peer support and counseling services, and  
38 provide referrals.

39 c. The operators of the helpline shall be trained by University  
40 Behavioral Healthcare of **[the University of Medicine and**  
41 **Dentistry]** Rutgers, The State University of New Jersey and, to the  
42 greatest extent possible, shall be trained veterans or mental health  
43 professionals with military service expertise and (1) familiar with  
44 post traumatic stress disorder, traumatic brain injury and the  
45 emotional and psychological tensions, depressions, and anxieties  
46 unique to veterans, servicemembers, and their families or (2)  
47 trained to provide counseling services involving marriage and



1 family life, substance abuse, personal stress management and other  
2 emotional or psychological disorders or conditions which may be  
3 likely to adversely affect the personal and service related well-being  
4 of veterans, servicemembers, and their families.

5 d. The Department of Military and Veterans' Affairs and [the  
6 University of Medicine and Dentistry] Rutgers, The State  
7 University of New Jersey shall provide for the confidentiality of the  
8 names of the persons calling, the information discussed, and any  
9 referrals for further peer support or counseling; provided, however,  
10 the Department of Military and Veterans' Affairs and [the  
11 University of Medicine and Dentistry] Rutgers, The State  
12 University of New Jersey may establish guidelines providing for the  
13 tracking of any person who exhibits a severe emotional or  
14 psychological disorder or condition which the operator handling the  
15 call reasonably believes might result in harm to the veteran or  
16 servicemember or any other person.

17 (cf: P.L.2011, c.116, s.2)

18

19 116. Section 3 of P.L.2011, c.116 (C.38A:13-12) is amended to  
20 read as follows:

21 3. University Behavioral Healthcare of [the University of  
22 Medicine and Dentistry] Rutgers, The State University of New  
23 Jersey shall maintain a list of credentialed military-oriented  
24 behavioral healthcare providers throughout the State of New Jersey.  
25 Case management services shall also be provided to ensure that  
26 veterans, servicemembers, and their families receive ongoing  
27 counseling throughout all pre and post deployment events in New  
28 Jersey. The continuum of services shall utilize the National Yellow  
29 Ribbon guidelines while providing ongoing peer support  
30 customized for each branch of military service.

31 (cf: P.L.2011, c.116, s.3)

32

33 117. Section 4 of P.L.2011, c.116 (C.38A:13-13) is amended to  
34 read as follows:

35 4. In establishing the helpline authorized under the provisions  
36 of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant  
37 General of the Department of Military and Veterans' Affairs and  
38 University Behavioral Healthcare of [the University of Medicine  
39 and Dentistry] Rutgers, The State University of New Jersey shall  
40 consult on a quarterly basis with the New Jersey Division of Mental  
41 Health Services within the Department of Human Services, the  
42 United States Department of Veterans' Affairs, the New Jersey  
43 Veterans Healthcare Network, at least two New Jersey Veteran  
44 Centers, and at least two State recognized veteran groups.

45 (cf: P.L.2011, c.116, s.4)

1 118. Section 25 of P.L.1954, c.84 (C.43:15A-25) is amended to  
2 read as follows:

3 25. a. The annuity savings fund shall be the fund in which shall  
4 be credited accumulated deductions and contributions by members  
5 or on their behalf to provide for their allowances. A single account  
6 shall be established in this fund for each person who is or shall  
7 become a member and all contributions deducted from each such  
8 member's compensation shall be credited to this single account.

9 b. (1) Members enrolled in the retirement system on or after July  
10 1, 1994 shall contribute 5% of compensation to the system.  
11 Members enrolled in the system prior to July 1, 1994 shall  
12 contribute 5% of compensation to the system effective with the  
13 payroll period for which the beginning date is closest to July 1,  
14 1995, provided, however, that any member enrolled before July 1,  
15 1994, whose full contribution rate under the system prior to the  
16 revisions by this act was less than 6%, shall pay 4% of  
17 compensation to the system effective with the payroll period for  
18 which the beginning date is closest to July 1, 1995, and 5% of  
19 compensation to the system effective with the payroll period for  
20 which the beginning date is closest to July 1, 1996.

21 (2) Members enrolled in the retirement system on or after July  
22 1, 2007 who are:

23 employees of the State, other than employees of the Judicial  
24 Branch;

25 employees of an independent State authority, board, commission,  
26 corporation, agency or organization;

27 employees of a local school district, regional school district,  
28 county vocational school district, county special services school  
29 district, jointure commission, educational services commission,  
30 State-operated school district, charter school, county college, any  
31 officer, board, or commission under the authority of the  
32 Commissioner of Education or of the State Board of Education, and  
33 any other public entity which is established pursuant to authority  
34 provided by Title 18A of the New Jersey Statutes; or

35 employees of a State public institution of higher education [,  
36 other than employees of the University of Medicine and Dentistry  
37 of New Jersey] shall contribute 5.5% of compensation to the  
38 system, and all such members described above enrolled in the  
39 system prior to July 1, 2007 shall contribute 5.5% of compensation  
40 to the system effective with the payroll period for which the  
41 beginning date is closest to July 1, 2007.

42 Members enrolled in the retirement system on or after July 1,  
43 2008, other than those described in the paragraph above, shall  
44 contribute 5.5% of compensation to the system. Members enrolled  
45 in the system prior to July 1, 2008, other than those described in the  
46 paragraph above, shall contribute 5.5% of compensation to the  
47 system effective with the payroll period that begins immediately  
48 after July 1, 2008.

1 (3) Members of the retirement system shall contribute 6.5% of  
2 compensation to the system on and after the effective date of  
3 P.L.2011, c.78, with an additional contribution of 1% to be phased  
4 in in equal increments over a period of seven years commencing  
5 with the first year following that effective date.

6 c. The retirement system shall certify to each State department  
7 or subdivision thereof, and to each branch of the State service not  
8 included in a State department, and to every other employer, the  
9 proportion of each member's compensation to be deducted and to  
10 facilitate the making of deductions the retirement system may  
11 modify the deduction required by a member by such an amount as  
12 shall not exceed 1/10 of 1% of the compensation upon the basis of  
13 which the deduction is to be made.

14 If payment in full, representing the monthly or biweekly  
15 transmittal and report of salary deductions, is not made within 15  
16 days of the due date established by the retirement system, interest at  
17 the rate of 6% per annum shall commence to run against the total  
18 transmittal of salary deductions for the period on the first day after  
19 such fifteenth day.

20 d. Every employee to whom this act applies shall be deemed to  
21 consent and agree to any deduction from his compensation required  
22 by this act and to all other provisions of this act. Notwithstanding  
23 any other law, rule or regulation affecting the salary, pay,  
24 compensation, other perquisites, or tenure of a person to whom this  
25 act applies, or shall apply, and notwithstanding that the minimum  
26 salary, pay, or compensation or other perquisites provided by law  
27 for him shall be reduced thereby, payment, less such deductions,  
28 shall be a full and complete discharge and acquittance of all claims  
29 and demands for service rendered by him during the period covered  
30 by such payment.

31 (cf: P.L.2011, c.78, s.10)

32

33 119. Section 3 of P.L.1948, c.110 (C.43:21-27) is amended to  
34 read as follows:

35 3. As used in this act, unless the context clearly requires  
36 otherwise:

37 (a) (1) "Covered employer" means, with respect to whether an  
38 employer is required to provide benefits during an employee's own  
39 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
40 individual or type of organization, including any partnership,  
41 association, trust, estate, joint-stock company, insurance company  
42 or corporation, whether domestic or foreign, or the receiver, trustee  
43 in bankruptcy, trustee or successor thereof, or the legal  
44 representative of a deceased person, who is an employer subject to  
45 the "unemployment compensation law" (R.S.43:21-1 et seq.),  
46 except the State, its political subdivisions, and any instrumentality  
47 of the State unless such governmental entity elects to become a  
48 covered employer pursuant to paragraph (2) of this subsection (a);

1 provided, however, that commencing with the effective date of this  
2 act, the State of New Jersey, including Rutgers, The State  
3 University [, the University of Medicine and Dentistry of New  
4 Jersey] and the New Jersey Institute of Technology, shall be  
5 deemed a covered employer, as defined herein.

6 "Covered employer" means, after June 30, 2009, with respect to  
7 whether the employer is an employer whose employees are eligible  
8 for benefits during periods of family temporary disability leave  
9 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December  
10 31, 2008, whether employees of the employer are required to make  
11 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual  
12 or type of organization, including any partnership, association,  
13 trust, estate, joint-stock company, insurance company or domestic  
14 or foreign corporation, or the receiver, trustee in bankruptcy, trustee  
15 or successor thereof, or the legal representative of a deceased  
16 person, who is an employer subject to the "unemployment  
17 compensation law" (R.S.43:21-1 et seq.), including any  
18 governmental entity or instrumentality which is an employer under  
19 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or  
20 instrumentality has not elected to be a covered employer pursuant to  
21 paragraph (2) of this subsection (a).

22 (2) Any governmental entity or instrumentality which is an  
23 employer under R.S.43:21-19(h)(5) may, with respect to the  
24 provision of benefits during an employee's own disability pursuant  
25 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered  
26 employer" under this subsection beginning with the date on which  
27 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of  
28 any year thereafter by filing written notice of such election with the  
29 division within at least 30 days of the effective date. Such election  
30 shall remain in effect for at least two full calendar years and may be  
31 terminated as of January 1 of any year thereafter by filing with the  
32 division a written notice of termination at least 30 days prior to the  
33 termination date.

34 (b) (1) "Covered individual" means, with respect to whether an  
35 individual is eligible for benefits during an individual's own  
36 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
37 person who is in employment, as defined in the "unemployment  
38 compensation law" (R.S.43:21-1 et seq.), for which the individual is  
39 entitled to remuneration from a covered employer, or who has been  
40 out of such employment for less than two weeks, except that a  
41 "covered individual" who is employed by the State of New Jersey,  
42 including Rutgers, The State University [, the University of  
43 Medicine and Dentistry of New Jersey and] or the New Jersey  
44 Institute of Technology, or by any governmental entity or  
45 instrumentality which elects to become a "covered employer"  
46 pursuant to this amendatory act, shall not be eligible to receive any  
47 benefits under the "Temporary Disability Benefits Law" until such  
48 individual has exhausted all sick leave accumulated as an employee

1 in the classified service of the State or accumulated under terms and  
2 conditions similar to classified employees or accumulated under the  
3 terms and conditions pursuant to the laws of this State or as the  
4 result of a negotiated contract with any governmental entity or  
5 instrumentality which elects to become a "covered employer."

6 "Covered individual" shall not mean, with respect to whether an  
7 individual is eligible for benefits during an individual's own  
8 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
9 member of the Division of State Police in the Department of Law  
10 and Public Safety.

11 (2) "Covered individual" means, with respect to whether an  
12 individual is eligible for benefits during the individual's period of  
13 family temporary disability leave pursuant to P.L.1948, c.110  
14 (C.43:21-25 et al.), any individual who is in employment, as  
15 defined in the "unemployment compensation law" (R.S.43:21-1 et  
16 seq.), for which the individual is entitled to remuneration from a  
17 covered employer, or who has been out of that employment for less  
18 than two weeks.

19 (c) "Division" or "commission" means the Division of  
20 Temporary Disability Insurance of the Department of Labor and  
21 Workforce Development, and any transaction or exercise of  
22 authority by the director of the division shall be deemed to be  
23 performed by the division.

24 (d) "Day" shall mean a full calendar day beginning and ending  
25 at midnight.

26 (e) "Disability" shall mean such disability as is compensable  
27 under section 5 of P.L.1948, c.110 (C.43:21-29).

28 (f) "Disability benefits" shall mean any cash payments which  
29 are payable to a covered individual for all or part of a period of  
30 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

31 (g) "Period of disability" with respect to any covered individual  
32 shall mean:

33 (1) The entire period of time during which the covered  
34 individual is continuously and totally unable to perform the duties  
35 of the covered individual's employment because of the covered  
36 individual's own disability, except that two periods of disability due  
37 to the same or related cause or condition and separated by a period  
38 of not more than 14 days shall be considered as one continuous  
39 period of disability; provided the individual has earned wages  
40 during such 14-day period with the employer who was the  
41 individual's last employer immediately preceding the first period of  
42 disability; and

43 (2) On or after July 1, 2009, the entire period of family  
44 temporary disability leave taken from employment by the covered  
45 individual.

46 (h) "Wages" shall mean all compensation payable by covered  
47 employers to covered individuals for personal services, including

1 commissions and bonuses and the cash value of all compensation  
2 payable in any medium other than cash.

3 (i) (1) (Deleted by amendment, P.L.2001, c.17).

4 (2) (Deleted by amendment, P.L.2001, c.17).

5 (3) "Base week" with respect to periods of disability  
6 commencing on or after October 1, 1985 and before January 1,  
7 2001, means any calendar week during which a covered individual  
8 earned in employment from a covered employer remuneration equal  
9 to not less than 20% of the Statewide average weekly wage  
10 determined under subsection (c) of R.S.43:21-3, which shall be  
11 adjusted to the next higher multiple of \$1.00 if not already a  
12 multiple thereof.

