

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. (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
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. "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 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.