13 (4) "Base week" with respect to periods of disability  
14 commencing on or after January 1, 2001, means any calendar week  
15 of a covered individual's base year during which the covered  
16 individual earned in employment from a covered employer  
17 remuneration not less than an amount 20 times the minimum wage  
18 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on  
19 October 1 of the calendar year preceding the calendar year in which  
20 the benefit year commences, which amount shall be adjusted to the  
21 next higher multiple of \$1.00 if not already a multiple thereof,  
22 except that if in any calendar week an individual subject to this  
23 paragraph is in employment with more than one employer, the  
24 covered individual may in that calendar week establish a base week  
25 with respect to each of the employers from whom the covered  
26 individual earns remuneration equal to not less than the amount  
27 defined in this paragraph during that week.

28 (j) (1) "Average weekly wage" means the amount derived by  
29 dividing a covered individual's total wages earned from the  
30 individual's most recent covered employer during the base weeks in  
31 the eight calendar weeks immediately preceding the calendar week  
32 in which a period of disability commenced, by the number of such  
33 base weeks.

34 (2) If the computation in paragraph (1) of this subsection (j)  
35 yields a result which is less than the individual's average weekly  
36 earnings in employment with all covered employers during the base  
37 weeks in such eight calendar weeks, then the average weekly wage  
38 shall be computed on the basis of earnings from all covered  
39 employers during the base weeks in the eight calendar weeks  
40 immediately preceding the week in which the period of disability  
41 commenced.

42 (3) For periods of disability commencing on or after July 1,  
43 2009, if the computations in paragraphs (1) and (2) of this  
44 subsection (j) both yield a result which is less than the individual's  
45 average weekly earnings in employment with all covered employers  
46 during the base weeks in the 26 calendar weeks immediately  
47 preceding the week in which the period of disability commenced,  
48 then the average weekly wage shall, upon a written request to the

1 department by the individual on a form provided by the department,  
2 be computed by the department on the basis of earnings from all  
3 covered employers of the individual during the base weeks in those  
4 26 calendar weeks, and, in the case of a claim for benefits from a  
5 private plan, that computation of the average weekly wage shall be  
6 provided by the department to the individual and the individual's  
7 employer.

8 When determining the "average weekly wage" with respect to a  
9 period of family temporary disability leave for an individual who  
10 has a period of family temporary disability immediately after the  
11 individual has a period of disability for the individual's own  
12 disability, the period of disability is deemed to have commenced at  
13 the beginning of the period of disability for the individual's own  
14 disability, not the period of family temporary disability.

15 (k) "Child" means a biological, adopted, or foster child,  
16 stepchild or legal ward of a covered individual, child of a domestic  
17 partner of the covered individual, or child of a civil union partner of  
18 the covered individual, who is less than 19 years of age or is 19  
19 years of age or older but incapable of self-care because of mental or  
20 physical impairment.

21 (l) "Domestic partner" means a domestic partner as defined in  
22 section 3 of P.L.2003, c.246 (C.26:8A-3).

23 (m) "Civil union" means a civil union as defined in section 2 of  
24 P.L.2006, c.103 (C.37:1-29).

25 (n) "Family member" means a child, spouse, domestic partner,  
26 civil union partner or parent of a covered individual.

27 (o) "Family temporary disability leave" means leave taken by a  
28 covered individual from work with an employer to (1) participate in  
29 the providing of care, as defined in the "Family Leave Act,"  
30 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted  
31 pursuant to that act, for a family member of the individual made  
32 necessary by a serious health condition of the family member; or (2)  
33 be with a child during the first 12 months after the child's birth, if  
34 the individual, or the domestic partner or civil union partner of the  
35 individual, is a biological parent of the child, or the first 12 months  
36 after the placement of the child for adoption with the individual.  
37 "Family temporary disability leave" does not include any period of  
38 time in which a covered individual is paid benefits pursuant to  
39 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable  
40 to perform the duties of the individual's employment due to the  
41 individual's own disability.

42 (p) "Health care provider" means a health care provider as  
43 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et  
44 seq.), and any regulations adopted pursuant to that act.

45 (q) "Parent of a covered individual" means a biological parent,  
46 foster parent, adoptive parent, or stepparent of the covered  
47 individual or a person who was a legal guardian of the covered  
48 individual when the covered individual was a child.

1 (r) "Placement for adoption" means the time when a covered  
2 individual adopts a child or becomes responsible for a child pending  
3 adoption by the covered individual.

4 (s) "Serious health condition" means an illness, injury,  
5 impairment or physical or mental condition which requires:  
6 inpatient care in a hospital, hospice, or residential medical care  
7 facility; or continuing medical treatment or continuing supervision  
8 by a health care provider.

9 (t) "12-month period" means, with respect to an individual who  
10 establishes a valid claim for disability benefits during a period of  
11 family temporary disability leave, the 365 consecutive days that  
12 begin with the first day that the individual first establishes the  
13 claim.

14 (cf: P.L.2008, c.17, s.2)

15

16 120. Section 22 of P.L.1948, c.110 (C.43:21-46) is amended to  
17 read as follows:

18 22. State disability benefits fund. (a) The State disability  
19 benefits fund, hereinafter referred to as the fund, is hereby  
20 established. The fund shall remain in the custody of the State  
21 Treasurer, and to the extent of its cash requirements shall be  
22 deposited in authorized public depositories in the State of New  
23 Jersey. There shall be deposited in and credited to the fund the  
24 amount of worker and employer contributions provided under  
25 subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7  
26 and subsection (e) of R.S.43:21-7, less refunds authorized by the  
27 chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and  
28 the entire amount of interest and earnings from investments of the  
29 fund, and all assessments, fines and penalties collected under this  
30 act. The fund shall be held in trust for the payment of disability  
31 benefits pursuant to this act, for the payment of benefits pursuant to  
32 subsection (f) of R.S. 43:21-4, and for the payment of any  
33 authorized refunds of contributions. All warrants for the payment  
34 of benefits shall be issued by and bear only the signature of the  
35 Director of the Division of Unemployment and Temporary  
36 Disability Insurance or his duly authorized agent for that purpose.  
37 All other moneys withdrawn from the fund shall be upon warrant  
38 signed by the State Treasurer and countersigned by the Director of  
39 the Division of Unemployment and Temporary Disability Insurance  
40 of the Department of Labor of the State of New Jersey. The  
41 Treasurer shall maintain books, records and accounts for the fund,  
42 appoint personnel and fix their compensation within the limits of  
43 available appropriations. The expenses of the Treasurer in  
44 administering the fund and its accounts shall be charged against the  
45 administration account, as hereinafter established. A separate  
46 account, to be known as the administration account, shall be  
47 maintained in the fund, and there shall be credited to such account  
48 an amount determined to be sufficient for proper administration, not



1 to exceed, however, 1/10 of 1% of the wages with respect to which  
2 current contributions are payable into the fund, and the entire  
3 amount of any assessments against covered employers, as  
4 hereinafter provided, for costs of administration prorated among  
5 approved private plans. The costs of administration of this act,  
6 including R.S.43:21-4(f), shall be charged to the administration  
7 account.

8 (b) further separate account, to be known as the unemployment  
9 disability account, shall be maintained in the fund. Such account  
10 shall be charged with all benefit payments under R.S.43:21-4(f).

11 Prior to July 1 of each calendar year, the Division of  
12 Unemployment and Temporary Disability Insurance of the  
13 Department of Labor of the State of New Jersey shall determine the  
14 average rate of interest and other earnings on all investments of the  
15 State disability benefits fund for the preceding calendar year. An  
16 amount equal to the sum of the amounts withdrawn from the  
17 unemployment trust fund pursuant to section 23 hereof multiplied  
18 by such average rate shall be determined by the division and  
19 credited to the unemployment disability account as of the end of the  
20 preceding calendar year.

21 If the unemployment disability account shall show an accumulated  
22 deficit in excess of \$200,000.00 at the end of any calendar year  
23 after interest and other earnings have been credited as provided  
24 hereinabove, the division shall determine the ratio of such deficit to  
25 the total of all taxable wages paid during the preceding calendar  
26 year, and shall make an assessment against all employers in an  
27 amount equal to the taxable wages paid by them during such  
28 preceding calendar year to employees, multiplied by such ratio, but  
29 in no event shall any such assessment exceed 1/10 or 1% of such  
30 wages; provided, however, that the assessment made against the  
31 State (including Rutgers, The State University [, the University of  
32 Medicine and Dentistry of New Jersey] and the New Jersey  
33 Institute of Technology) shall not exceed the sum of all benefits  
34 paid under the provisions of R.S.43:21-4(f) as the result of  
35 employment with the State. Such amounts shall be collectible by  
36 the division in the same manner as provided for the collection of  
37 employee contributions under this chapter (R.S.43:21-1 et seq.). In  
38 making this assessment, the division shall furnish to each affected  
39 employer a brief summary of the determination thereof. The  
40 amount of such assessments collected by the division shall be  
41 credited to the unemployment disability account.

42 As used in this section, "taxable wages" shall mean wages with  
43 respect to which employer contributions have been paid or are  
44 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

45 (c) A board of trustees, consisting of the State Treasurer, the  
46 Secretary of State, the Commissioner of Labor and Industry, the  
47 director of the division, and the State Comptroller, is hereby  
48 created. The board shall invest and reinvest all moneys in the fund

1 in excess of its cash requirements, and such investments shall be  
2 made in obligations legal for savings banks; provided, however, that  
3 the provisions of this subsection shall in all respects be subject to  
4 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

5 (d) There is hereby appropriated, to be paid out of the fund, such  
6 amounts as may from time to time be required for the payment of  
7 disability benefits, and such amounts as may be required each year,  
8 as contained in the annual appropriation act, for the administration  
9 of this act, including R.S.43:21-4(f).  
10 (cf: P.L.1994, c.112, s.3)

11

12 121. Section 2 of P.L.1999, c.201 (C.52:9E-2) is amended to  
13 read as follows:

14 2. As used in this act:

15 a. "Approved research project" means a peer reviewed  
16 scientific research project, which is approved by the commission  
17 and which focuses on the treatment and cure of spinal cord injuries  
18 and diseases that damage the spinal cord.

19 b. "Commission" means the New Jersey Commission on  
20 Spinal Cord Research established pursuant to this act.

21 c. "Institutional support services" means all services, facilities,  
22 equipment, personnel and expenditures associated with the creation  
23 and maintenance of approved research projects.

24 d. "Qualifying research institution" means [the University of  
25 Medicine and Dentistry of New Jersey;] Rutgers, The State  
26 University; Princeton University; the Kessler Medical  
27 Rehabilitation Research and Education Corporation; the Coriell  
28 Institute for Medical Research; and any other research institution in  
29 the State approved by the commission.

30 (cf: P.L.1999, c.201, s.2)

31

32 122. Section 3 of P.L.1999, c. 201 (C.52:9E-3) is amended to  
33 read as follows:

34 3. a. There is established in the Executive Branch of the State  
35 government, the New Jersey Commission on Spinal Cord Research.  
36 For the purposes of complying with the provisions of Article V,  
37 Section IV, paragraph 1 of the New Jersey Constitution, the  
38 commission is allocated within the Department of Health and  
39 Senior Services, but notwithstanding that allocation, the  
40 commission shall be independent of any supervision or control by  
41 the department or by any board or officer thereof.

42 b. The commission shall consist of [11] 10 members,  
43 including the Commissioner of Health and Senior Services, or his  
44 designee, who shall serve ex officio; [one representative of the  
45 University of Medicine and Dentistry of New Jersey;] one  
46 representative of Rutgers, The State University; one representative  
47 of the federally designated Spinal Cord Injury Model System; one

1 representative from the American Paralysis Association; and six  
2 public members who are residents of the State knowledgeable about  
3 spinal cord injuries and who include at least one physician licensed  
4 in this State and at least one person with a spinal cord injury. The  
5 members shall be appointed by the Governor with the advice and  
6 consent of the Senate.

7 c. The term of office of each appointed member shall be three  
8 years, but of the members first appointed, three shall be appointed  
9 for a term of one year, four for terms of two years, and three for  
10 terms of three years. All vacancies shall be filled for the balances of  
11 the unexpired terms in the same manner as the original  
12 appointments. Appointed members are eligible for reappointment  
13 upon the expiration of their terms. A member shall continue to  
14 serve upon the expiration of his term until a successor is appointed.

15 The members of the commission shall not receive compensation  
16 for their services, but shall be reimbursed for the actual and  
17 necessary expenses incurred in the performance of their duties as  
18 members of the commission.

19 (cf: P.L.1999, c.201, s.3)

20

21 123. Section 2 of P.L.2003, c.200 (C.52:9EE-2) is amended to  
22 read as follows:

23 2. As used in this act:

24 "Approved research project" means a scientific research project,  
25 which is approved by the commission and which focuses on the  
26 treatment and cure of brain injuries.

27 "Commission" means the New Jersey State Commission on Brain  
28 Injury Research established pursuant to this act.

29 "Institutional support services" means all services, facilities,  
30 equipment, personnel and expenditures associated with the creation  
31 and maintenance of approved research projects.

32 "Qualifying research institution" means [the University of  
33 Medicine and Dentistry of New Jersey and] Rutgers, The State  
34 University of New Jersey and any other institution approved by the  
35 commission, which is conducting an approved research project.

36 (cf: P.L.2003, c.200, s.2)

37

38 124. Section 3 of P.L.2003, c.200 (C.52:9EE-3) is amended to  
39 read as follows:

40 3. a. There is established in the Executive Branch of the State  
41 government, the New Jersey State Commission on Brain Injury  
42 Research. For the purposes of complying with the provisions of  
43 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
44 the commission is allocated within the Department of Health and  
45 Senior Services, but notwithstanding that allocation, the  
46 commission shall be independent of any supervision or control by  
47 the department or by any board or officer thereof.

1       b. The commission shall consist of ~~11~~ 10 members,  
2 including the Commissioner of Health and Senior Services, or his  
3 designee, who shall serve ex officio; ~~one representative of the~~  
4 ~~University of Medicine and Dentistry of New Jersey;~~ one  
5 representative of Rutgers, The State University of New Jersey; six  
6 public members, appointed by the Governor with the advice and  
7 consent of the Senate, one of whom shall be a licensed physician in  
8 this State and one of whom shall be a person with a brain injury;  
9 and two public members, one of whom shall be appointed by the  
10 President of the Senate and one of whom shall be appointed by the  
11 Speaker of the General Assembly. All public members shall be  
12 residents of the State or otherwise associated with the State, and  
13 shall be known for their knowledge, competence, experience or  
14 interest in brain injury medical research.

15       c. The term of office of each public member shall be three  
16 years, but of the members first appointed, three shall be appointed  
17 for terms of one year, three for terms of two years, and two for  
18 terms of three years. All vacancies shall be filled for the balances of  
19 the unexpired terms in the same manner as the original  
20 appointments. Appointed members are eligible for reappointment  
21 upon the expiration of their terms. A member shall continue to  
22 serve upon the expiration of his term until a successor is appointed.

23       The members of the commission shall not receive compensation  
24 for their services, but shall be reimbursed for the actual and  
25 necessary expenses incurred in the performance of their duties as  
26 members of the commission.

27 (cf: P.L.2003, c.200, s.3)

28  
29       125. Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended to read  
30 as follows:

31       3. As used in this act:

32       a. "Approved research project" means a scientific research  
33 project, which is approved by the commission and which focuses on  
34 the genetic, biochemical, viral, microbiological and environmental  
35 causes of cancer, and may include, but is not limited to, behavioral,  
36 socio-economic, demographic and psychosocial research or research  
37 into methods of clinical treatment; or which focuses on pain  
38 management and palliative care for persons diagnosed with cancer.

39       b. "Commission" means the New Jersey State Commission on  
40 Cancer Research established pursuant to this act.

41       c. "Institutional support services" means all services, facilities,  
42 equipment, personnel and expenditures associated with the creation  
43 and maintenance of approved research projects.

44       d. "Qualifying research institution" means the Institute for  
45 Medical Research in Camden, New Jersey, ~~the University of~~  
46 ~~Medicine and Dentistry of New Jersey,~~ Rutgers--The State  
47 University, Princeton University and any other institution approved

1 by the commission, which is conducting an approved research  
2 project.

3 (cf: P.L.2000, c.63, s.1)

4

5 126. Section 2 of P.L.2008, c.85 (C.52:16A-100) is amended to  
6 read as follows:

7 2. a. The Ellis Island Advisory Commission is hereby created  
8 and established in the Executive Branch of the State Government.  
9 For the purposes of complying with the provisions of Article V,  
10 Section IV, paragraph 1, of the New Jersey Constitution, the  
11 commission is allocated within the Department of State.

12 The commission shall consist of **[20]** 19 voting members, as  
13 follows:

14 (1) a representative of the Governor's office, the Secretary of  
15 State or a designee, the State Treasurer or a designee, the Attorney  
16 General or a designee, the Commissioner of Environmental  
17 Protection or a designee, the Commissioner of Education or a  
18 designee, the Executive Director of the New Jersey Commerce  
19 Commission or a designee, the Commissioner of Health and Senior  
20 Services or a designee, the Commissioner of Transportation or a  
21 designee, the New Jersey State representative of the National Trust  
22 for Historic Preservation or a designee, and the President of Save  
23 Ellis Island, Inc. or a designee, each serving ex officio;

24 (2) four members of the Legislature, of whom one shall be  
25 appointed by the Senate President, one by the Senate Minority  
26 Leader, one by the Speaker of the General Assembly and one by the  
27 Minority Leader of the General Assembly. Legislators appointed to  
28 the commission shall serve as members thereof for terms co-  
29 extensive with their respective terms as members of the Houses of  
30 the Legislature from which they were appointed; and

31 (3) **[five]** four members shall be appointed by the Governor,  
32 with the advice and consent of the Senate, of whom one shall be a  
33 representative of Rutgers, the State University of New Jersey,  
34 chosen with expertise in immigration issues, **[and one shall be a**  
35 **representative of the University of Medicine and Dentistry of New**  
36 **Jersey, chosen with expertise in public health issues,]** and three  
37 shall be members of the public, chosen with due regard for their  
38 knowledge of the role of Ellis Island in American history, including  
39 one member with expertise in the hospitality industry and one  
40 member with expertise in the development industry. No public  
41 members shall hold elective office.

42 b. Each public member of the commission shall serve for a  
43 term of three years, except that of the initial members so appointed:  
44 one member shall serve for one year, two members shall serve for  
45 two years, and two members shall serve for three years. Public  
46 members shall be eligible for reappointment. They shall serve until  
47 their successors are appointed and qualified, and the term of any  
48 successor of any incumbent shall be calculated from the expiration

1 of the term of that incumbent. A vacancy occurring other than by  
2 expiration of the term shall be filled in the same manner as the  
3 original appointment but for the unexpired term only. Public  
4 members may be removed by the Governor for cause.

5 c. The members of the commission shall serve without  
6 compensation but shall be reimbursed for necessary expenses  
7 incurred in the performance of their duties subject to the availability  
8 of funds.

9 d. The Secretary of State, or a designee, shall serve as chair,  
10 and the members of the commission shall elect annually one of the  
11 public members to serve as vice-chair. The chair may appoint a  
12 secretary, who need not be a member of the commission. The  
13 presence of a majority of the full membership of the commission  
14 shall be required for the conduct of official business.

15 e. The commission shall meet at the call of the chair. The  
16 commission shall hold at least two meetings annually which shall  
17 be held at the State capitol and at such other times and places as the  
18 commission may deem expedient, including on Ellis Island.

19 (cf: P.L.2008, c.85, s.2)

20

21 127. Section 12 of P.L.1978, c.39 (C.52:18A-174) is amended to  
22 read as follows:

23 12. Subject to the independent approval of the State Treasurer,  
24 the board may authorize the transfer of funds necessary to permit  
25 individuals employed at [the University of Medicine and Dentistry  
26 of New Jersey,] the New Jersey Institute of Technology, Rutgers,  
27 The State University, Rowan University, and any other agency,  
28 authority, commission, or instrumentality of State government  
29 which has an independent corporate existence, to participate in the  
30 plan.

31 (cf: P.L.1985, c.449, s.1)

32

33 128. Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is amended to  
34 read as follows:

35 1. The Director of the Division of Purchase and Property may,  
36 by joint action, purchase any articles used or needed by the State  
37 and the Palisades Interstate Park Commission, the New Jersey  
38 Highway Authority, the New Jersey Turnpike Authority, the  
39 Delaware River Joint Toll Bridge Commission, the Port Authority  
40 of New York and New Jersey, the South Jersey Port Corporation,  
41 the Passaic Valley Sewerage Commission, the Delaware River Port  
42 Authority, Rutgers, The State University, [the University of  
43 Medicine and Dentistry of New Jersey] Rowan University, the  
44 New Jersey Sports and Exposition Authority, the New Jersey  
45 Housing Finance Agency, the New Jersey Mortgage Finance  
46 Authority, the New Jersey Health Care Facilities Financing  
47 Authority, the New Jersey Education Facilities Authority, the New  
48 Jersey Economic Development Authority, the South Jersey

1 Transportation Authority, the Hackensack Meadowlands  
2 Development Commission, the New Jersey Water Supply  
3 Authority, the Higher Education Student Assistance Authority or  
4 any other agency, commission, board, authority or other such  
5 governmental entity which is established and is allocated to a State  
6 department or any bi-state governmental entity of which the State of  
7 New Jersey is a member.

8 (cf: P.L.1999, c.440, s.89)

9

10 129. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
11 read as follows:

12 2. The Foundation for Technology Advancement shall be  
13 governed by a ~~23-member~~ 22-member board of trustees who are  
14 appointed as follows:

15 a. The Executive Director of the New Jersey Commerce  
16 Commission; the Executive Director of the New Jersey Economic  
17 Development Authority; the Executive Director of the New Jersey  
18 Commission on Science and Technology; and the Chief Technology  
19 Officer in the Office of Information Technology; or their designees,  
20 all of whom shall serve ex officio;

21 b. A faculty member appointed by the president of each of the  
22 following academic institutions: The New Jersey Institute of  
23 Technology; Rutgers, the State University; ~~the University of~~  
24 ~~Medicine and Dentistry of New Jersey;~~ and Princeton University,  
25 all of whom shall serve ex officio; and

26 c. Fifteen public members appointed by the Governor as  
27 follows: a representative of each of the following organizations: the  
28 New Jersey Technology Council, the Biotechnology Council of  
29 New Jersey, the Forum for Academicians, Scientists and  
30 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
31 Region for Tomorrow States Organization, the New Jersey Business  
32 and Industry Association, the Commerce and Industry Association  
33 of New Jersey, the New Jersey State Chamber of Commerce, the  
34 New Jersey Tooling and Manufacturing Association, the Research  
35 and Development Council of New Jersey, the American Electronics  
36 Association - New Jersey/Pennsylvania Council, and a  
37 representative employed by a corporation from each of the  
38 following industry sectors: pharmaceuticals, financial services,  
39 advanced technology, information technology, and nanotechnology.

40 Of the public members first appointed, four shall serve for a term  
41 of two years, four for a term of three years, four for a term of four  
42 years, and three for a term of five years.

43 Members appointed thereafter shall serve five-year terms, and  
44 any vacancy shall be filled by appointment for the unexpired term  
45 only. A member is eligible for reappointment. Vacancies in the  
46 membership of the foundation shall be filled in the same manner as  
47 the original appointments were made.

1 The members shall elect a chair and vice chair from the  
2 membership of the board of trustees.

3 (cf: P.L.2007, c.253, s.38)

4

5 130. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended  
6 to read as follows:

7 5. a. (1) Except where a limitations provision expressly and  
8 specifically applies to actions commenced by the State or where a  
9 longer limitations period would otherwise apply, and subject to any  
10 statutory provisions or common law rules extending limitations  
11 periods, any civil action concerning the remediation of a  
12 contaminated site or the closure of a sanitary landfill facility  
13 commenced by the State pursuant to the State's environmental laws  
14 shall be commenced within three years next after the cause of action  
15 shall have accrued.

16 (2) For purposes of determining whether a civil action subject to  
17 the limitations periods specified in paragraph (1) of this subsection  
18 has been commenced within time, no cause of action shall be  
19 deemed to have accrued prior to January 1, 2002 or until the  
20 contaminated site is remediated or the sanitary landfill has been  
21 properly closed, whichever is later.

22 b. (1) Except where a limitations provision expressly and  
23 specifically applies to actions commenced by the State or where a  
24 longer limitations period would otherwise apply, and subject to any  
25 statutory provisions or common law rules extending limitations  
26 periods, any civil action concerning the payment of compensation  
27 for damage to, or loss of, natural resources due to the discharge of a  
28 hazardous substance, commenced by the State pursuant to the  
29 State's environmental laws, shall be commenced within five years  
30 and six months next after the cause of action shall have accrued.

31 (2) For purposes of determining whether a civil action subject to  
32 the limitations periods specified in paragraph (1) of this subsection  
33 has been commenced within time, no cause of action shall be  
34 deemed to have accrued prior to January 1, 2002 or until the  
35 completion of the remedial action for the entire contaminated site or  
36 the entire sanitary landfill facility, whichever is later.

37 c. As used in this section:

38 "State's environmental laws" means the "Spill Compensation and  
39 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water  
40 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),  
41 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and  
42 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
43 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330  
44 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,  
45 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical  
46 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the  
47 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279  
48 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and



1 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the  
2 "Regional Low-Level Radioactive Waste Disposal Facility Siting  
3 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or  
4 regulation by which the State may compel a person to perform  
5 remediation activities on contaminated property; and

6 "State" means the State, its political subdivisions, any office,  
7 department, division, bureau, board, commission or agency of the  
8 State or one of its political subdivisions, and any public authority or  
9 public agency, including, but not limited to, the New Jersey Transit  
10 Corporation [and the University of Medicine and Dentistry of New  
11 Jersey] .

12 d. Nothing in the amendatory provisions to this section adopted  
13 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a  
14 limitations period that has expired prior to the date of enactment of  
15 P.L.2009, c.60 (C.58:10C-1 et al.).  
16 (cf: P.L.2009, c.60, s.50)

17

18 131. Section 8 of P.L.2001, c.246 (App.A:9-71) is amended to  
19 read as follows:

20 8. a. There is established in the Department of Law and Public  
21 Safety the Domestic Security Preparedness Planning Group, which  
22 shall assist the task force in performing its duties under this act. In  
23 cooperation with the task force, the planning group shall develop  
24 and provide to the task force, for consideration, a coordinated plan  
25 to be included in the State Emergency Operations Plan to prepare  
26 for, respond to, mitigate and recover from incidents of terrorism.

27 b. The members of the planning group shall include the  
28 Director of the New Jersey Office of Emergency Management, the  
29 Adjutant General of Military and Veterans' Affairs or his designee,  
30 the Commissioner of Agriculture or his designee, the Commissioner  
31 of Community Affairs or his designee, the Commissioner of  
32 Corrections or his designee, the Commissioner of Environmental  
33 Protection or his designee, the Commissioner of Health and Senior  
34 Services or his designee, the Commissioner of Human Services, or  
35 his designee, the Commissioner of Transportation or his designee,  
36 the Executive Director of the New Jersey Transit Corporation or his  
37 designee, the State Treasurer or his designee, the New Jersey State  
38 Medical Examiner or his designee, [a representative of the  
39 University of Medicine and Dentistry of New Jersey,] the President  
40 of the Board of Public Utilities or his designee, a representative of  
41 the New Jersey County Emergency Management Coordinators  
42 Association, a representative of the New Jersey State Fire Chiefs  
43 Association, and a representative of the New Jersey State Police  
44 Chiefs Association. The planning group may include, to the extent  
45 such individuals may be made available for such purpose, a  
46 representative of the Federal Emergency Management Agency, a  
47 representative of the Federal Bureau of Investigation, a  
48 representative of the American Red Cross, and a representative of

1 such other charitable groups as may be appropriate. The  
2 chairperson of the task force shall appoint the chair and vice chair  
3 of the planning group.  
4 (cf: P.L.2001, c.246, s.8)

5  
6 132. The following sections are repealed:  
7 P.L.1970, c.102 (C.18A:64G-1 et seq.);  
8 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-  
9 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,  
10 18A:64G-3.6);  
11 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,  
12 18A:64G-3.9, and 18A:64G-3.);  
13 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and  
14 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

15  
16 133. This act shall take effect on the 180th day after the date of  
17 enactment, but anticipatory administrative action may be taken in  
18 advance of the operative date as shall be necessary for the  
19 implementation of this act.

20  
21  
22 STATEMENT

23  
24 This bill, the “New Jersey Medical and Health Sciences  
25 Education Restructuring Act,” implements numerous changes to the  
26 State’s public system of higher education.

27 The bill transfers all schools, institutes, and centers of the  
28 University of Medicine and Dentistry of New Jersey, other than the  
29 School of Osteopathic Medicine, to Rutgers, The State University.  
30 The bill provides for the appropriate transfer of: facilities;  
31 appropriations, grants and other moneys available to the transferred  
32 entities; employees of; and all files, books, papers, records,  
33 equipment, and other property of the transferred entities to Rutgers,  
34 The State University. The bill provides that all orders, rules or  
35 regulations made or promulgated by the schools, institutes, and  
36 centers, or by the University of Medicine and Dentistry of New  
37 Jersey on their behalf, will be continued with full force and effect as  
38 the orders, rules and regulations of Rutgers, The State University  
39 until amended or repealed pursuant to law. The bill further  
40 provides that the bill will not affect any actions or proceedings,  
41 civil or criminal, brought by or against the schools, institutes, and  
42 centers of the University of Medicine and Dentistry of New Jersey.

43 The bill provides that all debts of the University of Medicine and  
44 Dentistry associated with the schools, institutes, and centers will be  
45 transferred to Rutgers, The State University.

46 This bill also transfers the School of Osteopathic Medicine of the  
47 University of Medicine and Dentistry of New Jersey to Rowan  
48 University. The bill provides for the appropriate transfer of:

1 facilities; appropriations, grants and other moneys available to the  
2 school; employees of; and all files, books, papers, records,  
3 equipment, and other property of the school to Rowan University.  
4 The bill provides that all orders, rules or regulations made or  
5 promulgated by the school, or by the University of Medicine and  
6 Dentistry of New Jersey on its behalf, will be continued with full  
7 force and effect as the orders, rules and regulations of Rowan  
8 University until amended or repealed pursuant to law. The bill  
9 further provides that the bill will not affect any actions or  
10 proceedings, civil or criminal, brought by or against the School of  
11 Osteopathic Medicine.

12 The bill provides that all debts of the University of Medicine and  
13 Dentistry of New Jersey associated with the School of Osteopathic  
14 Medicine will be transferred to Rowan University.

15 The bill provides protections for University of Medicine and  
16 Dentistry of New Jersey employees with regard to pension rights,  
17 health benefits, collective bargaining, and civil service status if any,  
18 as well as the tenure, rank, or academic track of any person holding  
19 a faculty position, who may be transferred to, or otherwise become  
20 employees of, Rutgers, The State University or Rowan University  
21 as a result of a reorganization pursuant or subsequent to the bill.  
22 The employees, upon transfer to a new entity, are to retain any  
23 accrued seniority, rank, and tenure, which are to be applied when  
24 determining eligibility for all benefits, including all paid leave time,  
25 longevity increases, and promotions.

26 The bill designates University Hospital as the principal teaching  
27 hospital of New Jersey Medical School, but stipulates that  
28 University Hospital is to be treated and accounted for as a separate  
29 legal entity from the university, and prohibits its assets, liabilities,  
30 and funds from being consolidated or commingled with those of the  
31 university.

32 The bill requires that all monies allocated to the University of  
33 Medicine and Dentistry of New Jersey for the use of University  
34 Hospital, regardless of their source, and which remain unexpended  
35 on the effective date of the bill, be transferred to the hospital, and  
36 that all appropriations intended for the use of University Hospital,  
37 on or after the effective date of the bill, be made directly to the  
38 hospital.

39 The bill establishes a nine-member board, to be designated as the  
40 University Hospital Community Oversight Board, which is  
41 responsible for ensuring community access to services provided at  
42 University Hospital. The membership of the board is comprised of:  
43 (1) four ex officio members, including the President of Rutgers  
44 University; and the Chief Executive Officer, Chief Financial  
45 Officer, and Chief Medical Officer of University Hospital; and (2)  
46 five public members, including two representatives of organized  
47 labor appointed by the heads of labor unions that represent persons  
48 employed at University Hospital and three persons with one each

1 appointed by the Governor with the advice and consent of the  
2 Senate, the President of the Senate, and the Speaker of the General  
3 Assembly. The board is to meet at such times and places as it  
4 designates, and University Hospital is to provide such staff support  
5 to the board as it deems necessary to carry out its duties.

6 The bill provides protections for University Hospital officers and  
7 employees with regard to pension rights, health benefits, collective  
8 bargaining, and civil service status if any, as well as the tenure,  
9 rank, or academic track of any person holding a faculty position that  
10 is associated with University Hospital, who may be transferred to,  
11 or otherwise become employees of, a new entity as a result of a  
12 restructuring or reorganization pursuant or subsequent to the bill.  
13 The employees, upon transfer to a new entity, are to retain any  
14 accrued seniority, rank, and tenure, which are to be applied when  
15 determining eligibility for all benefits, including all paid leave time,  
16 longevity increases, and promotions.

17 The bill requires that University Hospital obtain approval from  
18 the Superior Court of New Jersey prior to entering into a transaction  
19 that results in the acquisition of the hospital, and satisfy the  
20 requirements of the “Community Health Care Assets Protection  
21 Act,” P.L.2000, c.143 (C.26:2H-7.10 et seq.), to the maximum  
22 extent to which those provisions are determined applicable by the  
23 Attorney General, in consultation with the Commissioner of Health  
24 and Senior Services.

25 The bill adds three nonvoting, ex-officio members to the  
26 University Hospital Board of Directors, as follows: the Dean of  
27 New Jersey Medical School, the Dean of New Jersey Dental  
28 School; and the Commissioner of Health and Senior Services. In  
29 addition, the bill revises the existing membership of the board of  
30 directors by replacing the four ex-officio members of the University  
31 Hospital Board of Trustees with four public members appointed by  
32 the Governor, with the advice and consent of the Senate, in addition  
33 to the five public members of the board of directors who are already  
34 appointed in that manner. A person who is a member of the board  
35 of directors on the effective date of the bill would, however, be  
36 permitted to serve for the balance of the term for which that person  
37 was appointed.

38 This bill establishes new governance structures for Rutgers  
39 University-Newark and Rutgers University-Camden. Under the  
40 bill’s provisions, a board of governors is established at Rutgers  
41 University –Newark. The membership of the board will include the  
42 chancellor of Rutgers University-Newark, two members appointed  
43 by the board of governors of Rutgers University from among its  
44 members, one member appointed by the board of trustees of Rutgers  
45 University from among its members, and four members who are  
46 residents of the northern counties of the State appointed by the  
47 Governor. The campus board of governors will have authority to:  
48 maintain a separate debt service account for Rutgers University-

1 Newark; propose capital projects and bonding for Rutgers  
2 University-Newark to the board of governors of Rutgers University;  
3 propose an annual budget for Rutgers University-Newark to the  
4 board of governors of Rutgers University; recommend new  
5 academic programs and degree requirements for Rutgers  
6 University-Newark to the board of governors of Rutgers University;  
7 and recommend candidates for promotion and tenure at Rutgers  
8 University-Newark to the board of governors of Rutgers University.

9 Under the bill's provisions, a campus board of trustees is  
10 established at Rutgers University-Camden. The membership of the  
11 board will include the chancellor of Rutgers University-Camden,  
12 two members appointed by the board of governors of Rutgers  
13 University from among its members, one member appointed by the  
14 board of trustees of Rutgers University from among its members,  
15 and four members who are residents of the southern counties of the  
16 State appointed by the Governor.

17 The campus board of trustees of Rutgers University-Camden  
18 trustees will have authority similar to that of the board of governors  
19 of the university, such as setting tuition and fees, disbursing funds  
20 appropriated to each of those campuses, preparing an annual  
21 budget, planning for capital projects, and entering into contracts for  
22 the construction of such projects. However, the board of governors  
23 of Rutgers University will determine standards for the  
24 establishment and evaluation of academic programs, standards for  
25 the award of degrees, and standards for the promotion and award of  
26 tenure to faculty.

27 Under the bill's provisions, the board of governors of Rutgers  
28 University will continue to hold title to the property and assets  
29 located on Rutgers University-Camden. However, the board of  
30 governors will enter into a 99-year lease agreement with the campus  
31 board of trustees under which the board of governors will have no  
32 responsibility or control over the property and assets. Under the  
33 lease agreements, the board of trustees of Rutgers University-  
34 Camden will make an annual payment of \$1 and will also pay any  
35 debt service associated with the facilities and properties located on  
36 the campus. At the end of the lease agreement Rutgers University-  
37 Camden will have the option to purchase the property at fair market  
38 value.

39 The Rutgers University board of governors and the Rutgers  
40 University-Camden board of trustees will also enter into an  
41 agreement in regard to participation of the campus in the central  
42 administrative services and systems provided by Rutgers  
43 University, such as the library system and information technology  
44 systems.

45 The bill establishes the Joint Rowan University-Rutgers Camden  
46 Board of Governors. Under the bill, the authorities granted to the  
47 boards of trustees at Rutgers University-Camden and Rowan  
48 University will be subject to the approval of the joint board. In

1 addition, the bill authorizes the joint board to: approve or  
2 disapprove of any decision of the board of trustees of Rowan  
3 University or the board of trustees of Rutgers University-Camden;  
4 determine policies for the organization, administration, and  
5 development of curriculum and programs of Rowan University and  
6 Rutgers University-Camden, including dual degree programs and  
7 partnerships between the institutions; make joint faculty  
8 appointments to Rowan University and Rutgers University-Camden;  
9 determine policies for the shared utilization of each institution's  
10 resources including housing, student affairs, and security; provide  
11 curricular oversight of joint programs of Rowan University and  
12 Rutgers University-Camden; and develop plans and policies for the  
13 operation and governance of health science facilities, including  
14 policies concerning the development and financing of capital  
15 improvements or expansions of health science facilities

16 Under the bill, Rowan University is established as a public  
17 research university along with Rutgers, The State University and  
18 the New Jersey Institute of Technology. Currently, Rowan  
19 University is one of nine State colleges organized pursuant to  
20 chapter 64 of Title 18A of the New Jersey Statutes.

21 Under this bill, the current board of trustees of Rowan University  
22 is continued. The board of trustees is given authority similar to that  
23 of the boards of the other public research universities in the State,  
24 including the authority to participate as the general partner or as a  
25 limited partner, either directly or through a subsidiary corporation  
26 created by the university, in limited partnerships, general  
27 partnerships, or joint ventures engaged in the development,  
28 manufacture, or marketing of products, technology, scientific  
29 information or health care services.

# SENATE HIGHER EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 2063**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 14, 2012

The Senate Higher Education Committee reports favorably Senate Bill No. 2063 with committee amendments.

As amended, this bill, the “New Jersey Medical and Health Sciences Education Restructuring Act,” implements numerous changes to the State’s public system of higher education.

The bill transfers all schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey, other than the School of Osteopathic Medicine, to Rutgers, The State University. The bill provides for the appropriate transfer of: facilities; appropriations, grants and other moneys available to the transferred entities; employees of; and all files, books, papers, records, equipment, and other property of the transferred entities to Rutgers, The State University. The bill provides that all orders, rules or regulations made or promulgated by the schools, institutes, and centers, or by the University of Medicine and Dentistry of New Jersey on their behalf, will be continued with full force and effect as the orders, rules and regulations of Rutgers, The State University until amended or repealed pursuant to law. The bill further provides that the bill will not affect any actions or proceedings, civil or criminal, brought by or against the schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey.

The bill provides that all debts of the University of Medicine and Dentistry associated with the schools, institutes, and centers will be transferred to Rutgers, The State University.

This bill also transfers the School of Osteopathic Medicine of the University of Medicine and Dentistry of New Jersey to Rowan University. The bill provides for the appropriate transfer of: facilities; appropriations, grants and other moneys available to the school; employees of; and all files, books, papers, records, equipment, and other property of the school to Rowan University. The bill provides that all orders, rules or regulations made or promulgated by the school, or by the University of Medicine and Dentistry of New Jersey on its behalf, will be continued with full force and effect as the orders, rules and regulations of Rowan University until amended or repealed pursuant to law. The bill further provides that the bill will not affect

any actions or proceedings, civil or criminal, brought by or against the School of Osteopathic Medicine.

The bill provides that all debts of the University of Medicine and Dentistry of New Jersey associated with the School of Osteopathic Medicine will be transferred to Rowan University.

The bill provides protections for University of Medicine and Dentistry of New Jersey employees with regard to pension rights, health benefits, collective bargaining, and civil service status if any, as well as the tenure, rank, or academic track of any person holding a faculty position, who may be transferred to, or otherwise become employees of, Rutgers, The State University or Rowan University as a result of a reorganization pursuant or subsequent to the bill. The employees, upon transfer to a new entity, are to retain any accrued seniority, rank, and tenure, which are to be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, and promotions.

The bill designates University Hospital as the principal teaching hospital of New Jersey Medical School and New Jersey Dental School, but stipulates that University Hospital is to be treated and accounted for as a separate legal entity from the university, and prohibits its assets, liabilities, and funds from being consolidated or commingled with those of the university.

The bill requires that all monies allocated to the University of Medicine and Dentistry of New Jersey for the use of University Hospital, regardless of their source, and which remain unexpended on the effective date of the bill, be transferred to the hospital, and that all appropriations intended for the use of University Hospital, on or after the effective date of the bill, be made directly to the hospital.

The bill establishes a nine-member board, to be designated as the University Hospital Community Oversight Board, which is responsible for ensuring community access to services provided at University Hospital. The membership of the board is comprised of: (1) four ex officio members, including the President of Rutgers University; and the Chief Executive Officer, Chief Financial Officer, and Chief Medical Officer of University Hospital; and (2) five public members, including two representatives of organized labor appointed by the heads of labor unions that represent persons employed at University Hospital and three persons with one each appointed by the Governor with the advice and consent of the Senate, the President of the Senate, and the Speaker of the General Assembly. The board is to meet at such times and places as it designates, and University Hospital is to provide such staff support to the board as it deems necessary to carry out its duties.

The bill provides protections for University Hospital officers and employees with regard to pension rights, health benefits, collective bargaining, and civil service status if any, as well as the tenure, rank, or academic track of any person holding a faculty position that is associated with University Hospital, who may be transferred to, or



otherwise become employees of, a new entity as a result of a restructuring or reorganization pursuant or subsequent to the bill. The employees, upon transfer to a new entity, are to retain any accrued seniority, rank, and tenure, which are to be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, and promotions.

The bill requires that University Hospital obtain approval from the Superior Court of New Jersey prior to entering into a transaction that results in the acquisition of the hospital, and satisfy the requirements of the “Community Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10 et seq.), to the maximum extent to which those provisions are determined applicable by the Attorney General, in consultation with the Commissioner of Health and Senior Services.

The bill adds three nonvoting, ex-officio members to the University Hospital Board of Directors, as follows: the Dean of New Jersey Medical School, the Dean of New Jersey Dental School; and the Commissioner of Health and Senior Services. In addition, the bill revises the existing membership of the board of directors by replacing the four ex-officio members of the University Hospital Board of Trustees with four public members appointed by the Governor, with the advice and consent of the Senate, in addition to the five public members of the board of directors who are already appointed in that manner. A person who is a member of the board of directors on the effective date of the bill would, however, be permitted to serve for the balance of the term for which that person was appointed.

This bill establishes new governance structures for Rutgers University-Newark and Rutgers University-Camden. Under the bill’s provisions, a board of governors is established at Rutgers University – Newark. The membership of the board will include the chancellor of Rutgers University-Newark, two members appointed by the board of governors of Rutgers University from among its members, one member appointed by the board of trustees of Rutgers University from among its members, and four members who are residents of the northern counties of the State appointed by the Governor. The campus board of governors will have authority to: maintain a separate debt service account for Rutgers University-Newark; propose capital projects and bonding for Rutgers University-Newark to the board of governors of Rutgers University; propose an annual budget for Rutgers University-Newark to the board of governors of Rutgers University; recommend new academic programs and degree requirements for Rutgers University-Newark to the board of governors of Rutgers University; and recommend candidates for promotion and tenure at Rutgers University-Newark to the board of governors of Rutgers University.

Under the bill’s provisions, a campus board of trustees is established at Rutgers University-Camden. The membership of the board will include the chancellor of Rutgers University-Camden, two

members appointed by the board of governors of Rutgers University from among its members, one member appointed by the board of trustees of Rutgers University from among its members, and four members who are residents of the southern counties of the State appointed by the Governor.

The campus board of trustees of Rutgers University-Camden will have authority similar to that of the board of governors of the university, such as setting tuition and fees, disbursing funds appropriated to each of those campuses, preparing an annual budget, planning for capital projects, and entering into contracts for the construction of such projects. However, the board of governors of Rutgers University will determine standards for the establishment and evaluation of academic programs, standards for the award of degrees, and standards for the promotion and award of tenure to faculty.

Under the bill's provisions, the board of governors of Rutgers University will continue to hold title to the property and assets located on Rutgers University-Camden. However, the board of governors will enter into a 99-year lease agreement with the campus board of trustees under which the board of governors will have no responsibility or control over the property and assets. Under the lease agreements, the board of trustees of Rutgers University-Camden will make an annual payment of \$1 and will also pay any debt service associated with the facilities and properties located on the campus. At the end of the lease agreement Rutgers University-Camden will have the option to purchase the property at fair market value.

The Rutgers University board of governors and the Rutgers University-Camden board of trustees will also enter into an agreement in regard to participation of the campus in the central administrative services and systems provided by Rutgers University, such as the library system and information technology systems.

The bill establishes the Joint Rowan University-Rutgers Camden Board of Governors. Under the bill, the authorities granted to the boards of trustees at Rutgers University-Camden and Rowan University will be subject to the approval of the joint board. In addition, the bill authorizes the joint board to: approve or disapprove of any decision of the board of trustees of Rowan University or the board of trustees of Rutgers University-Camden; determine policies for the organization, administration, and development of curriculum and programs of Rowan University and Rutgers University-Camden, including dual degree programs and partnerships between the institutions; make joint faculty appointments to Rowan University and Rutgers University-Camden; determine policies for the shared utilization of each institution's resources including housing, student affairs, and security; provide curricular oversight of joint programs of Rowan University and Rutgers University-Camden; and develop plans and policies for the operation and governance of health science

facilities, including policies concerning the development and financing of capital improvements or expansions of health science facilities

Under the bill, Rowan University is established as a public research university along with Rutgers, The State University and the New Jersey Institute of Technology. Currently, Rowan University is one of nine State colleges organized pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

Under this bill, the current board of trustees of Rowan University is continued. The board of trustees is given authority similar to that of the boards of the other public research universities in the State, including the authority to participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services.

The committee amended the bill to provide that University Hospital will be the principal teaching hospital of New Jersey Dental School, in addition to New Jersey Medical School. The committee amendments also revise the provision of the bill which allows the board of directors of University Hospital to enter into a contract for the operation and management of the hospital. Under the amendments, such a contract could only be entered into with a nonprofit corporation. The bill in its original form would have authorized a contract with either a for-profit or not-for-profit entity.

The committee also amended the bill to provide that the School of Osteopathic Medicine must maintain a primary clinical affiliation with an osteopathic principal affiliate hospital, which must maintain sole responsibility for any graduate medical education program that is operated under its auspices and which receives funding through the Medicare program.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### **SENATE, No. 2063**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 18, 2012

The Senate Budget and Appropriations Committee favorably reports Senate Bill No. 2063 (1R), with committee amendments.

The bill, designated as the “New Jersey Medical and Health Sciences Education Restructuring Act,” implements numerous changes to the State’s public system of higher education.

As amended, the bill transfers all schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey (UMDNJ), other than the School of Osteopathic Medicine and University Hospital, to Rutgers, The State University. The bill provides that all debts of the University of Medicine and Dentistry associated with the schools, institutes, and centers will be transferred to Rutgers, The State University.

This bill also transfers the School of Osteopathic Medicine of the University of Medicine and Dentistry of New Jersey to Rowan University. The bill provides that all debts of UMDNJ incurred in the operation and administration of the School of Osteopathic Medicine and debt specifically and directly related to the real and personal property being transferred in Stratford will be transferred to Rowan University.

The bill provides protections for all employees of University Hospital and the institutions of higher education that may be impacted by the bill, including employees of UMDNJ, University Hospital, Rutgers University-Newark, Rutgers University-Camden, and Rowan University with regard to pension rights, health benefits, collective bargaining, and civil service status, as well as the tenure, rank, or academic track of any person holding a faculty position. The employees, upon transfer to a new entity, are to retain any accrued seniority, rank, and tenure, which are to be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, and promotions.

The bill provides that UMDNJ employees will continue to be represented by the majority representative that represented them on the bill’s effective date, unless they choose to change their representative

pursuant to law. The bill provides that Rutgers, The State University, Rowan University, and University Hospital must assume all obligations under existing or expired collective negotiations agreements that covered employees of UMDNJ on the bill's effective date for the employees that are transferred to those institutions. The bill further provides that employees in an existing UMDNJ negotiations unit who are transferred to or become employees of Rutgers, The State University, Rowan University, or University Hospital will be deemed to constitute an appropriate collective negotiations unit under the "New Jersey Employer-Employee Relations Act."

The bill provides that a Labor Management Committee (LMC) must be established within 60 days of the bill's effective date. The LMC will be comprised of one representative from each of the majority representatives representing employees of Rutgers, The State University and UMDNJ and representatives of the administration of Rutgers, The State University. The LMC will review all proposed restructuring and reorganization plans and will make recommendations to the board of governors of Rutgers, The State University regarding personnel and labor relations related to the proposed plans.

The bill designates University Hospital as the principal teaching hospital of New Jersey Medical School and New Jersey Dental School and any other Newark-based medical education program, but stipulates that University Hospital is to be treated and accounted for as a separate legal entity from Rutgers, The State University, and prohibits its assets, liabilities, and funds from being consolidated or commingled with those of Rutgers, The State University.

The bill requires that all monies allocated to UMDNJ for the use of University Hospital, regardless of their source, and which remain unexpended on the effective date of the bill, be transferred to the hospital, and that all appropriations intended for the use of University Hospital, on or after the effective date of the bill, be made directly to the hospital.

The bill establishes a nine-member advisory board, to be designated as the University Hospital Community Oversight Board. The purpose of the board is to ensure that the mission of the hospital and the intent of the "Newark Agreements" are upheld.

The bill requires that University Hospital obtain approval from the Superior Court of New Jersey prior to entering into a transaction that results in the acquisition of the hospital, and satisfy the requirements of the "Community Health Care Assets Protection Act," P.L.2000, c.143 (C.26:2H-7.10 et seq.). The bill establishes criteria to be considered by the Attorney General when making a determination that a proposed acquisition is in the public interest. The bill also provides that prior to entering into a contract with a nonprofit corporation for the management or operation of University Hospital, the Department

of Health and Senior Services will review and approve such contracts. The bill establishes criteria for such review and approval.

The bill adds three nonvoting, ex-officio members to the University Hospital Board of Directors, as follows: the Dean of New Jersey Medical School, the Dean of New Jersey Dental School; and the Commissioner of Health and Senior Services. In addition, the bill revises the existing membership of the board of directors by replacing the four ex-officio members of the University Hospital Board of Trustees with four public members appointed by the Governor, with the advice and consent of the Senate, in addition to the five public members of the board of directors who are already appointed in that manner. A person who is a member of the board of directors on the effective date of the bill would, however, be permitted to serve for the balance of the term for which that person was appointed.

The bill revises the membership of the board of governors of Rutgers, The State University. The bill increases the membership of the board from 11 to 15 voting members by: increasing the number of members appointed by the Governor from six to nine; and providing for the appointment of one member jointly by the President of the Senate and the Speaker of the General Assembly which member must be a resident of Essex County. The bill also provides that of the five members of the board of trustees of Rutgers University who serve on the board of governors, one must be a resident of Essex County and one must be a resident of Middlesex County.

This bill establishes new governance structures for Rutgers University-Newark and Rutgers University-Camden. Under the bill's provisions, a board of governors is established at Rutgers University – Newark. The membership of the board will include the chancellor of Rutgers University-Newark, two members appointed by the board of governors of Rutgers University from among its members, one member appointed by the board of trustees of Rutgers University from among its members, and four members who are residents of the northern counties of the State appointed by the Governor. The campus board of governors will have authority to: maintain a separate debt service account for Rutgers University-Newark; propose capital projects and bonding for Rutgers University-Newark to the board of governors of Rutgers University; propose an annual budget for Rutgers University-Newark to the board of governors of Rutgers University; and recommend new academic programs and degree requirements for Rutgers University-Newark to the board of governors of Rutgers University. The bill directs the board of governors of Rutgers, The State University to appoint a second chancellor at Rutgers University-Newark to oversee the Newark-based schools, institutes and centers of UMDNJ that are transferred to Rutgers, The State University.

Under the bill's provisions, a campus board of trustees is established at Rutgers University-Camden. The membership of the board will include the chancellor of Rutgers University-Camden, two

members appointed by the board of governors of Rutgers University from among its members, one member appointed by the board of trustees of Rutgers University from among its members, and four members who are residents of the southern counties of the State appointed by the Governor.

The campus board of trustees of Rutgers University-Camden will have authority similar to that of the board of governors of Rutgers University, such as setting tuition and fees, disbursing funds appropriated to each of those campuses, preparing an annual budget, planning for capital projects, and entering into contracts for the construction of such projects. However, the board of governors of Rutgers University will determine standards for the establishment and evaluation of academic programs, standards for the award of degrees, and standards for the promotion and award of tenure to faculty.

Under the bill's provisions, the board of governors of Rutgers University will continue to hold title to the property and assets located on Rutgers University-Camden. However, the board of governors will enter into a 99-year lease agreement with the campus board of trustees under which the board of governors will have no responsibility or control over the property and assets. Under the lease agreement, the board of trustees of Rutgers University-Camden will make an annual payment of \$1 and will also pay any debt service directly related to the facilities and properties located on the campus. At the end of the lease agreement Rutgers University-Camden will have the option to purchase the property at fair market value.

The Rutgers University board of governors and the Rutgers University-Camden board of trustees will also enter into an agreement in regard to participation of the campus in the central administrative services and systems provided by Rutgers University, such as the library system and information technology systems.

The bill establishes the Rowan University-Rutgers Camden Board of Governors. Under the bill, the authorities granted to the boards of trustees at Rutgers University-Camden and Rowan University will be subject to the approval of the board. In addition, the bill authorizes the board to: approve or disapprove of any decision of the board of trustees of Rowan University or the board of trustees of Rutgers University-Camden; determine policies for the organization, administration, and development of curriculum and programs of Rowan University and Rutgers University-Camden, including dual degree programs and partnerships between the institutions; make joint faculty appointments to Rowan University and Rutgers University-Camden; determine policies for the shared utilization of each institution's resources including housing, student affairs, and security; provide curricular oversight of joint programs of Rowan University and Rutgers University-Camden; and develop plans and policies for the operation and governance of health science facilities, including

policies concerning the development and financing of capital improvements or expansions of health science facilities.

Under the bill, Rowan University is established as a public research university along with Rutgers, The State University and the New Jersey Institute of Technology. Currently, Rowan University is one of nine State colleges organized pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

The current board of trustees of Rowan University is continued. The board of trustees is given authority similar to that of the boards of the other public research universities in the State, including the authority to participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- clarify that the transfer of all schools, institutes, and centers of UMDNJ to Rutgers, The State University does not include University Hospital;
- limit the debts being transferred to Rowan University as a result of the transfer of the School of Osteopathic Medicine to debts of UMDNJ incurred in the operation and administration of that school and debt related to the property being transferred in Stratford to Rowan University;
- provide that the amount of State funding provided to University Hospital must be sufficient to maintain the current level of community services and to maintain University Hospital as an acute care facility and trauma center;
- require that any nonprofit corporation that enters into a contract to operate and manage or assist in the operation and management of University Hospital must have its contract reviewed and approved by the Department of Health and Senior Services;
- establish criteria by which the Department of Health and Senior Services must evaluate any contract between University Hospital and a nonprofit entity for the management or operation of the hospital;
- establish criteria that the Attorney General must consider when determining whether a proposed acquisition of University Hospital is in the public interest;
- provide for the establishment of a Labor Management Committee (LMC), comprised of majority representatives of employees of Rutgers, The State University and UMDNJ and



representatives of the administration of Rutgers, The State University;

- direct the board of governors of Rutgers, The State University to appoint a second chancellor at Rutgers University-Newark to oversee the Newark-based schools, institutes and centers of UMDNJ that are transferred to Rutgers, The State University pursuant to the bill's provisions;
- provide that in addition to the three additional voting members to be appointed by the Governor to the board of governors of Rutgers University, there will be another voting member added to the board of governors who will be appointed jointly by the President of the Senate and the Speaker of the General Assembly and who must be a resident of Essex County. The amendments also eliminate the requirement included in the original bill that the chairperson of the board of governors of Rutgers University-Newark be a member of the board of governors of Rutgers University;
- provide that of the five Rutgers University board of trustee members who sit on the board of governors of Rutgers University, one must be a resident of Essex County and one must be a resident of Middlesex County;
- provide employee protections to employees of Rutgers University-Newark and Rowan University;
- provide that the Rowan University-Rutgers Camden Board of Governors is authorized to not take any action that would violate any of the bond covenants of Rutgers, The State University or Rowan University;
- restrict the Rowan University-Rutgers Camden Board of Governors from reallocating any funds or endowments from one university to the other, or from exerting any authority over the tenure of faculty at either institution;
- prohibit, for a period of 12 months following the bill's effective date, the layoff of any employee of UMDNJ, Rutgers, The State University, or Rowan University, who was represented by a majority representative on the bill's effective date, as a result of any reorganization, restructuring, merger or acquisition that occurs as a result of the implementation of the bill's provisions; and
- change the bill's effective date to July 1, 2013 and provide that the bill will first apply to the 2013-2014 academic year. The bill in its original form had an effective date of 180 days after the date of enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) cannot estimate the potential impact of the legislation due to key information that has not been made

available at this time. However, the OLS notes several areas of the bill that may have a fiscal impact.

#### **Rutgers University**

- There may be transition costs associated with acquiring and integrating the University of Medicine and Dentistry of New Jersey (UMDNJ), except for the School of Osteopathic Medicine, such as integrating information technology systems and payroll processing.
- Transferring the debt obligations of UMDNJ to Rutgers University may require Rutgers University to restructure or defease the bonds in order to satisfy bondholder obligations. The debt transfer to Rutgers University may also impact its bond rating and borrowing costs, but this may not be known until a bond credit rating agency such as Moody's completes an analysis of the final reorganization plan.
- Rutgers University may be required to incur costs to defease its bonds after leasing the property and assets of Rutgers University – Camden.

#### **University Hospital**

- In prior years, University Hospital has incurred annual operating losses, which UMDNJ has consistently subsidized. In FY 2009-2010, the State appropriated \$30.9 million for the "UMDNJ – Stabilization" which supported University Hospital operations. Under the bill, University Hospital would receive a direct State appropriation and due to its operating losses, may need additional State appropriations to maintain its current level of operations.
- University Hospital owes an unspecified amount to UMDNJ for funds that UMDNJ provided to cover the operating losses over the past few years.
- University Hospital may be required to obtain, at the minimum, medical malpractice insurance, for any claims or suits. A significant part of the \$138 million in claims against UMDNJ involves University Hospital.
- Under the bill, University Hospital will be allowed to enter into an agreement with a non-profit corporation to operate and manage University Hospital, without a competitive bidding process. The costs of such an agreement are not yet known.

#### **Rutgers University - Camden**

- Under the bill, Rutgers University – Camden will enter into a 99-year lease agreement for the property and assets located on Rutgers-Camden. The lease agreement will provide for an annual payment of \$1 per year to Rutgers University, and include the payment by Rutgers-Camden of any debt service

associated with the facilities and property of Rutgers-Camden. The size of the debt and the debt service have not yet been determined. Rutgers University may need to defease some or all of its outstanding bonds to satisfy bondholders, and Rutgers-Camden may be responsible for some of those costs.

- The cost of maintaining, insuring, and developing the property and assets on Rutgers-Camden is not known.
- The bill requires Rutgers-Camden to utilize the central administrative services and systems provided by Rutgers University, such as information technology systems and the library system, at a proportional amount of reimbursement for its use of the services. This rate has yet to be determined.

### **Rowan University**

- The “public research university” designation bestowed on Rowan University has an indeterminate impact, as there is no State funding formula for the senior public institutions that appropriates additional funds to institutions with this designation.
- There may be transition costs associated with acquiring and integrating the School of Osteopathic Medicine from UMDNJ, such as integrating information technology systems and payroll processing.
- Rowan University may need significant infrastructure improvements, the extent and costs of which are currently unknown, to support the research capabilities of the School of Osteopathic Medicine that would help the School of Osteopathic Medicine maintain accreditation.
- Any debt incurred in the operation and administration of the School of Osteopathic Medicine and debt specifically and directly related to the real and personal property being transferred in Stratford would transfer to Rowan University. The size of this debt and the debt service payments associated with it are not yet available.
- Rowan University may need to obtain sufficient medical malpractice insurance for the physicians and other employees at the School of Osteopathic Medicine, which was previously covered by UMDNJ.

STATEMENT TO  
[Second Reprint]  
**SENATE, No. 2063**

with Senate Floor Amendments  
(Proposed by Senators NORCROSS, VITALE and SWEENEY)

ADOPTED: JUNE 21, 2012

These Senate floor amendments:

- provide that State support for the operations of Rutgers University-Newark must be appropriated by the Legislature directly to Rutgers University-Newark;
- direct the board of governors of Rutgers, The State University to establish an annual certified public reporting process of its finances;
- make changes to the membership of the board of governors of Rutgers, The State University, increasing membership from 11 members to 15 members, including one additional appointment by the Governor, one additional appointment by the Legislature who must be a resident of Essex county, and 2 additional appointments by the board of trustees of the university from among its members, one of whom must be a resident from Essex County and one of whom must be a resident from Middlesex County.
- change the provision in the bill prohibiting the layoff of any employee of UMDNJ, Rutgers, The State University, or Rowan University who was represented by a majority representative on the bill's effective date to prohibit such layoffs between the bill's enactment date and July 1, 2014;
- clarify that the properties and assets on the Stratford campus of UMDNJ that are being transferred to Rowan University are limited to those of the School of Osteopathic Medicine, and direct Rowan University and Rutgers, The State University to continue to share those facilities, equipment, and fixtures of the Stratford campus that are shared on the bill's effective date until such time as the boards of trustees of the two institutions reach an agreement on their shared use;
- provide Rutgers, The State University and Rowan University with a process for the handling of medical malpractice claims incurred at schools of UMDNJ before or after the bill's effective date;
- change the effective date of the bill to provide that the sections of the bill establishing the governing boards of Rowan University, Rutgers University- Newark, Rutgers University-Camden, the Rowan University-Rutgers Camden Board of Governors, and the University Hospital Community Oversight Board will take effect and become operational on the 90th day after the date of enactment and the remainder of the bill will take effect on July 1, 2013 and first apply to the 2013-2014 academic year;

- require the Treasurer to establish a Transition Committee to advise the Treasurer on matters related to the division, allocation, and assignment of State appropriations, debt issues, allocation of budgets and State personnel, and costs and resources of centralized services involving the various schools;
- provide that the transfers under the bill are considered interdependent and essential and are non-severable. If any transfer is deemed unenforceable or invalid, the remaining transfers will be deemed unenforceable and invalid; and
- provide that Rutgers be held harmless, subject to annual appropriations, for costs or losses experienced in 2014 or 2015 associated with liabilities of UMDNJ that were not identified in UMDNJ's certified financial statements for periods preceding the cost or loss.

STATEMENT TO  
[Third Reprint]  
**SENATE, No. 2063**

with Senate Floor Amendments  
(Proposed by Senators NORCROSS, VITALE, & SWEENEY)

ADOPTED: JUNE 28, 2012

These floor amendments:

- change the governance structure proposed in the bill for Rutgers University-Camden to include a campus board of directors that will have the authority to determine policies for the organization, administration, and development of Rutgers University-Camden, but which are subject to the policies of Rutgers, The State University;
- remove provisions in the bill that would have enabled Rutgers-Camden to set its own tuition and fees, borrow money for its needs, and purchase lands, buildings, equipment, materials, and supplies;
- remove a provision in the bill that would have given the Rowan University-Rutgers Camden Board of Governors authority over all matters concerning the supervision and operations of Rowan University and Rutgers University-Camden;
- provide that the Rowan University-Rutgers Camden Board of Governors will have the authority to approve or disapprove of the establishment or expansion of any schools, programs, or departments after the bill's effective date in the area of the health sciences;
- direct Rowan University and Rutgers University-Camden to appropriate \$2.5 million per year to the Rowan University-Rutgers Camden Board of Governors for administration and other necessary expenses;
- remove a provision in the bill that directed the board of governors of Rutgers University to enter into a 99-year lease with Rutgers University Camden;
- provide for the establishment of a campus advisory board at Rutgers University-Newark and establishing its membership;
- provide that to the maximum extent possible and consistent with State law, the State will assist University Hospital in the refinancing of that portion of the debt of the University of Medicine and Dentistry of New Jersey which is attributable to the hospital;
- provide that all monies previously allocated or otherwise provided to the University of Medicine and Dentistry

of New Jersey for the use of Robert Wood Johnson Medical School, regardless of source, which remain unexpended on the effective date of the bill will be transferred to Rutgers University;

- establish a “School of Biomedical and Health Sciences” within Rutgers University comprised of the schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey that are transferred to Rutgers University and also the Rutgers University School of Nursing, the Ernest Mario School of Pharmacy, the Institute of Health, Health Policy, and Aging Research, and the University Behavioral Healthcare, and all other schools, institutes, and centers as deemed by the president of Rutgers, The State University. The “School of Biomedical and Health Sciences will be led by a chancellor who will be appointed by the board of governors of Rutgers University;
- provide that for a period of five years after the effective date of the bill, any substantive changes that result in the diminution, deterioration or reduction to essential health care services currently provided by University Hospital, will be reviewed by the University Hospital Community Oversight Board and approved by the Department of Health and Senior Services through a licensing review process;
- establish a campus advisory board of Rutgers University-New Brunswick
- direct the president of Rutgers, The State University, in consultation with the campus advisory boards of Newark and New Brunswick, to appoint a chancellor for each campus;
- provide that the chancellor of the School of Biomedical and Health Sciences and the president of Rutgers, or his designee shall be members of the board of directors of University Hospital;
- provide that of the seven Governor’s appointees to the board of governors of Rutgers, The State University, one shall be a resident of Camden County;
- change the provision prohibiting the layoff of employees of UMDNJ, University Hospital, Rutgers, or Rowan as a result of any reorganization, restructuring, transfer, or acquisition that occurs pursuant to the bill to include employees of University Hospital and to clarify that the provision applies to employees employed as of the enactment date;
- provide Rutgers, The State University, Rowan University, and University Hospital with a process for the handling of medical malpractice claims incurred at schools of UMDNJ before or after the bill’s effective date; and
- provide that the transfer of the schools institutes, and centers of the University of Medicine and Dentistry of New Jersey to Rutgers University will require the accreditation approval of the appropriate accrediting bodies prior to transfer.

**FISCAL NOTE**  
 [Second Reprint]  
**SENATE, No. 2063**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: JUNE 26, 2012

**SUMMARY**

**Synopsis:** “New Jersey Medical and Health Sciences Education Restructuring Act.”

**Type of Impact:** Indeterminate.

**Agencies Affected:** State; Certain public institutions of higher education.

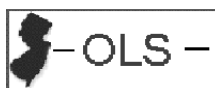
**Executive Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State</b>	No impact on State revenues or expenditures		
<b>Certain Public Institutions of Higher Education</b>	Specific costs and savings not identified - See comments below		

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State</b>	Indeterminate – See comments below		
<b>Certain Public Institutions of Higher Education</b>	Indeterminate – See comments below		

- Neither the Executive nor the Office of Legislative Services (OLS) has obtained sufficient information to make a comprehensive analysis of the fiscal impact of Senate Bill No. 2063 (2R), the “New Jersey Medical and Health Sciences Education Restructuring Act.” While the Executive and Rutgers University have independently estimated the impact of certain aspects of the bill, the OLS neither concurs nor disagrees with these estimates, since it has no access to the information on which those estimates are based.
- Rutgers University estimates that the bill will necessitate the defeasance of its outstanding bonded indebtedness at a cost of \$155 million. The Executive offers no estimate of the





impact of Rutgers University's refunding of the outstanding bonds because it assumes the bill will not violate any bond covenants. The OLS acknowledges the possibility, but not the certainty, that the bill would require defeasance of the debt, and has no information upon which to base an estimate of such costs. In addition, Rutgers University may be required to refund \$494.3 million of outstanding debt transferred from the University of Medicine and Dentistry of New Jersey (UMDNJ). The Executive estimates a net present value savings of approximately \$43.6 million, due to lower interest rates, if the debt were refunded. The OLS cannot estimate the potential for restructuring the debt obligations at a lower interest rate, nor any costs or savings that could result.

- University Hospital has \$110.0 million in outstanding bond debt and \$101.2 million in liabilities from the various units of UMDNJ. The Executive assumes that University Hospital can refund the bonds with bonds backed by the credit of the State and that doing so could result in net present value savings of \$8.5 million. The Executive does not consider the \$101.2 million as a liability owed by University Hospital to UMDNJ. The OLS neither concurs nor disagrees with these assessments, but notes that University Hospital may need additional State appropriations to maintain its current level of operations and to refund University Hospital debt.
- Rutgers University estimates \$20-\$40 million for transition costs associated with acquiring and integrating UMDNJ, except for the School of Osteopathic Medicine and University Hospital. Rowan University has not provided an estimate for transition costs associated with acquiring and integrating the School of Osteopathic Medicine. The Executive anticipates one-time expenditures borne by Rutgers University and Rowan University for their respective acquisitions, but does not identify any specific costs. The OLS neither concurs nor disagrees with these assessments, since it has no access to the information on which those assessments are based.
- The Executive makes no analysis about the liabilities arising from claims against University Hospital. The OLS notes that the bill does not include University Hospital in the Self-Insurance Reserve Fund and that University Hospital may be required to obtain its own insurance, the size and costs of which cannot be determined.

## **BILL DESCRIPTION**

Senate Bill No. 2063 (2R) of 2012, the "New Jersey Medical and Health Sciences Education Restructuring Act," implements numerous changes to the State's public system of higher education. The key provisions of the bill:

- transfer all schools, institutes, and centers of the University of Medicine and Dentistry of New Jersey (UMDNJ), except for the School of Osteopathic Medicine and University Hospital, to Rutgers University, along with the associated debts;
- transfer the School of Osteopathic Medicine of UMDNJ to Rowan University, along with the debts of UMDNJ incurred in the operation and administration of the School of Osteopathic Medicine and related real and personal property;
- designate University Hospital as a separate legal entity from Rutgers University and prohibits its assets, liabilities, and funds from being consolidated or commingled with those of Rutgers University. The hospital's board of directors is reconstituted and

empowered to enter into a contract with a nonprofit corporation for the management or operation of University Hospital, subject to the approval of the Department of Health and Senior Services;

- designate University Hospital as the principal teaching hospital of New Jersey Medical School and New Jersey Dental School and any other Newark-based medical education program;
- establish the board of trustees at Rutgers University – Camden, which will have authority similar to the board of governors of Rutgers University, such as setting tuition and fees, disbursing funds appropriated, preparing an annual budget, planning for capital projects, and entering into contracts for the construction of such projects;
- authorize Rutgers University – Camden to lease the property and assets located on the campus from Rutgers University for \$1 per year. Rutgers University will retain title to the property and assets on the campus, but have no responsibility or control. Rutgers University – Camden will be required to pay any debt service directly related to the facilities and properties located on the campus, with the option to purchase the property from Rutgers University at fair market value at the end of the lease. Rutgers University – Camden will also enter into an agreement for utilizing central administrative services and systems provided by Rutgers University, such as the library system and information technology systems;
- establish the Rowan University – Rutgers Camden Board of Governors that is authorized to: approve or disapprove any decision of the board of trustees of Rowan University or the board of trustees of Rutgers University – Camden; determine policies for the organization, administration, and development of curriculum of Rowan University and Rutgers University – Camden; make joint faculty appointments to either university; determine policies for shared utilization of resources; provide curricular oversight; and develop plans and policies for the operation and governance of health science facilities;
- provide protections for all employees of University Hospital and the institutions of higher education that may be impacted by the bill, with regard to pension rights, health benefits, collective bargaining, and civil service status, as well as the tenure, rank, or academic track of any person holding a faculty position;
- establish Rowan University as a public research university;
- create a Labor Management Committee within 60 days of the bill’s effective date to review all proposed restructuring and reorganization plans and make recommendations to the Board of Governors of Rutgers University regarding personnel and labor relations related to the proposed plans; and
- create the University Hospital Community Oversight Board to ensure that the mission of the hospital and the intent of the “Newark Agreements” are upheld.

The bill has an effective date of July 1, 2013 and provides that the provisions will first apply to the 2013-2014 academic year.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Executive does not expect Senate Bill No. 2063 (2R) will impose any substantial impact on the State in FY 2012-2013, and suggests that any fiscal impact to the State will start in FY 2013-2014, when the bill becomes effective on July 1, 2013. The Executive’s analysis

anticipates costs and savings to be significantly less than might be expected for the establishment of a new or separate institution.

The Executive expects the merger of UMDNJ with Rutgers University to produce one-time savings. Combining similar functions and services should result in administrative overhead savings, though the specific amount of savings is unidentified. The Executive notes that a 5 percent level of annual operating savings would equal \$4.3 million. The institutions' current Federal Indirect Cost Recovery Rate for on-site research is 58 percent for UMDNJ and 55 percent for Rutgers. The Executive notes that if the post-merger rate becomes 58 percent, that would result in additional funds that would help overcome one-time merger expenses.

The Executive states that one-time expenses will arise from the restructuring, in the areas of human resources administration, information technology, accreditation, and other areas. However, no specific costs are identified and the Executive states that the universities, not the State, will bear these expenses. The Executive notes that these expenses will not be borne by the State, but instead be absorbed by the universities over several fiscal years. It further observes that the bill's impacts will not, by themselves, trigger a significant change in the level of State aid to higher education.

The Executive believes that the transfer of debt to Rutgers University from UMDNJ and the subsequent refunding of that debt by Rutgers University would produce an estimated net present value savings<sup>1</sup> of \$43.6 million due to low interest rates. The Executive expects Rutgers University to retain its current bond rating after the assumption of UMDNJ debt.

The Executive believes that the transfer of debt to Rowan University from the School of Osteopathic Medicine at UMDNJ and the subsequent refunding of that debt by Rowan University would produce an estimated net present value savings of \$3.6 million. The Executive also expects Rowan University to retain its current bond rating after the assumption of School of Osteopathic Medicine debt. The Executive suggests, but does not conclude, that if Rowan University would be compelled to refund its debt immediately, because its current bond rating is higher than that of UMDNJ, a savings could result.

The Executive also believes that University Hospital can refund \$110.0 million in outstanding debt to produce an estimated net present value savings of \$8.5 million. The Executive assumes that the bonds could be refunded by bonds backed by the credit of the State, an action that is neither permitted nor prohibited by the bill.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS cannot estimate the fiscal impact of Senate Bill No. 2063 (2R). The OLS notes that the costs and savings will be borne primarily by the institutions impacted by the legislation, Rutgers University, Rowan University, and University Hospital. The impact, if any, on State resources, is conjectural.

### **Debt Considerations**

Without access to analysis conducted by bond counsel, financial advisors, and other experts retained by Rutgers University and Rowan University, the OLS does not have the necessary information to make an accurate and complete assessment of the outstanding debt obligations,

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<sup>1</sup> It should be noted that a net present value savings of \$40 million is not the same as a budget savings of \$40 million in a given fiscal year.

and of the bill's impact on transferring those obligations and subsequent events necessitated by their transfer.

Rutgers University is assuming the debt obligations of UMDNJ, except for the School of Osteopathic Medicine and University Hospital. According to UMDNJ, these debt obligations equal \$494.3 million, which Rutgers University would need to refinance. The OLS cannot estimate the cost of restructuring these debt obligations, including any issuance costs and early repayment. Without further information that is currently unavailable, the OLS cannot estimate the potential for restructuring the debt obligations at a lower interest rate, nor any savings that could result.

Rowan University is assuming the debt obligations of the School of Osteopathic Medicine. According to UMDNJ, these debt obligations total \$58.2 million, with debt service payments of almost \$2.0 million. The OLS cannot determine if the entire debt obligation of \$58.2 million transfers to Rowan University or some portion will become part of Rutgers University. Additionally, the OLS is unable to determine whether Rowan University will be required to restructure its debt upon assuming any debt associated with the School of Osteopathic Medicine.

According to UMDNJ, University Hospital has \$110.0 million in outstanding bond debt, with debt service costs of \$6.7 million. University Hospital may not be able to support such debt and may thus require additional State support. In addition, the Executive assumes that the refunding of University Hospital debt can be achieved through bonds backed by the credit of the State. While this is neither permitted nor prohibited under the bill, the OLS notes that such an action may have implications for the State's credit rating and borrowing costs.

University Hospital also has \$101.2 million in liabilities that represent the amount of funds the hospital borrowed from other institutions of UMDNJ, such as the New Jersey Medical School, to cover the cash flow of its operations. Because the bill prohibits University Hospital assets, liabilities, and funds from being consolidated or commingled with those of Rutgers University, it is unclear where the ultimate responsibility for this portion of the hospital's liabilities lies. The State, given its history of supporting University Hospital operations, may need to repay all or a portion of the \$101.2 million through additional State appropriations.

Rutgers University currently has an estimated \$950 million in bond debt obligations, with some portion associated with Rutgers University – Camden. Rutgers University will lease the property and assets to Rutgers University – Camden for \$1 per year, and the lease agreement also provides that Rutgers University – Camden will pay Rutgers University any debt service associated with the campus. According to Rutgers University, transferring control of the property and assets would require defeasance of their bonds. Rutgers University estimates the cost of defeasing all of its bonds at \$155 million, which includes repaying bondholders, early repayment penalties, transaction costs, and fees to underwriters, financial advisors, and attorneys. Without access to further information and analyses, the OLS cannot conclude whether the transfer of the property and assets of the campus requires defeasance of the bonds nor can it estimate how this action would affect either Rutgers University or Rutgers University – Camden.

Additionally, Moody's estimates that Rutgers University has "about \$64 million in debt outstanding related to its Camden facilities and has another roughly \$60 million that it has internally financed and expects to be reimbursed from the proceeds of a bond issue in early 2013." The OLS cannot verify the debts associated with Rutgers University – Camden.

### **Bond Rating**

The Executive expects Rutgers University and Rowan University to retain their long-term ratings after the reorganization, which might reduce the cost of the UMDNJ debt those

institutions are assuming. However, Moody's Investment Services has noted that the reorganization plan may likely have direct implications for both institutions. Currently, Moody's rates UMDNJ's bonds "Baa1," with a "negative"<sup>2</sup> outlook. Rutgers University has a higher bond rating of "Aa2" and a "stable" outlook. With Rutgers University assuming the debt obligations of UMDNJ under the bill, this could have an impact on the credit rating of Rutgers University that may affect future borrowing costs. In addition, the impact on Rutgers University's bond rating is unclear when Rutgers University – Camden becomes responsible for some amount of Rutgers University's current debts and is able to issue its own debt, and if it were to receive a separate line-item in the annual State appropriations act. Rutgers University notes that this loss of control over the use of appropriations to its campus would mean less financial flexibility and lower revenues to support debt service payments for the entire university.

On June 1, 2012, Moody's revised Rowan University's outlook from stable to negative, to reflect the institution's "high leverage relative to its balance sheet and operations, and the pressure that Rowan University has to continue to generate revenue and operating cash flow to provide adequate debt service coverage consistent with its rating level." The OLS notes that the ability of Rowan University to absorb debt attributable to the School of Osteopathic Medicine may impact the university's bond rating and borrowing costs.

## **Operational Expenditures**

### **Rutgers University/UMDNJ**

The Executive assumes the post-reorganization Rutgers University may have a 58 percent Federal Indirect Cost Recovery Rate, instead of the current 55 percent, for on-site research to offset some of the costs of the reorganization. UMDNJ notes that while it is reasonable for Rutgers University to seek a higher rate in the next proposal, any rate revisions would require discussion and negotiation with the federal Department of Health and Human Services. It is not clear whether Rutgers University will secure a higher reimbursement rate for all research grants, or whether only those grants that relate to former components of UMDNJ will secure the higher rate. The OLS cannot determine whether the Federal Indirect Cost Recoveries will help overcome one-time merger expenses, discussed below, and provide additional long-term resources for the post-reorganization Rutgers University.

### **University Hospital**

The OLS notes that given University Hospital's history, additional State support may be necessary to maintain operations. University Hospital has incurred operating losses in the past several years, ranging as high as \$57.1 million in FY 2007-2008 to a low of \$2.5 million in FY 2010-2011. As a result, in FY 2009-2010, the State appropriated \$30.9 million for "UMDNJ – Stabilization" to support University Hospital operations. Due to the operating losses and University Hospital's potential inability to continue operations without supplemental funds, the State may need to appropriate indeterminate additional funds to maintain University Hospital operations.

Under the bill, University Hospital is allowed to enter into an agreement with a non-profit corporation to operate and manage or assist in the operation and management of University

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<sup>2</sup> According to Moody's, a "negative" outlook indicates the possibility of a downgrade.

Hospital, without a competitive bidding process. The scope of the agreement has yet to be determined and therefore, the impact of the agreement is indeterminate.

### **Rutgers University – Camden**

Under the bill, Rutgers University will continue to hold title to the property and assets located on Rutgers University – Camden but will relinquish responsibility and control over their maintenance, insurance, and development. The OLS notes that the funds Rutgers University – Camden will need to expend to maintain, insure, and develop the property and assets on the campus for the duration of the 99-year lease, are indeterminate.

Rutgers University – Camden will be required to utilize the central administrative services and systems provided by Rutgers University, such as information technology systems and the library system, at a negotiated rate of reimbursement. Currently, these services and systems are shared without an allocation of cost or usage per campus. The rate of reimbursement has yet to be determined.

### **Rowan University**

The bill provides that Rowan University would be designated a “public research university,” making it only one of three public institutions of higher education in the State to have that status. This change in designation has an indeterminate fiscal impact because there is no State funding formula for the senior public institutions that appropriates additional funds to institutions with “public research university” status.

Rowan University may need significant infrastructure improvements, the extent and costs of which are currently indeterminate, to maintain the accreditation of the School of Osteopathic Medicine. The American Osteopathic Association (AOA) raised concerns about Rowan University not having the infrastructure and systems in place, as UMDNJ already does, to train primary care physicians and deliver medical care to citizens of the State. Additionally, the AOA is concerned that Rowan University has inadequate or non-existent research facilities that is needed to support the nationally and internationally recognized research programs at the School of Osteopathic Medicine. The AOA indicated that these concerns may jeopardize the School of Osteopathic Medicine’s accreditation from the AOA Commission on Osteopathic College Accreditation.

### **Transition Savings/Expenses**

Rutgers University indicates that the transition costs associated with acquiring and integrating the University of Medicine and Dentistry of New Jersey (UMDNJ), except for the School of Osteopathic Medicine and University Hospital, range from \$20 million to \$40 million. These costs may include, but are not limited to: hiring an outside transition team to facilitate the process; combining payroll and other human resource functions; integrating computer and information technology functions; identifying and reducing personnel redundancies; and ensuring Health Insurance Portability and Accountability Act (HIPAA) compliance. The OLS acknowledges the likelihood of these transition costs, but cannot confirm Rutgers University’s estimates.

The transition costs to Rowan University of acquiring and integrating the School of Osteopathic Medicine from UMDNJ are undetermined. The costs may include, but are not limited to: hiring an outside transition team to facilitate the process; combining payroll and other

human resource functions; integrating computer systems and information technology functions; identifying and combining personnel staffing; and ensuring HIPAA compliance.

### **Self-Insurance Reserve Fund**

The OLS cannot estimate the cost that University Hospital will incur to obtain insurance to cover claims. Currently, UMDNJ participates in the Self-Insurance Reserve Fund, which it maintains with the Department of the Treasury to pay claims related to professional and comprehensive general liability, directors' and officers' liability, auto liability, and insurance premiums. UMDNJ also purchases commercial excess liability insurance coverage. Monies in the Self-Insurance Reserve Fund, existing commercial excess liability insurance coverage, and coverage provided by the State's Tort Claims Act are used to meet the cost of claims against UMDNJ, which currently totals \$138.4 million. The State has ultimate liability for any claims in excess of the fund's assets. Under the bill, Rowan University will participate in the Self-Insurance Reserve Fund, thereby ensuring coverage for the School of Osteopathic Medicine. However, University Hospital will not be participating and may be required to obtain its own insurance for claims against its employees and the hospital. The size and cost of obtaining sufficient insurance are indeterminate. Furthermore, for reasons stated earlier, the State may be required to increase or supplement State appropriations to support these University Hospital expenses in order to maintain hospital operations.

The OLS concludes by noting the possibility, given the complexities of the bill and the entities to which it applies, and given the absence of significant information from which to assess the bill's fiscal impact, that the bill could cause significant unanticipated costs to each or all of the respective institutions of higher education and University Hospital. Should this occur and should such costs be significant in relation to the financial resources under the direct control of the entity, then the entity's dependence upon State financial support for continued operations would also increase by the extent to which its own resources were insufficient.

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This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Ch 45

# Governor Christie Signs Historic Legislation to Reorganize and Secure Future of New Jersey's Higher Education System

Wednesday, August 22, 2012 Tags: [Education](#)

## Bipartisan Higher Education Achievements Create Three Centers of Excellence, Strengthen State's Economic Future and Competitiveness and Move Forward \$750 Million Capital Investment

**Trenton, NJ** – Continuing his strong record of bipartisan cooperation and compromise to put results before politics, Governor Chris Christie today signed the bipartisan "New Jersey Medical and Health Sciences Education Restructuring Act" into law, achieving a long-awaited, dramatic overhaul and strengthening of the state's higher education system that had eluded leaders in the state for more than a decade. This significant accomplishment represents the latest action of Governor Christie's commitment to improving New Jersey's system of higher education, including his signing of a \$750 million bond referendum for capital improvements – the first in 24 years – the enactment of multiple pieces of legislation to support public-private partnerships for infrastructure improvements and investments at colleges and universities, an overall state aid increase of \$65 million to colleges and universities this year, and \$28 million in additional student financial assistance this year.

"This is a transformative and historic day for higher education in New Jersey. After decades of politics getting in the way of a desperately needed rethinking and restructuring of our higher education system, we have again come together in a bipartisan way to put our state's students, our long-term economic viability and our future generations first," said Governor Christie. "Along with our commitment to support a bond referendum to invest three-quarters of a billion dollars in capital improvements, we are undertaking the broadest, boldest, and most important restructuring of New Jersey's higher education landscape in decades."

This significant and sweeping restructuring legislation, A-3102, will promote long-term, sustainable economic growth and high academic achievement by fostering three hubs of higher education excellence in the northern, central, and southern parts of the state. The reform, effective July 1, 2013, transfers all schools, institutes and centers of the University of Medicine and Dentistry of New Jersey (UMDNJ), other than the School of Osteopathic Medicine and University Hospital, to Rutgers, while establishing Rowan University as a public research university. Rutgers University will become a Top-25 research institute based on the combined outside funding sources of the merged universities, a reality that will attract more top faculty and students, creating a cycle of excellence that will propel Rutgers to sustained excellence.

"Today, we give Rutgers University the medical school and research potential it needs to earn a place among the finest academic institutions in the world. We also establish a framework that will support rapid growth in the southern part of the state and, critically for our most-vulnerable residents, we protect medical facilities that provide lifesaving care and services to thousands of people in the northern part of New Jersey," added Governor Christie. "By establishing Rowan University as a research institution, we help Rowan continue its rapid climb and capitalize on the opportunity to grow this hub of higher education in South Jersey and give students in every part of our state the chance to obtain a world-class education near home."

Secretary of Higher Education Rochelle Hendricks said the Act creates unprecedented opportunities for newly restructured institutions to dramatically enhance educational programs and increased federal, private and philanthropic research dollars.

"Today, the Governor fulfills his promise to make higher education in New Jersey a priority after decades of neglect," said Secretary Hendricks. "The changes enacted by this legislation will help the state attract and retain exceptional talent. The creation of regional centers of excellence will aid New Jersey's comeback by making it easier for our higher education institutions to create innovative partnerships with New Jersey's worldwide leaders in pharmaceutical research. Today's restructuring will help New Jersey win its fair share of research funding that has, for decades, been going to other states."

The restructuring transfers the School of Osteopathic Medicine in Stratford from UMDNJ to Rowan. In Newark, University Hospital becomes an independent entity while maintaining its affiliation with the medical school and other programs that are now part of Rutgers. In Camden, the Cooper Medical School of Rowan University already has welcomed the arrival of its first class of students for the fall semester.

"A highly trained, capable work force is essential to New Jersey's future, because it is the most important element in attracting new businesses to our state," said Senate President Steve Sweeney. "That is what made this legislation so

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critical. Not only will it dramatically increase the standing of our institutions of higher learning, but it will, in the long term, create a thriving business climate for New Jersey. It is a win-win for everyone."

"This law will provide for the future growth and development of Rutgers-Newark and the expansion of graduate medical education in Newark, creating a focal point that will serve residents from throughout the state," said Speaker Sheila Oliver. "The reorganization will position New Jersey to develop economic opportunity and jobs in the health professions - the fastest growing sector of our nation's economy - to the benefit of not just Newark and surrounding counties but the state as a whole. This is a good thing for everyone. This was always about creating a better and stronger New Jersey and building a better future, and in the end the bill sent to the Governor was written in a way to ensure that indeed is the case. I look forward to seeing the progress it brings in the coming years."

"This restructuring will create a world-class network of institutions in the area of life sciences that will spur research and development, create new jobs and fuel economic growth," said Senator Donald Norcross. "In South Jersey, it will improve access to college for our students and help meet the educational demands of a rapidly-growing region. Most importantly, it will fulfill a promise I made to keep Rutgers in South Jersey, a brand which is a symbol of pride for current and former students and faculty as well as the community. And it will correct long-standing regional funding disparities by bringing substantially more education-related funds into our region at the same time it creates new funding opportunities statewide."

"This restructuring will create a 'perfect match' between the medical and academic institutions in New Jersey," said Senator Joseph Vitale. "We have some of the best hospitals, medical schools and universities in the country and now they will be empowered to capitalize on their abilities to pursue research, to train new generations of doctors and to put New Jersey on the cutting edge of life sciences. This is good for education, for medical care and for economic progress."

The New Jersey Medical and Health Sciences Education Restructuring Act is the third significant higher education bill signed by the Governor this month. On August 8, Governor Christie signed legislation to allow a \$750 million higher education bond referendum to appear on the ballot in November. If voters approve, the initiative would provide the first higher education general obligation bond issue for capital improvements since 1988. The Governor also signed a bill that will make it easier for public colleges and universities in the State to enter into public-private partnerships for construction on campus, enabling the deployment of investment dollars by giving public colleges and universities a new tool at their disposal.

Primary sponsors of A-3102/S-2063 were Assemblymembers Thomas Giblin (D-Essex, Passaic), Vincent Prieto (D-Bergen, Hudson), Celeste Riley (D-Cumberland, Gloucester, Salem), and John Wisniewski (D-Middlesex), and Senators Stephen M. Sweeney (D-Cumberland, Gloucester, Salem), Donald Norcross (D-Camden, Gloucester), and Joseph F. Vitale (D-Middlesex).

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